

THE  
MONTHLY SUMMARY  
OF THE  
LEAGUE OF NATIONS

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Vol. VIII. No. 3.

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FORTY-NINTH SESSION  
OF THE COUNCIL  
REDUCTION OF ARMAMENTS  
THE RETURN OF SPAIN  
TO THE LEAGUE

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# MONTHLY SUMMARY OF THE LEAGUE OF NATIONS

Vol. VIII. No. 3.

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## I. — Summary of the Month.

The past month was marked by an event of unusual importance, namely, the decision of the Spanish Government to take back its notice of withdrawal from the League and to resume full collaboration, without conditions or reservation. The correspondence between the President of the Council and the Prime Minister of Spain is given in the present issue of the Monthly Summary.

The Forty-Ninth Session of the Council, with the St.-Gotthard incident and the Hungarian Optants case; the completion of a series of draft treaties by the Arbitration and Security Committee; the meeting of the Disarmament Commission, with discussion of the Soviet proposal for complete disarmament; a conference on trade restrictions in hides and bones; meetings on economic questions, tariff nomenclature, statistics and child welfare; constituted the other principal events in an unusually busy month.

The principal questions dealt with by the Council concerned the seizure of machine-gun parts at the St. Gotthard Railway Station, and the Hungarian Optants.

As regard the first, the Council, after a public debate, appointed a Committee of Three to examine all the details and report to its next session. This body is empowered to seek the assistance of technical experts from the League organisations and, if necessary, to send them to the spot.

A settlement of the Hungarian Optants question was proposed on the basis of reconstituting the Mixed Arbitral Tribunal. The Hungarian representative accepted; but as the Roumanian representative agreed, on the request of his colleagues to consult his Government and the session did not allow sufficient time for this consultation, the question was included in the agenda of the June session.

The Council also considered certain general questions of organisation, such as the number of its meetings each year, the powers of its Acting-President in the intervals between sessions, and the action which might be taken as regards the ratification of conventions concluded under the auspices of the League.

Similarly, the Council voted a unanimous resolution asking Spain and Brazil to continue and Costa Rica to resume collaboration with the League.

Pursuing its work of economic and financial reconstruction, the Council authorised the issue of the Bulgarian loan and examined the conditions for authorising the loan requested by Portugal.

Questions concerning Danzig were withdrawn from the agenda pending the conclusion of certain negotiations, and the advisory opinion of the Permanent Court on the jurisdiction of the Danzig Courts noted.

The Council approved the reports of the following Committees and Commissions: the Permanent Mandates Commission, the Economic Committee, the League Building Committee, the Preparatory Committee for the International Relief Union. It examined the statute of the Educational Cinematographic Institute which the Italian Government has offered to found in Rome.

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Several other important meetings were held during the month on the subject of arbitration, security and disarmament, economic and transit questions, and social and humanitarian questions.

The Arbitration and Security Committee drew up draft general conventions for the pacific settlement of international disputes, and draft treaties of security on the basis of the memoranda prepared in Prague by its Chairman and three rapporteurs. It decided to proceed with the second reading of these texts in June, and at that time to draft bilateral treaties.

The Preparatory Commission for the Disarmament Conference held its fifth session, Turkey being represented for the first time. The Commission discussed the draft convention for general, complete and immediate disarmament, submitted by the delegation of the Union of Socialist Soviet Republics, and drew the attention of Governments to proposals submitted by the German delegation with regard to possible improvements in the League Military Year-Book, and to a draft scheme for the reduction of armaments also submitted by the Soviet delegation.

A conference for the abolition of Export Prohibitions and Duties on Hides and Bones drew up two protocols by which the delegates undertook to recommend their Governments to conclude an agreement.

The Economic Committee made a special study of the new tendency of the commercial policy of various States towards an unhampered and equitable system of commercial exchanges. It also dealt with the question of the treatment of foreign nationals and enterprises.

The Committee of Experts on Tariff Nomenclature made a preliminary examination of replies received up to the present from the different authorities consulted.

The Preparatory Committee for the Statistical Conference contemplated for the end of 1928 prepared a programme indicating the different categories of statistics and the principles to be adopted in compiling statistics with a view to their comparability.

The Advisory Commission for the protection of Children and Young People held its yearly session, recommending *inter alia* that the special body of experts on traffic in women and children should continue its enquiry.

The Library Planning Committee met to advise as to the utilisation of the Rockefeller grant of two million dollars.

The Permanent Court of International Justice received from the French and Swiss Governments the special agreement referring the Franco-Swiss Free Zone controversy to the Court, and gave its advisory opinion on the jurisdiction of the Danzig Courts requested of it by the Council.

## II. — The Permanent Court of International Justice <sup>(1)</sup>.

### 1. — JURISDICTION OF THE DANZIG COURTS

At a public sitting on March 3rd, the Permanent Court of International Justice delivered its Opinion on the question regarding the jurisdiction of the Danzig Courts, on which the Council had requested the Court for an Opinion.

The circumstances which led up to the Council's request for an opinion are as follows : A Convention concluded at Paris on November 9th, 1920, between Poland and Danzig laid down that, following the transfer of the railways of the Free City to the Polish administration, questions concerning the rights and obligations of Danzig employees transferred to the Polish service should be settled by agreement between Poland and the Free City, and, failing such agreement, by a decision of the High Commissioner of the League at Danzig. On October 22nd, 1921, a final agreement was concluded between the parties, after the questions in dispute between them had formed the subject of decisions given by the High Commissioner on August 15th and September 5th, 1921, which laid down amongst other things

(1) With the exception of the article on the external status of judges, this chapter has been prepared with the aid of information given by the Registrar of the Court.

that all disputes relating to the Polish Administration of railways in the territory of Danzig were subject to the civil and criminal jurisdiction of the Free City's courts. These decisions and the subsequent agreement were recognised by the Parties as entering into full effect on the following December 1st. In 1925, however, certain Danzig officials who had entered the Polish service brought actions against the Polish Administration before the Danzig Courts, relying on the terms of the above-mentioned Agreement of October 22nd, 1921. The defendants filed a plea to the jurisdiction on the ground that the Agreement did not afford a basis for such actions, but the plea was overruled; whereupon the Polish Government declared that by entertaining these suits the Danzig Courts had contravened the treaty law in force and refused to comply with judgments given by those Courts. Negotiations ensued, and the High Commissioner of the League at Danzig was requested by the Free City to give a decision upon the matter, which he did on April 8th, 1927. The first part of the High Commissioner's decision was to the effect that Poland's argument, according to which the Danzig Courts were not competent to entertain actions relating to pecuniary claims brought against the Polish Railways Administration by members of its staff who had been transferred from the Danzig to the Polish service, was untenable. In the second part of his decision, however, the High Commissioner added that the Danzig Courts had no jurisdiction in cases where actions were based on the Agreement of October 22nd, 1921; thus in regard to this second point he decided against the Free City.

The first part of the High Commissioner's decision was accepted both by Poland and Danzig; but the second was not accepted by the Senate of the Free City and the latter appealed to the Council, which asked the Court to say whether the High Commissioner's decision impeached by the Free City, in so far as it did not comply with Danzig's request—was legally well founded.

The Court's Opinion begins with a description of the circumstances indicated above and then proceeds to define the point in dispute. The Court is not called upon to give an opinion upon the first part of the High Commissioner's decision, because that part which has not been disputed either by Poland or Danzig may be regarded as satisfying Danzig's claims in so far as it recognises that any pecuniary claim based on any of the provisions of the contract of service of the officials concerned may form the subject of an action before the Danzig Courts. The principle that the officials concerned are entitled to bring an action against the Polish Railways Administration before the Danzig Courts is not therefore disputed; consequently the latter have jurisdiction. It is however the limitation placed on the exercise of this right in the second part of the High Commissioner's decision which has given rise to the Free City's appeal to the Council. As has already been stated, according to the High Commissioner, the Danzig Courts would not be competent to entertain actions based on the actual Agreement of October 22nd, 1921. It therefore rests with the Court to say whether or no this Agreement, as maintained by the Free City, forms part of the contract of service between the officials concerned and the Polish Administration, in spite of the fact that it takes the form of an international agreement, or whether, as argued by the Polish Government, the Agreement, being an international instrument and not having been incorporated in Polish legislation, only creates rights and obligations as between the contracting Parties and not for the officials concerned who are private legal persons; in other words, whether the legal relations between the Polish Railways administration and the officials concerned are or are not exclusively governed by Polish national law.

In order to reply to this question, the intention of the Parties must be ascertained. For though it is a well established principle of international law that an international agreement, as such, has no direct effects of this kind, it cannot be disputed that the situation may be altered if such was the intention of the Parties. This intention is decisive: the Court will seek to ascertain it from the contents of the Agreement and the manner in which it has been applied.

An analysis of the Agreement shows that that instrument was certainly intended to create a special legal régime governing the relations between the Polish Railways Administration and the interested officials; this régime is clearly to be governed by the Agreement itself. One of the principal points which goes to prove this is that, according to the Agreement, should the Polish Government modify its disciplinary laws, such modifications in so far as they may be incompatible with the Agreement, will not *ipso facto* be applicable to the officials concerned but must first of all be incorporated in the Agreement. Nevertheless, Poland pointed out that the Agreement contained a clause empowering the Polish Railway Administration to settle all questions affecting the officials concerned and that this clause showed that the intention of the parties was to leave to the Polish Government the task of drawing up all the regulations concerning the interested officials, including those based on the Agreement; with regard to the latter Poland would only be responsible to the Free City. In the opinion of the Court, the scope of the clause was not so wide and did not modify the conclusion it had arrived at. It is clear from the High Commissioner's Decision of September 5th, 1921—following which the Agreement was concluded,—that the latitude left to Poland in regard to the issue of regulations was limited in scope. It follows that Article 9 of the clause in question cannot be construed in a manner which would make the applicability of the provisions of the Agreement depend on their previous incorporation into a Polish Regulation.

No doubt therefore subsists as to the nature and intention of the contracting parties at the time they concluded the Agreement—this Agreement constituting a part of the special regulation which governed the relations between the Polish Railway Administration and the officials concerned. Moreover, a circumstance attending the actual execution of this instrument affords corroborative evidence; on the date of the taking over of the Danzig Railways by Poland the parties signed a memorandum in which they recognised that the Agreement—to which they refer under the heading of "Provisions of Execution"—should enter into full effect as from that date.

The Court therefore arrives at the conclusion that the agreement does form part of the contract of service of the officials concerned; the latter are entitled to bring actions based upon it before the Danzig Courts, since the High Commissioner, in the uncontested part of his decision, recognised that they had the right to take action before those Courts; and judgments given in such cases must be accepted and complied with by the Polish Railways Administration. This conclusion does not affect the right conferred on Poland by Article 39 of the Convention of Paris of November 9th, 1920, to have recourse to the international procedure provided for in that Article, if she can adduce that the Danzig Courts have exceeded their jurisdiction or violated general or special rules of international law.

Having reached this conclusion, the Court—considering another aspect of the question—thinks necessary to ascertain the extent of Poland's obligation to recognise the jurisdiction of the Danzig Courts to entertain claims brought by the officials concerned based on their contract of service. The legal basis of the jurisdiction of these courts resides in the High Commissioner's decision of September 5th, 1921, which is couched in very comprehensive terms.

Accordingly, judgments given within the limits of jurisdiction determined by the High Commissioner are lawful and no further decision is required. The appeal made by the Free City to the High Commissioner, which gave rise to the decision of April 8th, 1927, could thereupon only relate to the question whether the interested officials could base their actions on the Agreement. The decision of April 8th confirmed the jurisdiction of the Danzig Courts. Now, jurisdiction implies the right to decide what substantive law is applicable in a given case; the Danzig Courts can therefore, if they see fit, apply to a given case the provisions of the Agreement, and the applicability of this Agreement must be considered as being in conformity with international law unless the contrary be proved, unless, for instance, it were

shown that, in the intention of the Parties, the Agreement was not designed to form part of the contract of service, or, in other words, was not intended to be applied directly by the Danzig Courts. But the Court, for the reasons indicated above, has rejected such a construction of the Agreement.

It follows from the foregoing considerations that the decision of the High Commissioner which has been impeached is not legally well founded.

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The Court's opinion was unanimously adopted by all the judges present, including M. Erhlich, Polish national judge, and M. Bruns, the judge appointed by the Free City of Danzig, and duly transmitted to the Council, which took cognisance of it on March 8th, 1928 (1).

## 2. — MINORITY SCHOOLS IN POLISH UPPER SILESIA

The Court held sittings on March 13th, 15th and 17th for the purpose of hearing the pleadings of the representatives of the German and Polish Governments, in the matter concerning minority schools in Polish Upper Silesia. Dr. Budding, President of the Marienwerder District, spoke on behalf of Germany, and M. Mrozowski, President of the Supreme Court at Warsaw, on behalf of Poland.

After the oral pleadings, the Court withdrew to consider its opinion, reserving the right if necessary to ask the Parties for further information.

## 3. — THE CHORZOW FACTORY. — INDEMNITIES (MERITS)

On March 23rd, 1928, the Court issued an Order for the extension to May 7th, 1928, of the time limit previously laid down for the filing by the Polish Government of its Rejoinder in the Chorzow Factory case (Indemnities). This extension was granted upon the request of the Polish Government, which had pointed out that the preparation of the Rejoinder required a considerable amount of time, in view of the technical nature of some of the questions submitted in the Reply of the German Government.

## 4. — THE FRANCO-SWISS FREE ZONES

On March 29th the French and Swiss Governments transmitted, through their Legations at the Hague, to the Registry of the Permanent Court, the Franco-Swiss Special Agreement concluded at Paris on October 30th, 1924, submitting the case of the Free Zones of Upper Savoy and the *Pays de Gex* to the Court.

The following have been appointed by their respective Governments as representatives before the Court in the case : for France, M. Basdevant, Legal Adviser to the Foreign Office and Professor of the Faculty of Law at Paris; for Switzerland, M. de Pury, Swiss Minister at The Hague; and M. P. Logoz, Member of the Swiss National Council and Professor at the University of Geneva.

## 5. — EXTERNAL STATUS OF THE MEMBERS OF THE COURT

The Council had received a letter from the Registrar of the Court dated December 13th, 1927, concerning certain difficulties which had arisen between the Court and the Netherlands Government regarding the diplomatic status of the Judges.

Subsequently however, the Council was informed that the Netherlands Foreign Minister and the President of the Court were prepared to enter into direct conversation on the subject. It accordingly decided to postpone examination of this question until its next session.

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(1) See *Danzig*.



### III. — Arbitration, Security and Reduction of Armaments.

#### 1. — SECOND SESSION OF THE ARBITRATION AND SECURITY COMMITTEE

The Arbitration and Security Committee met at Geneva from February 20th to March 7th to consider the memoranda prepared at Prague <sup>(1)</sup> by its rapporteurs in collaboration with the chairman, Dr. Benes, and on the basis of these documents drew up several texts. Additional suggestions submitted by the German delegation with a view to reinforcing the methods of preventing war were referred to a rapporteur for study.

#### I. RESOLUTION CONCERNING THE INTRODUCTORY NOTE TO THE PRAGUE MEMORANDA

The Committee endorsed the views expressed in the introduction to the Prague Memoranda and adopted as the basis for the work of its second session the three following principles :

(1) The Covenant itself creates a measure of security which needs to be appreciated at its full value and its articles are capable of being applied in such a way that in the majority of cases they can prevent war;

(2) The common will for peace of the States Members of the Council can be exercised effectively within the framework of the Covenant, all the more so because that instrument does not provide any rigid code of procedure for the settlement of international crises and it is, therefore, inexpedient to attempt to draw up in advance a complete list of measures for preserving international peace;

(3) For those States which seek more effective guarantees of security, side by side with an extension of the machinery for the pacific settlement of their international disputes, the conclusion of security pacts with other States in the international disputes, the conclusion of security pacts with other States in the same geographical area constitutes one of the most practical forms of supplementary guarantee which it is at present possible to recommend.

To enable the two principal ideas contained in the final paragraph of the resolution to be put into practice, the Committee prepared security pacts and treaties for the pacific settlement of international disputes, which the Ninth Assembly will be able to recommend to the State Concerned.

#### 2. CONVENTIONS FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES

The Committee drew up three draft general conventions. It decided to study at its next session, the question of separate conventions, the elements of which it will be easy to extract from the general conventions.

Of the three general conventions, type A and B provide for arbitration and conciliation; type C provides exclusively for conciliation procedure.

In drafting these conventions the Committee was guided by certain main principles :

1. It was necessary to take into account the particular situations of the different States and the objections which some of them would feel to the conclusion of extensive arbitration undertakings .

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(1) See *Monthly Summary*, Vol. VIII, No. 1, p. 3.

In these circumstances it was useless to attempt to bring forward a single and rigid type of arbitration and conciliation convention which would have fallen short of what some States were prepared to accept and go beyond what others might be able to accept. The three Conventions provide sufficient variety to meet the desires and conditions of the different Governments.

The operation of the reservations authorised by these various conventions increases their elasticity — a feature which was regarded as essential.

2. While the freedom of States must be fully respected, and no pressure, even if only moral, be exerted on Governments to induce them to contract undertakings which they do not consider themselves able to perform, it is nevertheless essential that the undertakings entered into, however restricted they may be, should be of concrete value.

To that end provisions already adopted in numerous separate conventions and ensuring the observance of undertakings assumed were inserted in the Conventions. Hence the absence of an agreement with regard to the submission to arbitration or to the constitution of the tribunal or Conciliation Commission will not prevent the procedure of peaceful settlement from taking its course. Thus all reservations of a vague and indefinite character were avoided.

3. The Committee endeavoured to make as few innovations as possible. It was guided by past experience. Thus, the traditional distinction between disputes of a legal and of a non-legal nature constitutes the fundamental principle of Conventions A and B.

*Convention A.* — The structure of Convention A is as follows :

1. Disputes of a legal nature are submitted compulsorily to a judicial or arbitral settlement, and optionally to a preliminary procedure of conciliation.

2. Disputes of a non-legal nature are submitted compulsorily to a procedure of conciliation.

In the event of the failure of conciliation, the dispute must be brought before an arbitral tribunal composed of five members.

*Convention B.* — Convention B is conceived on the same lines as the arbitration and conciliation conventions concluded at Locarno.

1. Disputes of a legal nature are brought before the Permanent Court of International Justice unless the parties agree to have recourse to an arbitral tribunal.

2. Disputes of a non-legal nature are submitted simply to a procedure of conciliation. If this fails they may be brought before the Council of the League of Nations under Article 15 of the Covenant.

*Convention C.* — The Committee considered that there were very few States which, finding it impossible to accept the general or restricted obligations to submit to arbitration and judicial settlement contained in Conventions A and B, would refuse to accept Convention C, which simply provides for conciliation procedure.

The composition, mode of operation and duties of the Conciliation Commission laid down by all three Conventions are in general reproduced from the provisions in the Locarno treaties of arbitration and conciliation.

*Reservations on Accession to one or other of the Conventions.* — While emphasising the importance of the largest possible number of accessions being given without reservations of any kind, the Committee, which sought to achieve something practical and to take account of the various difficulties peculiar to each State, made a wide allowance for reservations.

Nevertheless, it tried to regulate and classify them in order to avoid uncertainty and abuse. Four kinds of reservations were contemplated, concerning

- (a) Disputes arising out of facts prior to the signatures or accession;
- (b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States;
- (c) Disputes concerning questions which affect the principles of the constitution of the State;
- (d) Disputes concerning particular clearly specified subject-matters, such as territorial status.

Thus, subject, to reciprocity, any State may exclude any specific question whatever. All that is necessary is to make a special mention of it. In this way, it is possible to get rid of the dangerous and vague reservation of vital interests; if a State considers that certain questions affect its vital interests, it can exclude them by a reservation mentioning these questions.

The operation of possible reservations is not left to the discretion of the parties; it is subject to control by the Permanent Court of International Justice.

*Interpretation and Application.* — Disputes relating to the interpretation and application of the conventions are submitted to the Permanent Court. This is to prevent conflicts of interpretation constituting a reason or pretext for any of the parties to bring about the failure of the procedure laid down.

*Facilities for the Conclusion of Conventions for the Pacific Settlement of Disputes.* — To give effect to the Eighth Assembly's wish for an increased use of pacific procedure and for a larger number of conventions of arbitration or judicial settlement, the Committee framed a draft resolution defining the conditions on which the Council could lend its good offices to States desiring to conclude such treaties. The Assembly would invite the Council to inform States Members of the League that it would, if requested, "be prepared to place at the disposal of the States concerned its good offices which, being voluntarily accepted, would be calculated to bring the negotiations to a happy issue".

### 3. METHODS OF FACILITATING ACCESSIONS TO THE OPTIONAL CLAUSE OF ARTICLE 36 OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Realising the obstacles which prevented States from acceding to the clause relating to the compulsory jurisdiction of the Court, the Committee thought that the only method of reducing them at present was to draw attention to the possibilities offered by that clause—States which did not see their way to accede to it without qualification, to do so—subject to appropriate reservations limiting their commitments as regards both scope and duration. To this end, the Committee framed a draft resolution enabling the Council to request States which had not yet acceded to the Optional Clause, to consider with due regard to their interests, whether they could do so on the said conditions.

### 4. TREATIES OF SECURITY

The Committee did not draw up a general security pact. It confined itself to preparing three models—a collective treaty of mutual assistance (D), combining the three elements of non-aggression, peaceful settlement of disputes and mutual assistance; a collective treaty of non-aggression and peaceful settlement of disputes (E); and a bilateral treaty of the same type (F).

*Model Treaty of Mutual Assistance.* — The draft with the widest scope as regards the security afforded to States seeking fresh guarantees is clearly that which combines the three elements of non-aggression, peaceful settlement, and mutual assistance.

The non-aggression clause is borrowed from the Locarno Rhine Pact. By it, "each of the high contracting parties undertakes, in regard to each of the other

parties, not to attack or to invade the Territory of another contracting party, and in no case to resort to war against another contracting party”.

The three exceptions to this clause are also borrowed from the Rhine Pact (legitimate defence in the event of the violation by another party of the non-aggression clauses; action in pursuance of Article 16 of the Covenant; action as the result of a decision of the Assembly or Council or in pursuance of Article 15, § 7 of the Covenant, *i.e.*, in the event of the failure of the Council to make a unanimous report, provided that in this case the action is directed against the State which was the first to attack).

The pacific settlement of disputes is organised on the lines of the Locarno Arbitration Conventions (see Convention B).

The clauses relating to mutual assistance are borrowed from the Rhine Pact. Should one of the parties consider that the non-aggression clause is being, or has been, violated, it would immediately bring the question before the Council. As soon as the latter has ascertained that such violation has taken place, each of the signatories is called upon to give immediate assistance to the Power attacked. Should one of the parties refuse to accept the methods of pacific settlement instituted by treaty or to execute an arbitral award or judicial decision, the other party would inform the Council, which would propose what measures should be taken. The parties undertake to accept these proposals.

Unlike the Rhine Pact the draft does not contain a clause dealing with mutual assistance prior to a decision of the Council in the event of flagrant aggression. The Committee stated that “it might be possible and desirable in certain cases to add stipulations” to this effect.

The draft further differs from the Rhine Pact on the following points :

(a) It contains no clause guaranteeing the maintenance of the territorial *status quo* ;

(b) It provides for no guarantee by third States;

(c) On the other hand, it contains, with regard to the peaceful settlement of disputes, a certain number of clauses which, in the Locarno Agreements, do not figure in the Rhine Pact but in annexed Conventions.

These differences are due to the following reasons;

(a) The individual and collective guarantee of the maintenance of the territorial *status quo* would clearly constitute a very important factor of security : but the fact that certain Powers, when negotiating such a treaty, would not feel able to accept such a clause should not, in the Committee's opinion, prevent the negotiations from being successful. For the clause in question is not essential, and it is understood that, being concluded under the auspices of the League of Nations and within the scope of its Covenant, the treaty assumes the full maintenance of the fundamental principle of Article 10 and all other provisions of the Covenant in relations between the high contracting parties.

(b) Similarly, while the guarantee of third States can greatly add to the effectiveness of a treaty of mutual assistance, its absence must not constitute an obstacle to the conclusion of the treaty. In the event of the high contracting parties being able to rely on the guarantee of third States, the details of this guarantee might either figure in the treaty itself, according to the precedent of the Rhine Pact of Locarno, or be dealt with in separate conventions.

(c) The Committee thought it advisable to insert in the model treaty a certain number of clauses relating to the peaceful settlement of disputes. This does not mean that the parties will not be free to apply among themselves clauses of wider scope stipulated in arbitration conventions previously concluded or which they may subsequently conclude; but the Committee desired to indicate that a certain minimum of explicit rules is necessary owing to the interdependence of the elements of non-aggression, of the peaceful settlement of disputes and of mutual assistance.

Since it is assuming obligations in regard to mutual assistance, each of the high contracting parties must know that the other parties are accepting sufficiently extensive obligations in regard to the peaceful settlement of disputes.

The draft treaty consists of a preamble and a series of articles. In the Committee's view, these texts are not unalterable. The high contracting parties may make any modification they consider useful, provided they respect the interdependence and equilibrium of the three essential factors to which reference has been made.

The Committee itself indicates a certain number of possible departures from the text drawn up.

*Recommendation with a View to the Conclusion of Collective Treaties of Mutual Assistance.* — Conceived as they are in the spirit of the League, and therefore meriting the League's full support, the conclusion of collective treaties of mutual assistance should, in the opinion of the Committee, be facilitated if necessary. The Committee therefore proposed to recommend a draft resolution defining the conditions under which the Council might, in this connection, lend its good offices. Apart from the considerations, this resolution is the same as that by which the Assembly would invite the Council to lend its good offices for the conclusion of treaties of peaceful settlement; the Committee nevertheless indicates that in these cases the Council's task would obviously be a very delicate one, for the conclusion of a collective treaty of mutual assistance, as conceived by the Committee, naturally presupposes a long effort of political preparation and endeavours to bring about a better understanding between the countries destined to conclude reciprocal agreements.

*Models of Collective and Bilateral Treaties of Non-Aggression (Types E and F).* — States anxious to obtain better guarantees of security but unwilling for some reason or another to bind themselves by a treaty of mutual assistance will find in Types E and F model treaties under which they can enter into obligations with other States as regards non-aggression and the pacific settlement of disputes only. The provisions of these treaties on these two latter points are the same as those embodied in the draft collective treaty of mutual assistance.

##### 5. ARTICLES 10, 11 AND 16 OF THE COVENANT

As regards the Prague memorandum on Articles 10, 11 and 16 of the Covenant, the Committee considered that the data regarding the criteria of aggression collected in this memorandum constituted a useful summary of the Assembly's and the Council's work in regard to this matter and of the provisions of certain treaties.

It drew particular attention to the fact that the action which the Council, under Article 11 and the other articles of the Covenant, was called upon to take in case of conflict would provide it with valuable indications to enable it to form an opinion and as to the aggressor if war broke out in spite of all endeavours to prevent it. It considered that the examination of Article 11 of the Covenant, which lays down that the League "shall take any action that may be deemed wise and effectual to safeguard the peace of nations", formed a useful corollary to the enquiry undertaken by the Committee of the Council and approved by the Council on December 6th, 1927, on the recommendation of the Assembly, and at the same time clearly demonstrated—without in any way detracting from the force of the other articles of the Covenant—that the League must in the first place endeavour to prevent war, and that in all cases of armed conflict or threat of armed conflict of any kind the League should take action to prevent hostilities or to bring hostilities to a standstill if they had already begun.

The Committee noted the suggestions contained in the memorandum with regard to Article 16. It recommended these studies to the Assembly as a valuable

contribution in that they did not propose any rigid and detailed procedure to be followed in times of crisis, and did not add to or detract from the rights and duties of the Members of the League, but constituted highly instructive indications of the possibilities inherent in the various articles of the Covenant and the manner in which those articles could be applied without prejudice to the methods of application which an infinite variety of circumstances might demand.

The Committee decided to continue this study at its next session.

#### 6. COMMUNICATIONS OF THE LEAGUE IN CASE OF EMERGENCY

The Committee considered that the systematic study of the means to be employed by the organs of the League to enable Members to carry out the obligations devolving upon them in virtue of the different articles of the Covenant required that communications for the purposes of League action in case of emergency should have every guarantee of independence and should be as little affected as possible by the disturbance which a state of emergency would necessarily produce in the regular working of the communications controlled by the different Governments.

It trusted that the supplementary technical studies undertaken by the Transit Committee, at the request of the Council and in conjunction with all the authorities concerned, with a view to providing the League with independent air communications and a radio-telegraphic station enabling it to communicate direct with as many of its Members as possible, might be rapidly completed. It emphasised the desirability of enabling the next Assembly to take steps to put these scheme into effect, more particularly as regards the establishment of a radio-telegraphic station.

#### 7. FINANCIAL ASSISTANCE

The Committee postponed until its next session the question of financial assistance for States attacked (Finnish proposal), as a joint committee of members of the Arbitration and Security Committee and the Financial Committee had thought it advisable to refer to the latter the technical consideration of this scheme.

#### 8. SUGGESTIONS OF THE GERMAN DELEGATION WITH A VIEW TO PREVENTING WAR.

The examination of these suggestions was also postponed until next session.

The Committee considered that Governments should be enabled to study them in detail, and appointed a Rapporteur, M. Rolin-Jacquemyns (Belgium), to examine them in the light of the discussion at this session, and of any observations forwarded by Governments.

The proposals of the German delegation concern the opening for signature of a Protocol or agreement by which States would undertake to execute :

1. Provisional recommendations of the Council for the purpose of preventing any aggravation or extension of the dispute and impeding any measures to be taken by the parties which might exercise an unfavourable reaction on the execution of the settlement to be proposed by the Council.

2. Recommendations of the Council to the effect of maintaining or re-establishing the military *status quo* normally existing in time of peace.

3. In the case of hostilities of any kind breaking out without, in the Council's opinion, all possibilities of a pacific settlement having been exhausted, the Council's proposal for an armistice including especially the obligation to withdraw forces which might have penetrated into foreign territory.

Among the points to be examined in connection with this proposal, the German delegation mentioned the questions whether the recommendations of the Council should be voted unanimously or by a majority, and whether the agreement or pro-

TOCOL might come into force separately for the several continents, in a way similar to that provided by the Treaty of Mutual Assistance of 1923.

#### 9. FUTURE WORK OF THE COMMITTEE

At its third session, which is fixed for June 1928, the Committee will proceed to its second reading of the drafts prepared at its second session and will study bilateral treaties, Articles 10, 11 and 16 of the Covenant, and the German proposals.

It is thought that these studies will be concluded at a date which will make it possible for them to be discussed by next Assembly.

The following members took part in the work of the Arbitration Committee :

Mr. von Simson (Germany); M. Jose Maria Cantilo (Argentina); Baron Rolin-Jaequemyns (Belgium); M. Bogdan Morfoff (Bulgaria); M. Riddell (Canada); M. J. Valdes-Mendeville (Chili); M. Chuan-Chao (China); M. Efrain Gaitan-Hurtado (Colombia); Lord Cushendun (British Empire); M. Erich (Finland); M. Paul Boncour (France); M. Nicolas Politis (Greece); General de Marinis (Italy); M. Sato (Japan); M. Rutgers (Netherlands); M. François Sokal (Poland); M. Constantin Antoniadé (Roumania); M. Lazare Markovitch (Kingdom of the Serbs-Croats-Slovenes); M. Osten Unden (Sweden); M. Benes (Czechoslovakia); M. Boris Stein (Union of the Socialist Soviet Republic) who attended the meeting as an observer.

#### 2. — FIFTH SESSION OF THE PREPARATORY COMMISSION FOR THE DISARMAMENT CONFERENCE

The Fifth Session of the Preparatory Commission of the Disarmament Conference was held at Geneva from March 15th to 24th under the presidency of M. Loudon (Netherlands).

In addition to the States Members of the League who attended, there were present the three most important non-Members, the United States, who has been a member of the Commission for some time and was represented by Ambassador Gibson; the Union of Socialist Soviet Republics, represented for the second time by M. Litvinoff, People's Commissar for Foreign Affairs; and Turkey represented by Tewfik Rouchdy Bey, Minister for Foreign Affairs.

Three items figured on the agenda : (1) consideration of the progress of the work of the Arbitration and Security Committee; (2) examination of a draft convention for general, complete and immediate disarmament, deposited by the U. S. S. R. delegation; (3) consideration of the progress of the work of the Commission.

The debates and resolutions of the Commission on these points are summarised below.

#### I. PROGRESS OF THE WORK OF THE ARBITRATION AND SECURITY COMMITTEE

On the subject of the report of the Arbitration and Security Committee the Commission heard several statements and framed a resolution.

The U. S. S. R. representative (M. Litvinoff) recalled his previous statement to the effect that the problem of peace could neither be solved nor brought nearer to a solution by the work of the Arbitration and Security Committee. He added that the system of regional guarantee pacts based upon mutual assistance seemed to him akin to the pre-war system of alliances and other military and political combinations, and that the work of the Security Committee, without diminishing the likelihood of future wars, might create conditions favourable to the extension of armed conflicts.

The Soviet Delegation, he said, regards complete and speedy disarmament as the most solid guarantee of security for all countries and all peoples, and as the most effective means for preventing war.

Mr. Politis (Greece), appointed by the Commission as general rapporteur on Arbitration and Security questions, drew attention to the conclusion of the Arbitration and Security Committee that security and disarmament should keep pace with one another. Contrary to the opinion expressed by M. Litvinoff, he was of opinion that it was incorrect to state that the model treaties of mutual assistance drawn up by the Arbitration and Security Committee bore a close or even a distant resemblance to the old alliances.

The type of regional pact recommended by the Committee, he said, provides no guarantee against aggression by third parties. It is simply the system of the Locarno Pact adapted to the peculiar circumstances that may arise in different parts of the world. As in the Locarno Pact models which we have framed provide for mutual assistance only in the case of reciprocal aggression by the Contracting Parties.

Count Clauzel (France) expressed satisfaction at the results obtained by the Committee. He drew attention to the practical character of its work and emphasised the importance of the resolutions concerning the recommendation of the treaties and inviting the Council to offer its good offices.

Count Bernstorff (Germany) noted that the Arbitration and Security Committee had not failed to appreciate the suggestions of the German Government on the value of the pacific settlement of international disputes as an important element of security. He drew attention to the introduction to the Prague memoranda in which the Committee emphasised the considerable measure of security created by the Covenant.

Tewfik Rouchdy Bey (Turkey) said that his Government highly appreciated the value of all pacific means for the settlement of international disputes. He emphasised the advisability of attempting conciliation procedure before resorting to arbitration. As regards security, Tewfik Rouchdy Bey said his Government was fully aware of the concern to which this question gave rise in many States in connection with the examination of the question of disarmament. In his opinion the most appropriate means of obtaining security was the conclusion of treaties of non-aggression which would at the same time involve neutrality.

Such treaties, he said, would not encounter any difficulty, nor would there be any objection to them on the part of members of the League on the ground that, as they involved the obligation of neutrality simultaneously with that of non-aggression, they would be running counter to the provisions of the Covenant which, in certain circumstances, prescribed the application of measures decided on by the Council.

An undertaking of non-aggression accompanied by that of neutrality is indeed just as compatible with the Covenant as the undertaking of non-aggression itself, subject to the application of any Council decisions in regard to repressive measures.

It appears to me that there would be no question of applying the provisions of the Covenant in regard to aggressors to a non-Member State which had given evidence of its pacific aspirations by declaring its readiness to conclude treaties of non-aggression and neutrality with all countries without any distinction.

If we suppose that the State in question violated its undertaking of non-aggression, it follows as a matter of course that the undertaking of neutrality assumed in regard to it by other States, whether Members or non-Members, would become invalid immediately it became an aggressor and thus broke its pledge. From that moment States Members would resume their entire liberty of action and could fulfil their obligations arising out of the provisions of the Covenant.

In reply to a question put by the chairman, Tewfik Rouchdy Bey said that Turkey desired in the future to take part in the work of the Arbitration and Security Committee.

The Commission finally adopted a resolution expressing its satisfaction at the results obtained by the Arbitration and Security Committee and approving the general spirit in which the work was carried out.



It endorsed the recommendation of the Committee regarding the transmission to Governments of its report in sufficient time to allow of its discussion at next Assembly.

2. DRAFT CONVENTION FOR COMPLETE GENERAL AND IMMEDIATE DISARMAMENT  
PRESENTED BY THE DELEGATION OF THE UNION OF SOVIET SOCIALIST REPUBLICS.

On March 19th, the Commission began its study of the Soviet proposal which brought forth declarations from nineteen other speakers in the course of five sessions running over as many days.

Mr. Litvinoff, Assistant People's Commissar for Foreign Affairs, in pointing out both the complete novelty of the Soviet proposal and the equally complete lack of serious discussion at the last session, emphasised his view that nothing but general, simultaneous and complete disarmament is capable of satisfactorily solving the problem of general security and peace. This proposal would also solve a series of other vexed problems, such as freedom of the seas; would not encounter the difficulties inevitably connected with partial disarmament, such as control; and, as uniform and applicable to all States, would arouse the least opposition. The idea, he said, has been accepted with enthusiasm by the broadest masses of both hemispheres and by all progressive and peace-loving elements in human society. While the vast quantity of disarmament discussion within the League had led to not a single step of real importance, the Soviet state, though having seen its territory invaded, now has a smaller army in proportion to population and area than any other state and is willing to abolish all military forces as soon as the other states agree. As his proposal represented a single, organic whole which could not be split into separate parts, he asked for an unequivocal answer as to whether the Commission would base its further labours on the principle of complete disarmament and agree to carry out the first stage within a year.

Count Bernstorff (Germany), while stating that the activities of the Commission had hitherto been pursued within a far more modest compass the Soviet proposal seemed in harmony with their spirit and capable of giving them a fresh impulse. He found in them some very interesting ideas, such as disarmament by stages confined within a narrow time-limit and elimination in the very first stage of those military factors adaptable to aggression. He therefore urged a detailed discussion.

Tewfik Rouchdy Bey (Turkey), while agreeing that the proposals may appear very radical, said they showed the importance attached by the Soviets to the ideals of disarmament and peace, for which he wished to congratulate a neighbouring and friendly country. He, in turn, urged their discussion.

General Marinis (Italy) agreed that the proposal, as a logically built whole, must be so accepted or rejected. He would willingly accept it if it would really, assure world peace founded upon justice but would need further guarantees, first, because some countries by their wealth, industrial organisation and population, could more rapidly re-arm and thus threaten the security of others, and, second, because the project would not assure that even more important social and economic security which alone would allow nations to develop in liberty and peace.

Count Clauzel (France), while accepting the ideal of the Soviet proposal as real peace with the least delay, asked if, in effect, its realisation would be consistent with the present world situation and more particularly the geographical, economic and social aspects of security. The Commission was meeting under precise instructions from the League Assembly and on the basis of Article VIII of the Covenant; it was only to be regretted that the Soviet Government had not earlier accepted the League invitation and submitted its proposals along with those of the British and French previously so exhaustively discussed. At this stage, however, the Commission could hardly abandon its prolonged and careful work, though, instead

of giving the categorical answer requested, it might examine the proposal on the same footing as those already examined.

Lord Cushendun (Great Britain) could not agree that the project must be accepted or rejected as a whole. While, admittedly, complete disarmament had been the ideal of mankind since the dawn of history, he profoundly doubted if it were now practicable. In all frankness, he would first ask in what spirit the Soviet delegates had come to Geneva. Though the League had been created to establish a newer and surer foundation of peace, the Soviet Government had lost no opportunity of deriding it. Yet, suddenly, their Delegates had come to Geneva, the "Isvestia" their official paper, announcing for the purpose of unmasking the capitalistic states and showing the sabotage of the Soviet proposal. But, if there were sabotage, it was of the League, for nowhere in the draft was it mentioned, whereas a new permanent Commission of Control was to be created and all laws contrary to the draft, which would include the Covenant, were to be repealed within a year. Next, was the Soviet Government ready to forego civil war and its whole basic policy of producing armed insurrection in different countries? Further, complete disarmament would create a danger in respect of peoples in various parts of the world not on the highest level of civilisation and would give supreme power to those nations able to improvise armed forces quickly. Certain specific provisions about local police in relation to communications, the prohibition of scientific research, theoretical treatises and works on military history, the arrangements of policing the seas, all needed elucidation. Moreover, the Convention could not be operative till eight special conventions mentioned therein had been drafted. Though foreseeing a direct breach, it provided no effective sanction. Finally, it must be determined if the proposal could be harmonised with the League. Consequently, he urged careful consideration though not in the least sanguine that any large part of the project would be found practicable.

Mr. Sato (Japan) disagreed that complete disarmament would assure complete security. Disarmament is a subjective matter; the mere throwing away of weapons, instead of entailing a sense of security, might even produce the contrary. The Covenant requires not complete disarmament but reduction. The Soviet proposal would carry the Commission beyond its competence and even entail a modification of the Covenant. While doubting the expediency of discussing it, he hoped the Soviet Delegation would continue its collaboration.

Mr. Riddell (Canada), in supporting the desirability of study, expressed surprise that immediate discussion should be asked for proposals circulated so recently as February 21st. His Government had not had time to examine them, much less to transmit instructions.

Mr. Rutgers (Netherlands), said that total disarmament, ideal though it was, could not be expected to-day. The armaments race undoubtedly contributed to international distrust but to say it was the sole cause seemed to him fanciful. The Covenant of the League recognised that the requirements of national security made total disarmament impossible, for armaments are both dangerous and useful, good and bad, a paradox recognised by the Treaty of Versailles and even by the Soviet proposal itself. Armaments are made necessary by brigandage and piracy; internal disorder and revolution; misunderstandings and conflicts between states, even acts of positive aggression. Nor is it true that disarmament would make war a material impossibility. On the contrary, it would upset the whole international equilibrium, destroy its elements of stability and not establish security, peace or justice. He would, therefore, reject the proposal.

Mr. Hennings (Sweden) emphasised that all the recent years, discussion had shown the interdependence of armaments and security. It is as impossible to find a solution for disarmament without extending pacific settlement as it is to arrive at a perfect security without extending disarmament. Armaments are not the sole danger to peace; even in a world completely disarmed serious disputes could and would arise. Nations would not disarm without being sure that disputes would be

submitted to an impartial tribunal whose award would be scrupulously observed. The next step seemed to him to be for the principal military and naval Powers to consent to the mutual concessions essential to progress.

Mr. Gibson (United States of America), in reply to the Soviet claim for support from that country which had proposed a multi-lateral pact against war, said he was totally unable to support drastic proposals not calculated to achieve their avowed purpose. His Government believed in one project and disbelieved in the other. Confidence in peaceful settlement would automatically reduce armaments; the converse, however, was not true. He was opposed to considering a proposal totally irreconcilable with the previous work of the Commission, and favoured continuation of the present endeavours.

Mr. Sokal (Poland) agreed that, essential though disarmament is to peace, it was not the sole element. The three terms, arbitration, security and disarmament, are indissolubly bound up with each other. Disarmament could never take the place of security based on pacific settlement and obligations of non-aggression and mutual assistance. Frankness towards public opinion would prevent the Commission from holding out false hopes.

Baron Rolin-Jaequemyns (Belgium) felt the Draft was essentially an act of sabotage against the Commission's labours, the League of Nations and the cause of peace. It was prompted by feelings of hostility which the authors themselves would not deny and was obviously dangerous to the work in hand. He would agree, however, that, on the chance there might be something useful in the Draft, it be sent to the Governments.

Mr. David Whitmarsh (Cuba) asked that, as the proposal reached him only a few days before, two months be allowed for its study. Some of its provisions deeply affected Cuba as, for instance, abolition of the rural guard which would constitute a great danger for the sugar plantations.

Mr. Morfoff (Bulgaria), while agreeing with the present impracticability of the proposal, recalled the frontier dispute of 1925 and expressed the opinion that inequality of armaments exposed certain States to great humiliation. Without, therefore, asking for the impossible, he urged perfect equality between States, particularly as regards security.

Mr. Markovitch (Serbo-Croat-Slovene Kingdom) felt the scheme contained no really practical element and that the Commission's system was much superior. The League sees the problem as a whole, aiming to organise peace with due reference to all the factors of arbitration, conciliation and judicial settlement, as well as internal and external security. If it had not made more progress it was in part due to the Soviet Government which had done its best to discredit the League's work.

Mr. Holsti (Finland), while regretting the lack of progress, gave this as a reason for not discussing the absolute prohibition of armed forces. Certain necessities are inseparable from any organised community. There is always danger of contravention; even exclusion from the League or pacific blockade might not always prove a sufficient means of restraint. Some day it may be possible to consider an executive police force within the League to protect the activities of the whole community. Before abolishing all armed forces, the conditions and bases of a more perfect international organisation should be considered.

Mr. Politis (Greece) pointed out that, while Article VIII of the Covenant provides for a reduction of armaments, it limits that reduction in two ways: first as regards national security against internal disorder and external aggression, and, second as regards the enforcement of international obligations by common action. The Soviet proposal was diametrically opposed to this conception and unacceptable without not merely an amendment to the Covenant but an entire recasting of the League structure. In any organisation, however rudimentary, the need of sanctions exists and, indeed, has even been felt by the authors of the Soviet proposal themselves. Before great progress could be made international organisation must be greatly strengthened. Without, therefore, dashing off in pursuit of a chimerical solution, the Soviet

proposal might be studied before the next Assembly and the Soviet Government consider cooperating even more fully by itself becoming a Member of the League.

Mr. Perez (Argentine), in opposing the Soviet project, said that disarmament was a political process of slow evolution, not so much technical as moral in character, and to be based on international security. What is needed is to increase the peace potential by multiplying treaties of arbitration and conciliation on the lines of the Washington and Locarno Agreements and the Security Committee.

Mr. Valdes-Mendeville (Chile) agreed both that the Soviet proposal was incompatible with the obligations of Members of the League and that security and limitation of armaments were interdependent. The chief progress, he felt, must be along the lines of arbitration and conciliation, which is entirely omitted from the Soviet scheme.

Mr. Litvinoff and M. Lunacharsky, in reply, stated that the Soviet Government, in sending a delegation to the Commission, was inspired by no other motives than the sincere desire to contribute to the freeing of the peoples from the heavy burden of militarism and the curse of war. General and immediate disarmament was the only effective guarantee of peace. States had to choose whether they would attain justice by armed force or pacific means, and in any case the rich nations would be better armed than the poor. The draft dealt specifically with disarmament and did not pretend to be a panacea. Total disarmament would, however, leave the world better off than a mere reduction. As for the Covenant, if it really made the retention of armaments compulsory, this was an argument against the League and not against disarmament. If there were no armaments there could be no aggressor and hence no need of military sanctions. In any case, the Covenant could be amended. The Soviet Government had never concealed its distrust of the League but was not the only non-Member State present. The question of civil war was irrelevant unless it was suggested that armies and navies were retained by Governments to keep themselves in power against their own peoples. The technical objections concerned minor points open to revision and further discussion.

These remarks led to further declarations by a number of delegates along the lines previously given. In conclusion of this debate, a Resolution was passed to the effect that almost all the Members of the Commission felt that the project could not be accepted by the Commission on the basis of its work, which ought to be continued along the lines already laid down.

In these circumstances, Mr. Litvinoff announced that his Delegation, while continuing to press the necessity of general and complete disarmament, would submit a project of partial disarmament, the immediate discussion of which he requested. After Count Bernstorff had supported this request, the President of the Commission remarked that it was impossible to discuss a new project at the moment but that it could be put on the agenda of the next session. Accordingly, the Commission decided to draw the new convention to the attention of Governments while reserving to itself the right to examine it at the next session. Mr. Litvinoff voted against this resolution and absolved his Government from responsibility for the postponement.

### 3. PROGRESS OF THE WORK OF THE PREPARATORY COMMISSION

At the first meeting of the Commission on March 15th, the President, M. Lou-don, stated that he had so far not received any information to the effect that the differences of opinion between certain Powers with regard to various points of the draft convention adopted last year in first reading, had been reconciled so as to enable the Commission to proceed to the second reading of this draft.

At the debate on this subject, Count Bernstorff urged that the Commission should proceed to its second reading, while several delegates considered that the moment was not yet ripe for the second reading and that it would be better to wait until an agreement had been reached by the Powers concerned.

On this occasion on the French representative drew attention to the fact that during their stay in Geneva the technical experts of several delegations had begun or pursued negotiations on the points under discussion.

Mr. Gibson (United States) made the following observations :

Have we or have we not by direct negotiation or otherwise achieved a sufficient basis of agreement to justify us in starting a second reading? We should each of us examine the question from that point of view and from that point of view only. If it can be demonstrated that a sufficient measure of agreement has been reached and that no insuperable obstacles are still to be overcome, then by all means let us start at once upon a second reading. If, on the other hand, we conclude that no such progress has been made, then the only commonsense course is for us to recognise the fact and to defer the second reading until such time as we are able to undertake it with reasonable prospect of arriving at a successful conclusion.

He considered that it would be wise not to fix a definite date in any arbitrary manner for the second reading of the draft convention.

The Bureau then submitted a draft resolution, leaving its President free to fix according to circumstances the date at which it would be most practically useful to convene a new session of the Commission to proceed to the second reading of the draft convention.

Count Bernstorff (Germany) submitted as a counter-proposal the following resolution :

Considering that the preparatory technical work for a first step on the road to disarmament is sufficiently advanced for it now to be possible to summon a general Disarmament Conference capable before all else of settling those predominantly political questions which in the present situation, impede any initial step towards the realisation of the idea of disarmament,

Recalling that the Assemblies of 1926 and 1927 urged that such a Conference should be held as soon as possible,

Requests the Council

At its next session to fix for the first general Disarmament Conference a date as early as possible after the ninth session of the Assembly, and at the same time to invite the various Governments to participate in the Conference.

He explained that his object in depositing this resolution was to persuade Governments to make a step forward.

The draft resolution of Count Bernstorff, seconded by M. Litvinoff, was rejected by the other members of the Commission who considered that it was hardly in accordance with its terms of reference as defined by the Assembly and the Council, and was of a nature to delay its work or compromise the success of the future disarmament conference failing sufficient technical and political preparation.

The President and several delegates emphasised, on this occasion, that it was necessary that Governments should negotiate rapidly with regard to their several differences of opinion.

Count Bernstorff then read a declaration noting that the Commission had once more been unable either to draw up a programme or to fix the date of the conference :

The German Government, which has never ceased to press for greater speed in the work for disarmament in conformity with the Covenant and the Treaties, does not desire to be held responsible by the world's public opinion for the fact this Commission is showing itself constantly less able to fulfil the hopes which were based upon it when the Assembly and the Council entrusted it with a task of such importance and of such weighty responsibility in the eyes of posterity — namely, to prepare for the Disarmament Conference.

He added that he would bring the question before the Assembly with which rested the final decision and to which Governments might submit a report on the progress of their negotiations.

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At the beginning of the session, Count Bernstorff had submitted a series of proposals relating to the application of the final paragraph of Article 8 of the Covenant, which deals with the exchange by Governments of information concerning the scale of their armaments, their military, naval and air programmes, and the condition of such of their industries as are adaptable to warlike purposes.

Count Bernstorff emphasised the importance of this obligation.

How can there be perfect confidence between the peoples without one State giving another full and frank information as to the scale of its armaments? How can we achieve national security as long as the States do not possess information in regard to the armaments of other States which may constitute a menace to their security? How, lastly, can we find a starting point for any general plan of disarmament unless we know just what armaments exist?

He explained that the object of these proposals was to enlarge and improve the League Armaments Year-Book, recalling that sometime before the League had discussed the most suitable method of putting into practice the final paragraph of Article 8. Count Bernstorff subsequently agreed that these proposals should be examined at the next session of the Commission.

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The final resolution adopted by the majority of the Commission, the German and Soviet delegates voting against it, on points 2 and 3 of the agenda, reads as follows :

The Preparatory Commission for the Disarmament Conference,

I. Having examined the bases of the draft Convention for Immediate, Complete and General Disarmament submitted by the U. S. S. R.

Notes

That the immense majority of its members are of opinion that this draft, cannot be accepted by the Commission as a basis for its work, which work must be pursued along the lines already mapped out.

II. Takes note of the proposal submitted by the German delegation regarding the last paragraph of Article 8 of the Covenant, and of the new draft Convention submitted by the Delegation of the U. S. S. R. on the question of the reduction of armaments, and while reserving their consideration until its next session, commends them to the attention of the various Governments,

III. Decides to leave its President free to fix, according to circumstances, the date at which it would be practically useful to convene a new session of the Commission in order to proceed to the second reading of the draft Convention on the Reduction and Limitation of Armaments. The Commission expresses the hope that the new session should begin at the earliest suitable date, if possible before the next session of the Assembly.

### 3. — THE JOINT COMMISSION

*Appointment of a British Member.* — The Council appointed Sir Sydney Chapman, British member of the Economic Committee, to succeed Sir Hubert Llewellyn Smith on the Joint Commission (Economic Aspect of Disarmament Questions).

### IV. — The St. Gotthard Incident.

At a public meeting on March 7th the Council proceeded to a preliminary examination of the requests of the Roumanian, Serb-Croat-Slovene, and Czechoslovak Governments in connection with the seizure of five truck-loads of machine-

gun parts at the St. Gotthard Railway Station on the Austro-Hungarian frontier. It referred it for study to a Committee of three members (Chilian, Finnish and the Netherlands representatives) who submitted a preliminary report on March 10th.

Hungary was represented by General Tanczos, the Serb-Croat-Slovene Kingdom by Mr. Fotitch, and Czechoslovakia by Mr. Veverka.

There was an exchange of views on March 7th on the subject of the measures to preserve the *status quo* in similar cases, and the general question of the powers and duties of the Acting-President of the Council in the intervals between the sessions (1).

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At the beginning of the meeting of March 7th, the Roumanian representative, Mr. Titulesco, read, on behalf of the Czechoslovak, Serb-Croat-Slovene and Roumanian Governments, a statement to the effect that the Little Entente Powers considered the St. Gotthard incident as a question of general importance and not as a question concerning especially the Little Entente.

The Hungarian representative, General Tanczos, drew the attention of the Council to the documents he had submitted the day before to the Secretary-General which formed a complete statement of the history of the incident and included several annexes. He added that he was entirely at the disposal of the Council for all further information. The relations between Hungary and her neighbours, he said, were not at the moment good; the representations which certain neighbouring States had made at Budapest had not improved those relations, and the execution of a measure against Hungary would render them still more acute. He then raised the question whether Article 143 of the Treaty of Trianon contemplated the application of the right of investigation to such cases, pointing out that any nation, particularly when placed in a situation like the present one, was naturally extremely sensitive to any attack upon its sovereignty and to any foreign interference. He asked the Council to study the documents and facts which his Government had submitted, and expressed his conviction that this study would render superfluous any further measure and would give entire satisfaction to the Council.

The Roumanian representative, Mr. Titulesco, expressed regret at a portion of this declaration, particularly that concerning the relations of Hungary and her neighbours. He stressed the fact that a great comprehension of the demands of peace had been shown both by the Little Entente in presenting the incident as a general question, and by his own country in the fact that, not once since he had been Minister for Foreign Affairs, had he been questioned by Parliament on foreign policy with regard to Hungary. He wished, therefore, to keep the question one of general principle rather than of contentious debate.

The British representative, Sir Austen Chamberlain, proposed that the Council, in accordance with its usual practice, should appoint a committee of some of its members to examine the statements of the representatives of the different countries, and to study the material submitted by the Hungarian Government. This Committee would present a report to the Council and, if necessary, would be authorised to seek the assistance of experts from the various League organisations.

The French representative, Mr. Briand, agreed to this procedure. He said that he regarded the affair quite dispassionately in the atmosphere which was customary in the League of Nations, namely, one of tranquillity and peace. He expressed astonishment that the Hungarian Government, which was a member of the League and in whose interest it was that the League should investigate the incident, had decided to destroy the material confiscated.

The Hungarian representative replied that the five original way-bills were at the disposal of the Council. The Hungarian Government had decided to destroy the material for two reasons: first, to conform to the provisions of the Berne Rail-

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(1) See Legal and Constitutional Questions

way Convention, second, because it considered that it retained entire freedom of action as long as preliminary measures had not been voted by the Council.

The Council adopted Sir Austen Chamberlain's proposal and decided to set up a Committee of the Chilian, Finnish and Netherlands representatives.

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On March 10th, the Netherlands representative, who had been appointed chairman by his colleagues, submitted his preliminary report to the Council. The Committee considered that the incident was worthy of the Council's close attention and that it was indispensable that all suitable measures should be taken to elucidate the incident as fully as possible. It had come to the conclusion that in order to submit the report requested by the Council further information was necessary. It would accordingly use the powers conferred upon it by the Council to consult technical experts, chosen from among the League organisations, who might be sent to the spot, if the Committee found that desirable, for the execution of its task. The Committee hoped to submit a final report before the June session of the Council.

The Hungarian representative stated that his Government considered that it was not necessary for experts to be sent to the spot, but that in any case the Hungarian authorities would facilitate their task.

## V. — Legal and Constitutional Questions.

### 1. — COLLABORATION OF BRAZIL AND SPAIN IN THE WORK OF THE LEAGUE

In view of the expiry in the near future of the notice given by Brazil and Spain to withdraw from the League, the Council empowered its President to invite those countries to continue their collaboration in the League's work.

The Spanish Government accepted the invitation unconditionally and without reservation.

The final answer of the Brazilian Government has not yet been received.

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On March 8th, the President of the Council, M. Urrutia (Colombia), drew the attention of his colleagues to the fact that, in accordance with the notices given in 1926, Brazil and Spain would cease to be Members of the League in June and September respectively.

The President proposed that the Council should adopt resolutions expressing its desire that it might be possible for these countries to continue their collaboration. These resolutions would be forwarded to the Governments concerned with a letter signed by the President on behalf of the Council as a whole.

Mr. Urrutia said that he did not think that the Councils should be deterred from taking the action suggested by any fear that it might meet with an unfavourable result, and that the Council's prestige might thereby suffer. He could not, of course, predict what the action of the two Governments would be, nor did he claim that the action of the Council could in itself be of decisive effect. It could, however, give one more unquestionable proof to Brazil and to Spain of the value which, not only the Council, but the League as a whole, set on their continued collaboration; and remind these two countries of the immense importance for the world as a whole of the decision which they must take during the next few months.

He felt that the Council would be failing in its duty to the world and to the cause of peace in the present and future generations if it were to refrain from mak-



ing, on behalf of the League, the appeal which he ventured to propose. This proposal was approved and unanimously adopted by all the members of the Council.

The next day the Council adopted resolutions expressing its concern at the forthcoming withdrawal of Brazil and Spain, its conviction that the cooperation of these countries was of the utmost value, and also the hope that the Spanish and Brazilian Governments would give the most favourable consideration to the possibility of continuing their participation in the League's work.

These resolutions were forwarded to the Governments concerned together with the letters drafted by the President.

On this occasion the President recalled that two years ago Costa Rica had notified her intention of withdrawing from the League. The time limit had expired over a year ago and Costa Rica had ceased to be a Member of the League. He asked the Council to authorise him to write to the Costa Rica Government, on behalf not only of his colleagues, but of the whole League of Nations, emphasising the satisfaction which would be felt if Costa Rica would reverse the decision and once more become a member of the League.

The Council approved this proposal and authorised its President to write to the Government of Costa Rica.

The text of the letters to Brazil and Spain, the Spanish answer and the Brazilian Governments acknowledgment of the preliminary telegram are given below.

#### LETTER TO THE SPANISH GOVERNMENT

I have the honour, on behalf of the Council of the League of Nations, and at its unanimous request, to communicate, for the consideration of your Government, a resolution which the Council adopted at its meeting on March 9th, and also the Minutes of the meetings on March 8th and 9th.

At the same time, I feel I should like to acquaint you with the spirit in which the Council adopted the resolution in question, the terms of which necessarily give an inadequate idea of the feeling of all the Members of the Council in regard to Spain.

I would state at the outset that the Council has been most careful to avoid even the appearance of an expression of opinion in regard to the possible interests of Spain in the decision which is now before your Government. If the Council sought to give an opinion on this point it would be exceeding its competence and departing from the principles which have continually guided the action of the League. The point which the Council now desires to make clear beyond any possibility of doubt is the keen desire which is felt by the whole League of Nations to see Spain once more co-operating fully in the progressive work which it is endeavouring to carry out.

It is inevitable that the Council should attach a very special importance to the co-operation of Spain. Spain is to all the world a country which has a secure place amongst those pre-eminent in art and in letters, in her historical prestige, in her great contribution to the development of modern civilisation, and in the extension of Spanish civilisation to one of the most important regions of the world. The recent history of Spain clearly shows that her future will be no less splendid than her past. But to us who are Members of the Council, Spain means much more even than this. She was one of the original Members of the Council, and as the only one of the original Members not involved in the Great War, was marked out to play a part of special importance in our deliberations. She did, in fact, play that part in a spirit of impartiality and wisdom, to which other nations have on many occasions paid tribute.

There is, we believe, no doubt that the influence and prestige of the League have steadily grown since its inception and are destined to grow much more. But in proportion as its influence increases, increases also its responsibility. The League has faced more than one moment of difficulty; and the fact that it has faced them with success makes it all the more certain that, should some new and yet graver crisis arise, it is to the League that humanity will look to save it from disasters equal to or greater than those that are within the memory of us all. It is because the League, and especially the Council, must endeavour to ensure with increasing certainty that if a crisis arises they shall be strong enough to prevent the outbreak of war, that we view with special anxiety the prospect of being deprived of the collaboration of Spain.

It is therefore with deep concern that the Council, through me, ventures to ask you to give your earnest attention to our resolution, taking into account—as you must—both the interests of your country and also, I hope, the considerations which I have ventured to set forth as to the importance which the decisions of your Government will have on the future of the League of Nations and the consolidation of international peace.

#### REPLY OF THE SPANISH GOVERNMENT

I have the honour to acknowledge the receipt of your kind letter of the 9th instant, communicating to me, on behalf of the Council or the League of Nations and in accordance with the wish expressed by all its members, the resolution adopted by the Council at its meeting of that day, for the consideration of His Majesty's Government.

The cordial terms of your letter, in which you avoid even the appearance of an expression of opinion in regard to our national aspirations, merely stating your earnest desire that the League should not be deprived of the co-operation of Spain, so that she might continue to assist the League in its great and disinterested work, have made a profound impression on my Government, which met in Council for the express purpose of considering this important communication.

During these last years, Spain has not ceased to pursue the lofty ideal which inspires the League of Nations, and she has proposed and concluded treaties of conciliation and arbitration with various States. We therefore greatly appreciate the Council's invitation transmitted by you, and in reply, the Spanish Government has no alternative but to express its gratitude and to accept the invitation unconditionally and without reservation. We leave it to the Assembly to decide the form which Spain's cooperation should take and the position due to her in order that her rôle may be effectual and valuable and in consonance with her special situation as a greater Power, which was neutral during the last war, and with her great past, as the creator of nations and civilisations.

In conclusion, I should like you to convey my sincerest gratitude to the representatives of all the countries which have expressed affection and respect for the Spanish nation, with its long and glorious past, and I would renew to Your Excellency the special assurance of my highest consideration.

#### LETTER TO THE BRAZILIAN GOVERNMENT

I have the honour to forward to you a resolution adopted by the Council of the League of Nations at its meeting on March 9th, together with the Minutes of its meetings of March 8th and 9th.

No one who has worked for international peace and co-operation at the meetings of the League of Nations can forget the important part which the Brazilian delegations took in all our activities.

Brazil has been one of the protagonists of arbitration and international justice: the Statute of the Permanent Court of International Justice bears the profound imprint of the ideas put forward by Brazil, and the Brazilian delegates, to whose views their colleagues have always listened with respect, have year by year defended the cause of arbitration. I venture to say that they have seen the ideas they sowed bear a rich harvest; for the great movement towards arbitration which has taken place in recent years is undoubtedly due mainly to the existence of the League of Nations and to the action taken at its Assemblies by delegations inspired by a spirit of idealism and justice.

The League is, however, far from having reached its full development. Last year it dealt with the great problems of world economic organisation, and at this first Economic Conference, which is to be followed by further endeavours, Brazil once again gave the League the valuable assistance of her Government delegates and her experts. The problems raised by the great questions of the security of nations and the reduction and limitation of armaments are also among those dealt with by the League. Will not Brazil come to the League's aid alike with her idealism and her practical wisdom? Will she discontinue her co-operation in all the other work—technical, intellectual and social—in which she has hitherto taken part as a Member of the League?

Having the honour at the moment of being President of the Council of the League, it is my duty to express to you my colleagues' views; and being myself a citizen of one of those nations of the New World which have done so much and may yet do so much to realise the great ideal of international organisation and peace, I feel bound to associate myself with these views, with especial sympathy, but too inadequately expressed in this letter.

## REPLY OF THE BRAZILIAN GOVERNMENT

I have the honour to acknowledge receipt of the telegram by which Your Excellency informs me that the Council of the League of Nations has unanimously resolved to forward me a letter the text of which has also been approved, to express the wishes of the Council as to Brazil's collaboration in the work of the League. While awaiting the receipt of the letter in question, I hasten to transmit to Your Excellency the most cordial thanks of the Brazilian Government whose sentiments of high esteem for the institution at Geneva have in no way been affected by the fact that Brazil has withdrawn from the League, with which in spite of her absence she continues to cooperate effectively true to the ideal which gave rise to its foundation in the cause of universal peace.

### 2. — PROPOSED REDUCTION OF THE NUMBER OF COUNCIL SESSIONS

The report which the Council had requested of the Secretary-General on the proposed reduction of the number of sessions of the Council and on certain questions of procedure connected therewith was submitted on March 7th.

Attention was also drawn to the effect which a reduction of the number of sessions must have on the tenure of the presidency, which the Council decided to study at its next session.

The Secretary-General, while not called upon to take position as to the principle, indicated certain alterations in the arrangement of the League's work, which, in his opinion, would be necessary if the yearly number of sessions of the Council were reduced. For example, it might become necessary, in cases of urgency, to hold more frequent meetings of the minorities committees. As regards the number of sessions, the Secretary-General recalled that in reality two sessions were held during the Assembly, one beginning a few days before the Assembly, the other beginning with the first meeting of the Council in its new composition, and continuing until a few days after the close of the Assembly. If the Council made a regular practice of continuing the second session for a certain period after the Assembly, it would become somewhat unnecessary for it to meet again in the first days of December. Its sessions might be held in January, May, and at the end of August.

The British representative, who had raised this question before the Council, said that though he believed the reduction to be in the interests of the League, he would be unwilling to press it against any large section of opinion. He accordingly suggested that the Secretary-General should forward his report to all States Members and invite them to consider it before the next session of the Assembly. A final decision might be taken at the Council meeting after close of the next Assembly.

The Council accordingly invited the Secretary-General to forward to all Governments of States Members the part of the report concerning the possible reductions of the number of sessions.

### 3. — POWERS AND DUTIES OF THE ACTING-PRESIDENT OF THE COUNCIL

At a private meeting on March 7th, the Chinese representative M. Tcheng-Loh, explained to his colleagues the circumstances which had prompted him to ask the Secretary-General to send a telegram to the Hungarian Government in connection with the seizure of arms at the St. Gotthard Railway Station.

In this telegram, dated February 23rd, the Chinese representative, in his capacity of Acting-President of the Council, advised the Hungarian Government that he had learned through the press that it was about to proceed to the sale of the material mentioned in the request of the Roumanian, Serb-Croat-Slovene and Czechoslovak Governments, and that it would be wise to postpone the proceedings as the incident would shortly be examined by the Council.

The Hungarian Government, after expressing surprise at this initiative, replied

that the sale by auction of the material had been fixed for the next day, February 24th, and that, as it was to take place under the auspices of the competent judicial authority, in accordance with the railway regulations, there could be no question of postponing the proceedings, but that nevertheless, out of personal regard for the Acting-President of the Council, it would not fail to request the purchasers to leave the material on the spot.

The Chinese representative said that he had sent the telegram at a moment which, in his opinion, was the only appropriate one, and in acting thus he considered that he had not exceeded the limits of the powers which he possessed as Acting-President of the Council. He had informed several of his colleagues of the step which he had taken. The telegram of February 23rd had not in any way been intended as an injunction, but merely as a friendly and courteous word of advice to the Hungarian Government. Its purpose had been to safeguard the moral authority of the League and to prevent the Council from being confronted with a fait accompli.

The opinion was expressed that the Acting-President had been placed in an embarrassing position owing to the lack of definite rules, and that for the future it would be advisable to define in a general way the powers and duties of the Acting-President in the intervals between Council sessions, other than those contemplated in the report adopted by the Council in December 1927

The Committee of three appointed to study the St. Gotthard incident also examined the question of the measures to preserve the *status quo* in similar cases, and informed the Council that it proposed to return to this question in its report.

#### 4. — INTERNATIONAL ENGAGEMENTS

##### a) *Registration.*

Among the treaties and international engagements registered in March figure :

A series of arrangements, treaties and agreements deposited by the British Government. It includes the Treaty of Friendship and Good Neighbourhood of May 20th, 1927, between the British Empire and the Hedjaz, air traffic and income tax agreements between Great Britain and Germany, postal and telegraphic arrangements between Belgium and Great Britain concerning Belgian Congo and North Rhodesia, etc.;

An Arbitration Treaty between Chile and Spain (May 28th, 1927);

Agreements for the suppression of passport visas between Finland and Switzerland, Austria and Norway, and Austria and Sweden.

A Commercial Convention (September 7th, 1926) between Haiti and the Netherlands, and a Convention of Commerce and Navigation (January 2nd, 1928) between Denmark and Spain;

A provisional arrangement between Denmark and Germany for the abolition of double taxation in regard to direct impersonal and personal taxes (February 14th, 1928);

An agreement between Iceland and Sweden for the reciprocal recognition of tonnage certificates (March 10th, 1928);

A Convention on Extradition and Legal Assistance in criminal matters between Latvia and Norway (September 12th, 1927).

##### b) *Ratification of agreements and conventions concluded under the auspices of the League.*

The half-yearly report submitted by the Secretary-General on the ratification of conventions concluded under the auspices of the League gave rise to an exchange

of views in the Council meeting of March 6th on the delay with which such ratification frequently took place and on the necessity for an examination of the general question of the ratification of conventions.

The British representative drew attention to the fact that certain League conventions had not yet received sufficient ratifications to come into force — in particular, the Opium Convention of 1925 — and a whole series of very important conventions dealing with one of the principal international industries, the shipping industry. In view of the fact that the League technical organisations were at that moment preparing a fresh series of conventions, he emphasised that it was even more urgent to obtain ratification of already existing conventions than to multiply agreements which were sometimes neither signed nor ratified.

Other members of the Council expressed the opinion that the authority of the League was endangered by the fact that conventions and amendments to the Covenant might be drawn up which could not come into force owing to the lack of sufficient ratifications. The Canadian, Netherlands, Roumanian and Japanese representatives thereupon made statements to the effect that their Governments would shortly ratify the Opium Convention (1925).

The French representative mentioned that his country had ratified the Opium Convention. He associated himself with the statement of the British representative regarding conventions which awaited ratification and drew special attention to the Convention on the Control of the International Trade in Arms which had received but few ratifications including that of his country.

The German representative, Dr. Stresemann, suggested that the Council might examine from time to time the conventions which had not come into force owing to an insufficient number of accessions. He drew attention to the fact that he ascribed considerable importance to the question of reservations attached to the signature of conventions, since on the number of reservations depended the question whether a sufficient number of ratifications were appended to enable a convention to come into force.

The Italian representative, M. Scialoja, emphasised the gravity of the problems which had arisen in connection with ratification. He also drew attention to the position as regards amendments to the Covenant. He thought that the Council should make a careful study of this question, and proposed that it should be placed on the agenda of the next session.

The Council agreed to this proposal. It requested M. Scialoja himself to act as Rapporteur and to prepare the discussion by presenting to the Council a memorandum which might concentrate its attention on the practical action which might be taken.

The Council requested the Secretary-General to forward the minutes of this debate to all States Members, and to mention in his next half-yearly report the reservations which certain States might make when ratifying, or acceding to, a treaty, so that the Council might know to what extent States were bound by accession or ratification.

## VI. — Technical Organisations.

### 1. — THE HEALTH ORGANISATION

#### a) *Technical Investigation in Latin America.*

On the proposal of the Cuban representative, M. de Cespedes, the Council decided that the credit of 83,000 francs voted by the Assembly for technical cooperation of the League Health Organisation with the public health and medical authorities of Latin America should be used for the continuation of the infant mortality

enquiry, which began last year, in cooperation with the Argentine, Uruguayan, Chilean and Brazilian Governments, and for the sending of foreign experts and the creation of scholarships in connection with the school of public health and the leprosy centre at Rio de Janeiro.

b) *Interchange of Medical Officers of Health.*

The Council accepted the offer of the International Health Division of the Rockefeller Foundation to raise to the same figure as last year, that is to say 50,000 dollars, its grant towards the interchange of public health personnel in 1928. The original figure of this year's budget was 25,000 dollars.

The Council asked the Secretary-General to thank the Rockefeller Foundation on its behalf.

2. — THE ECONOMIC AND FINANCIAL ORGANISATION

a) *The Financial Committee.*

The Financial Committee met at Geneva on February 27th and continued in session during the Council meeting. It reported to the Council on the questions of the Bulgarian, Portuguese and Estonian loans; on the settlement of refugees in Greece and Bulgaria; on the balance of the Hungarian and Austrian reconstruction loans, and on the Greco-Bulgarian Emigration Commission.

With regard to the Estonian loan, the Financial Committee reported that the currency and banking reform had been completely carried out; the currency had been legally stabilised since January 1st, 1928; the balance of the loan had been paid in to the National Mortgage Institute which had begun its operations.

As regards the plan for the financial stabilisation of Portugal, based on the issue of the loan, the Committee informed the Council that it had not yet been possible to complete the scheme and that it was still in discussion with the Portuguese Government on some features in it. At the Council meeting of March 10th, the Portuguese representative, M. Ivens Ferraz, stated that the scheme drawn up by the Financial Committee contained certain clauses concerning the control to which Portugal could not agree. He would submit the question to his Government, which would take what decision it thought best.

The Committee drew the attention of the Council to the fact that the agreement concerning the compensation of emigrants, signed at Geneva on December 9th, 1927, by the representatives of the Bulgarian and Greek Governments, and the President of the Mixed Greco-Bulgarian Emigration Commission had not yet been ratified. This circumstance was a serious obstacle to the work of the Commission.

The Council urged the Greek and Bulgarian Governments to ratify the agreement as soon as possible. The Bulgarian and Greek representatives stated that they would take the necessary steps.

The Council noted the report on the balances of the Hungarian and Austrian reconstruction loans, which did not call for any decision.

The other questions mentioned above are dealt with in special articles.

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The Council appointed M. Swich (Italian), Under Secretary of State in the Italian Ministry of Finance, to succeed M. Bianchini on the Financial Committee.

b) *The Financial Reconstruction of Bulgaria.*

*Stabilisation Loan.* — On March 10th the Council approved the final plan for the Bulgarian Stabilisation Loan of 4 1/2 million sterling which had been drawn up by the Financial Committee in agreement with the Bulgarian Government.

The scheme in its general lines resembles that of the Greek Stabilisation Loan; part of the proceeds will be employed in strengthening the position of the National Bank and of the Agricultural and Central Cooperative Banks, both of which are public institutions. Another section is to be used to meet budget arrears, while the third part will be spent on communications. The final plan for the employment of the sum of £1,250,000 set aside for this last purpose, will be submitted for the approval of the Council after a report has been received from an expert, chosen by the Chairman of the League Transit Committee.

The Bulgarian Government undertakes to safeguard the independence of the National Bank from any political influence, and for this purpose agrees to the appointment by the Council of a technical adviser to the Bank. It also fully recognises that for the definite consolidation of the financial situation of Bulgaria it is desirable to bring the National Bank into conformity with other Central Banks, and undertakes to effect this transformation at a date to be fixed by agreement with the Council.

The Trustees for the loan are to be appointed by the Council.

*Settlement of Refugees.* — The Council considered the Sixth quarterly Report by M. René Charron, League High Commissioner for the Settlement of Bulgarian Refugees, which covers the period November 15th, 1927 to February 15th, 1928.

It noted that the progress in the work of settlement had necessarily been somewhat slower during the winter, but that arrangements had been made to push forward the work in 1928. These arrangements concerned in particular, the transfer of land and the methodical exploitation of forests, and can only be carried through with the support of certain Bulgarian Government Departments, more especially the Ministry of Agriculture.

As regards the malaria campaigns, the Council noted that the International Health Division of the Rockefeller Foundation had decided to cooperate, and for this purpose proposed to set up a health centre in the Petrich district.

### c) *The Financial Reconstruction of Greece.*

*Stabilisation and refugee loan.* — The successful issue of a Greek loan for more than two-thirds of the total of £9,000,000 contemplated in the Protocol of September 15th, 1927, was noted by the Council on March 5th. The Financial Committee had met a few days before and had examined the first quarterly report on the budget situation transmitted by the Greek Government in accordance with the Geneva Protocol.

The loan was issued in London and New York in sterling and dollar bonds, a portion of sterling bonds being taken in Italy and Sweden, and dollar bonds being taken in Switzerland. It was issued at 91 with 6 per cent interest. For the remaining portion of 2 1/2 million sterling, the Greek Government has concluded an agreement with the United States which has been ratified by the Greek Parliament and submitted to the American Congress for ratification, for an advance of 12,167,000 gold dollars at 4 per cent, redeemable in 20 years and secured by the same securities as the public issues. This advance is to be turned over to the Refugee Settlement Commission, and is to be expended solely on settlement work.

*Settlement of refugees.* — The Council considered the seventeenth quarterly Report of the Greek Refugee Settlement Commission.

This report bears on the period ending December 31st, 1927, and describes the financial situation at that date. The Commission is engaged in drawing up a new budget with a two-years programme, utilising the funds obtained from the three million sterling to be allocated for settlement work.

The report also describes the results of a tour of inspection undertaken by the vice-chairman of the Commission, Sir John Hope Simpson, in Epirus and Macedonia. One of the objects of this journey was to ascertain the reasons for the failure of colonisation along the Bulgarian frontier in the region of the Nestos. As the agricultural and climatic conditions appeared to be satisfactory, the main cause of failure seemed to be the entire isolation of the district from social and commercial centres owing to the absence of means of communication and transport. The engineers of the Settlement Commission considered that the construction of two roads and a bridge would facilitate communication with this region, and the Council, on the advice of the Financial Committee, approved the use for this purpose of £150,000 of the loan.

The agricultural settlement is making satisfactory progress, experiments with Australian wheat having been crowned with success. The production of cereals, (wheat, barley, oats, maize, rye) has increased, the amount produced in 1926 being 478,580 tons compared with 294,120 tons in 1924.

As regards urban settlement, a programme has been drawn up which will be executed as soon as the proceeds from the new loan are available. Credits were voted during the past quarter for the construction of houses in various parts of Macedonia the population having been densified by the influx of agricultural refugees. The Council authorised the use of £100,000 for the organisation of the home carpet industry in villages and small towns and of £29,000 for village arts and crafts that had flourished formerly among the Greek population of Asia Minor, but had been entirely disorganised owing to emigration (metal and leather-craft, pottery, etc.).

The sanitary conditions of the settlements would by excellent were it not for malarial fever in the country and tuberculosis in the towns. Measures have been taken to combat the former while awaiting the drainage of the marshes. As regards tuberculosis, the Financial Committee suggested that the League Health Organisation might assist the Greek public health authorities and the Settlement Commission in dealing with this scourge.

#### *d) Meeting of the Economic Committee.*

The Economic Committee met at Geneva from March 26th to 36th with M. Serruys in the chair.

There were important debates on the question of commercial policy and decisions were adopted for the pursuance of work in this field. The Committee examined a preliminary draft convention on the treatment of foreign nationals and enterprises and noted the work of various expert committees.

The following were present :

M. Serruys (France), President; M. Trendelenburg (Germany), vice-president; M. Schuller (Austria), M. Brunet (Belgium), M. Barboza Caneiro (Brazil), Sir Sydney Chapman (British Empire), M. Lindsay (India), M. Di Nola (Italy), M. Ito (Japan), M. Jahn (Norway), M. Dolézal (Poland), M. Neculcea (Roumania), M. Stucki (Switzerland), and M. Ibl (Czechoslovakia), M. Maurette (representing the International Labour Office) and M. Rield (representing the International Chamber of Commerce).

*Commercial Policy.* — At its foregoing session the Committee had instructed certain of its members to study various questions concerning commercial policy. It had accordingly received reports on the following points : tariff systems which best lend themselves to negotiations between States (report of M. Stucki and M. Di Nola); the most-favoured-nation clause (should this clause be inserted as a matter of principle or should it be the result of negotiations giving the contracting parties tariff guarantees; scope of the most-favoured-nation clause, nature and scope of any exceptions-report of Sir Sydney Chapman and M. Dvoracek); multilateral conventions by which States would grant tariff reductions (report of M. Brunet and



M. Schuller); effect of the most-favoured-nation clause on the rights and obligations of States parties to bilateral agreements (report by M. Stucki, M. Ito, M. Dvoracek and M. Brunet); effect of the most-favoured-nation clause in bilateral treaties upon plurilateral conventions (report by M. Stucki).

From March 22nd to March 24th the rapporteurs and the Bureau of the Economic Committee, sitting as a special committee, endeavoured to coordinate these reports, whose conclusions are occasionally divergent.

In his verbal statement on the results of this meeting, M. Serruys emphasised the extreme complexity of the problem which is due both to the fundamental difference between the tariff systems of States and to the difference in their methods of treaty making. He showed how some States established tariffs capable of being modified by negotiation, whereas others lay down fixed tariffs making unconditional granting of the most favoured-nation clause the basis of their commercial policy. He pointed out that this system of fixed tariffs—established with due regard to the desiderata of the national economic system, but without taking account of the requirements of foreign trade—may in certain cases be a method conceived in a liberal spirit and disregarding no legitimate foreign interests, and in others serve a policy of rigid protectionism.

Faced with these different systems, the rapporteurs had not felt able to make a choice for the moment, but had studied whether it might not be possible to attain their object, the reduction of tariffs and removal of trade barriers, by asking States for common guarantees which, without imposing any single tariff or treaty system, would in fact result in an identical policy and concerted action.

After an exchange of views on these several problems, the Committee appointed rapporteurs to study the following questions: the drafting of the most-favoured-nation clause and the extension of its application; general exceptions to the most-favoured-nation treatment; the compatibility of the most-favoured-nation treatment with certain privileges granted to a third party; the compatibility of the most-favoured-nation clause with certain measures of penalisation.

*Treatment of foreign nationals and enterprises.* — The Committee terminated its preliminary draft convention on the treatment of foreign nationals and enterprises, and decided to forward it to Governments for their observations in view of the convocation of a diplomatic conference.

In its present form, the draft embodies all the guarantees to be afforded on a basis of reciprocity by any one State to the nationals of any other State—whether they be natural persons or legal entities—who have been allowed to establish themselves in the territory of the latter State.

These guarantees, which apply not only to the exercise of all economic activities, but also to civil and legal rights, to the acquisition, preservation and transmission of property and interests of all kinds, to charges of a fiscal character, both exceptional and normal, to which persons and their property may be subject, constitute as complete a codification on as broad a basis as possible of the law of establishment in so far as this law can and should be codified, in view of the disparity of concepts, situations and laws and of international practice under existing treaties. The Committee, endeavoured, as far as possible, to secure treatment on the same terms as nationals and equality with nationals of the country of establishment, rather than most-favoured-nation treatment which often leads to differentiation and uncertainty; it has even, in many instances, preferred, to replace those rather relative guarantees, by positive undertakings to which the various countries would make their laws and actions conform.

*Conference of Government statisticians.* — The Committee took note of the work of the Committee of Experts it which had instructed to determine the main lines of a programme for a conference of Government statisticians, the convocation of which is contemplated for November 1928. The work of this Committee having

been approved, the Council will be invited to examine whether this conference should not be a diplomatic conference.

*Simplification of customs formalities.* — The Committee took note of a report on the application of the provisions of the convention of 1923 on the simplification of customs formalities. The report shows that the convention is applied by various States in an entirely satisfactory manner, but that its application is far from being general.

*Scientific property.* — With the assistance of M. Weiss, representing the International Institute of Intellectual Cooperation, the Committee proceeded to an exchange of views on the progress of the work of the Committee of Intellectual Cooperation with a view to giving scientists a share in the profits resulting from the industrial application of their discoveries. The object of this exchange of views was to enable the representative of the Economic Committee to take position as regards the future work on this subject.

*Other questions.* — The Committee examined the results of the Conference for the abolition of export prohibitions on Hides and Bones, and noted the progress made by Committees of Experts dealing with the following questions : legislation on bills of exchange and cheques, unification of tariff nomenclature, convention on veterinary measures with regard to the foreign cattle trade, exploitation of the products of the sea and measures for the protection of certain classes of marine fauna.

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The work of the Economic Committee at its twenty-third session was discussed by the Council on March 6th.

On the proposal of the Rapporteur, M. Stresemann, the Council authorised the Secretary-General to communicate to the Members of the League for their opinion, the draft convention which has been prepared on the treatment of foreign nationals and enterprises.

It appointed M. Serruys as President of the Conference for the abolition of export prohibitions on hides and bones, and left it to the Economic Committee to fix, in agreement with the Secretary-General, the date of the Conference of Government Statisticians which will study uniform methods for the establishment of economic statistics.

The first meeting of the Consultative Committee of the League Economic Organisation was fixed for May 14th.

The Council appointed M. Lucius Eastman (American) as Member of the Economic Committee. M. Eastman is Chairman of the Merchants' Association of New York and Chairman of Stills Bros. Co., Importers. He collaborated with the Preparatory Commission for the Economic Conference.

e) *Conference for the Abolition of Export Prohibitions and restrictions on Hides and Bones.*

A Conference for the abolition of export prohibitions and restrictions on hides and bones was held from March 14th to 17th under the presidency of M. Serruys, Chairman of the League Economic Committee.

The twelve following countries were represented : Germany (M. Posse and M. Reinshagen), Austria (M. Schueller, Morth, Canisius and Werner), Belgium (M. Brunet), Denmark (M. Clan), France (M. Lecuyer), Hungary (M. de Nickl), Italy (M. Caravale), Netherlands (M. Posthuma), Poland (M. Trepka), Roumania

(Mr. Antoniadé and Mr. Neculcea), Kingdom of the Serbs-Croats-Slovenes (Mr. Fotitch), Czechoslovakia (M. Kusy-Dubrav and Mr. Novak).

Most of the delegates were accompanied by experts representing the industries concerned. This Conference, the first of those summoned by the League to deal with questions concerning raw materials and customs tariffs, drew up two protocols by which the delegates undertook to recommend the conclusion of an agreement to their Governments.

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The Conference for the Abolition of import and export prohibitions and restrictions which sat at Geneva in October and November 1927 had recommended that countries where prohibitions were in force concerning hides and bones should immediately confer with a view to ascertaining whether they could not renounce simultaneously their reservations in this connection.

The Economic Committee, to which this recommendation was referred for study, came to the conclusion that most countries, and more particularly those whose accession was most important, were prepared to abolish export prohibitions on raw hides and bones. It realised however, that if this prohibition were abolished by general agreement two kindred questions would arise, one concerning export duties already existing in certain countries or which other countries might substitute for the prohibition, the other relating to the claim of certain States that a return to liberty of commerce as regards raw materials must affect the tariff for articles manufactured with such materials.

The Committee accordingly proposed that a conference of the States concerned should be summoned as soon as possible in order, if not to conclude a final agreement, at all events to prepare a general solution.

The Conference adopted two protocols by which the delegates undertook to recommend that their Governments should conclude conventions supplementary to that for the abolition of import and export prohibitions and bearing on the following points :

(1) *Fresh or prepared hides and pelts* : abolition of export prohibitions and of export duties;

(2) *Bones* : abolition of export prohibitions, possibility to maintain or institute an export duty not exceeding 3 gold francs for 100 kilogrammes, obligation for the contracting parties to consider two years later the possibility of abolishing this export duty or reducing its minimum.

The first protocol was signed by Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Hungary, Italy, Netherlands, Poland, Roumania, Serb-Croat-Slovene Kingdom; the second by Austria, Belgium, Czechoslovakia, Denmark, France, Germany, Hungary and Italy.

The delegates will request their Government to inform the Secretary-General before May 15th, 1928, of their decisions in regard to the agreements mentioned above.

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In his closing speech, Mr. Serruys drew attention to the fact that these negotiations constituted an interesting new departure which he considered as a proof of the new order of things instituted by the Economic Conference of 1927. Not only, he said, had States met in conference for the purpose of abolishing simultaneously by legal or administrative measures the barriers to the international exchange of wares, but they had even attempted to reach an agreement in regard to the tariff rates on certain products, a subject which at present had never been dealt with in international understanding. Even if the products in question were not, nationally speaking, of great economic importance, the procedure instituted at Geneva and the results obtained marked a great step forward in the economic co-operation of members of the League.

f) *Preparation of a Statistical Conference.*

The Preparatory Committee for the Statistical Conference contemplated by the Council for the end of 1928, met at Geneva on March 20th and 21st.

The instructions received from the Economic Committee were that it should draw up a programme bearing on (1) the scope of economic statistics, that is to say, the field of economic activity which national statistics should normally embrace, and (2) methods to be adopted by Governments with a view to the comparability of industrial and commercial statistics.

The Committee submitted to the Economic Committee a programme emphasising the importance of all countries possessing comparable statistics on the economic position and movements of the world as a whole and of the various countries. It included a list of the principal categories of economic statistics the official publication of which is desirable and indicated the principles which should be adopted in compiling certain of them so as to make them as far as possible comparable. These categories concern occupations and professions, industrial and commercial establishments, industrial production, foreign trade, index numbers, etc.

The Committee is composed of four members of the Economic Committee (Sir Sydney Chapman, Economic Adviser to the British Government; Mr. Jahn, Director of the Central Statistical Office of Norway; Mr. Neculcea, Professor at Bucarest University, and Mr. Trendelenburg, Secretary of State in the German Ministry of Economics) and the following experts from international statistical organisations, and directors of national statistical offices : Mr. Pribram (International Labour Office), Mr. Olivetti (International Chamber of Commerce), M. Dore (International Agricultural Institute, Rome), Mr. Methorst (International Statistical Institute, The Hague), Mr. Flux (Board of Trade, London), Mr. Huber (French Statistical Office), Mr. Wagemann (German Statistical Office), Mr. Gini (Italian Statistical Office).

g) *Tariff Nomenclature.*

The third session of the Sub-Committee of Experts on the Unification of Tariff Nomenclature was held at Geneva from March 2nd to 13th.

At its earlier meetings this Committee had established—for five countries with a highly developed agricultural and industrial production—a draft tariff nomenclature containing the principal headings and categories of agricultural and industrial production. This draft was forwarded for examination to the members of the Economic Committee and other competent circles.

At its third session the Sub-Committee proceeded to a preliminary examination of the answers received from Austria, Belgium, Canada, Czechoslovakia, Denmark, Germany, Great Britain, Hungary, Norway, the Serb-Croat-Slovene Kingdom and Switzerland. It will decide what modifications shall be made in its draft when it has received all the replies. Meanwhile, to avoid any misunderstanding, it draws attention to the fact that the items composing the various chapters of its nomenclature are only intended to serve as an indication and are by no means final.

The experts will probably meet again in April.

### 3. — COMMUNICATIONS AND TRANSIT

a) *Twelfth Session of the Advisory Committee.*

The Committee on Communications and Transit met at Geneva from February 24th to March 7th.

After constituting its bureau and appointing as chairman Mr. Sinigalia (Italy), and as vice-chairman Mr. Hansen (Sweden) and Mr. Restrepo (Colombia), the Committee took note of the work of its various technical committees (Road Circulation, Combined Transport, Unification of Statistics, Buoyage and Lighting of Coasts, etc.).

It took steps with a view to the execution of certain resolutions of the third general conference on Communications and Transit (August 1927), the Conference of Press Experts (August 1927), and the International Passport Conference (May 1926). The resolutions concern the organisation of air traffic and freedom of transit. Those voted by the Conference of Press Experts deal with telegraphic, radio-telegraphic and telephone questions, the despatch of newspapers and professional facilities for journalists. Those of the Passport Conference concern transit cards for emigrants.

### THIRD GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT

1. *International Organisation of Air Traffic.* — The Third General Conference on Communications and Transit had drawn the attention of the Committee to the necessity of organising in the most rational way and with the collaboration of the greatest possible number of States international cooperation in the field of air traffic. The Committee accordingly appointed a special committee to study methods of economic cooperation between air traffic undertakings in the various countries and to submit suggestions with a view to the international regulation of air traffic. Its composition will be fixed by the Chairman of the Advisory and Technical Committee, who is empowered to take all the necessary steps to promote cooperation by the Governments concerned.

2. *Freedom of Transit.* — The Committee had been asked by the Conference to study measures for ensuring, as far as possible, in the event of serious occurrences of a general character affecting the means of communication, the maintenance of international transit by the preconcerted utilisation of alternative routes which might be temporarily substituted for routes by which traffic had become impossible. The Secretariat was instructed to present a report on this question.

The Committee had further been requested to study the situation created wherever freedom of communications and transit was still obstructed by circumstances of an international character so as to paralyse and impoverish economic life and affect international trade and communications.

As the Committee had been called upon by the Assembly in 1922 to consider and propose measures calculated to ensure freedom of communications and transit at all times, it considered that it was entitled to examine any situation created by obstacles to the freedom of transit brought to its attention by a Government, by the Council, or the Assembly, or by one of its members. Before proceeding to any such investigation, the Committee would notify the countries concerned.

### CONFERENCE OF PRESS EXPERTS

The Committee decided to take the following action on the resolutions of the Conference of Press Experts referred to it by the Council.

#### 1. TELEGRAPHIC, RADIO-TELEGRAPHIC AND TELEPHONE QUESTIONS

These questions will be referred to a special committee which will include press experts.

A first specific case, in connection with a through wire from Geneva to London to remove delays in transmission not only to England but to most non-European countries, had been raised by the Association of Journalists accredited to the League

and unanimously endorsed by the Council as worthy of the attention of both the Transit Organisation and the Governments concerned. As a result, word was received that agreement had been reached between the British, French and Swiss governments and the through wire was very shortly put into operation.

The Chairman and Secretary of the Transit Committee were further empowered to make a general study of press facilities for communications between Geneva and the rest of the world, in order to meet as far as possible the requirements of journalists.

## 2. DESPATCH OF NEWSPAPERS

The Committee was of opinion that the problems raised by this question fell into several categories coming under different authorities and each requiring a special procedure.

a) *Customs formalities applicable to the transport of newspapers.* — The Committee considered that a special Conference of Experts should be summoned at the end of 1928 for the purpose of submitting to European Governments definite recommendations in regard to possible improvements. It took the immediate step of asking Governments which levied special duties on the import of newspapers and periodicals, to examine the possibility of abolishing it and to inform the Committee of the results of their deliberations.

b) *Railway Questions.* — The Committee decided to seek the opinion of various European Governments with regard to the transport of newspapers and periodicals as parcels by rail, and to ask that this information should be given before December 31st, 1928, so that the League Committee on Transport by Rail might study the question at the beginning of 1929. If desirable a European Conference might be summoned — particularly in view of the results already obtained in the matter of customs formalities, to approve the measures suggested or taken by Governments and railway administrations.

The Committee requested any country or countries which reserve the transport of newspapers and periodicals as a postal monopoly, to consider as soon as possible, whether this system could not be abandoned.

c) *Air Traffic.* — The International Air Traffic Association had already been studying the question of the improvement of rates for air transport to allow of the more extensive utilisation of air transport for newspapers.

The postal questions in this connection have already been discussed by a conference, and the system established on that occasion is to be discussed at the next conference of the Universal Postal Union.

## 3. PROFESSIONAL FACILITIES FOR JOURNALISTS

The facilities claimed by journalists, falling within the competence of the Committee, were of two kinds, one concerning the reduction of railway tariffs, the other, passport visas and identity cards. The Committee of the International Unions of Railway Administration has already received requests for reductions on tariffs. With regard to visas, the Committee was of opinion that the competent press associations might undertake the necessary negotiations with the proper authorities to obtain any exemption from general rules. The question of international identity cards for journalists will be studied.

*The Passport Conference.* — A model transit card for emigrants travelling from Europe to overseas countries, to be delivered by navigation companies as a substitute for a consular visa, has been prepared by a special committee and submitted for observations to the Governments concerned.

After noting the replies, the Committee proposed that the Council should convene a European Conference to conclude an international agreement on the subject.

#### COMMUNICATIONS WITH GENEVA IN TIMES OF EMERGENCY

The Committee considered, in the first place, the question of a landing-ground for aircraft. It noted the Progress Report of the Experts, and instructed the Secretariat to enter into negotiations of a more general scope than hitherto, with the Swiss Federal Authorities, with a view to an economically and technically acceptable solution.

It then examined the question of the construction of a wireless station near the seat of the League. It decided to submit immediately to the Council for transmission to the next Assembly, its report, which deals with the question from a purely technical point of view. As certain points seemed to require further definition, a special committee was instructed to examine them and submit in due time a second report.

The Committee instructed the Secretariat to draw up a general table of measures contemplated by the Council to be applied in times of emergency as regards communications affecting the League. This table will be forwarded to all administrations concerned.

#### b) *Jurisdiction of the European Commission of the Danube.*

On the report of the Polish representative, the Council decided to communicate to the Chairman of the Advisory Committee on Communications and Transit—for transmission to the Governments concerned—the opinion of the Permanent Court of International Justice on questions relating to the jurisdiction of the European Commission of the Danube.

The Council thanked the Court for having examined a number of delicate and complex questions with such diligence as to enable the friendly negotiations agreed upon to be pursued without delay.

#### c) *Supervision of the execution of Article 107 of the Treaty of Lausanne.*

On March 5th the Council prolonged for one year the appointment of M. Stablo, as League of Nations Commissioner for the supervision of the execution of Article 107 of the Treaty of Lausanne.

### 4. — INTELLECTUAL COOPERATION

*Draft Statutes of the Educational Cinematographic Institute at Rome.* — On the proposal of the Italian representative, M. Scialoja, the Council decided on March 7th to communicate to the Committee on Intellectual Cooperation, the Child Welfare Committee and the International Labour Office, the text of the draft statutes of the Educational Cinematographic Institute framed by the Italian Government in consultation with the Secretary-General.

When these Organisations have given their opinion, the Council will conclude the necessary agreement with the Italian Government to ensure the organisation, existence and working of the Institute.

*Gift of the American Council on Education.* — The Council authorised the Committee on Intellectual Cooperation to accept the offer of the American Council on Education to contribute 5,000 dollars for an enquiry in Europe with regard to the organisations dealing with exchanges of professors and students between different countries.

*Death of Professor Lorentz.* — On March 7<sup>th</sup>, the French representative, M. Briand, paid a tribute to the memory of the late Professor Lorentz, Chairman of the Committee on Intellectual Cooperation, recalling the services he had rendered to science and to the League of Nations. On his proposal, the Council addressed its condolences to Madame Lorentz and to the Netherlands Government, whose representative expressed deep appreciation of this step.

## VII. — Administrative Questions.

### 1. — DANZIG

Three questions concerning the Free City of Danzig figured on the provisional Council agenda, namely, access to and anchorage in the port of Danzig for Polish war vessels, the utilisation of the Westerplatte, and the jurisdiction of the Danzig Courts.

As the Council had been notified that the Polish and Danzig authorities were negotiating a settlement in accordance with its recommendation of December 1927, it decided, on the proposal of its President, to withdraw the two first questions from the agenda of its March session.

On March 9<sup>th</sup> the Council noted the advisory opinion of the Permanent Court on the question of the jurisdiction of the Danzig Courts, and also an agreement recently concluded between the Free City and Poland. By this agreement the parties accept in advance the opinion of the Court and request the Council to withdraw the question from its agenda.

### 2. — THE SAAR

On March 10<sup>th</sup>, the Council appointed the Members of the Saar Governing Commission for the period April 1<sup>st</sup>, 1928, to April 1<sup>st</sup>, 1929.

On the report of the Italian representative, it appointed for one year from April 1<sup>st</sup>, 1928, M. Ehrnroth (Finnish), M. Kossmann (Saar), M. Morize (French), and M. Vezensky (Czechoslovak) with Sir Ernest Wilton (British) as Chairman.

The new member of the Commission, M. Ehrnroth, was formerly the Finnish Foreign Minister and Minister of Commerce.

The Council thanked member, M. Lambert (Belgian), who had resigned, for the services he had rendered during his period of office.

### 3. — MANDATES

#### a) *Report of the Commission.*

On March 5<sup>th</sup> the Council took note of the work of the Permanent Mandates Commission at its twelfth Session. This work included consideration of general questions concerning the administration of the mandated territories, of annual reports from mandatory Powers, and petitions.

#### I. GENERAL QUESTIONS

On the proposal of the Netherlands representative the Council asked the Powers administering the territories under A and B Mandates for information on the postal rates supplied in those territories. It requested the Powers Adminis



tering territories under B and C mandates for information on the national status of the inhabitants.

As regards postal rates, the Commission had noted that in most of the mandated territories correspondence with the territory of the Mandatory enjoyed lower rate than correspondence with the other States members of the League. Without reaching a conclusion, the Commission queried whether this practice was in conformity with the principle of economic equality laid down in the mandates. It accordingly asked the Mandatories for supplementary information on their system of postal rates, the reasons for the adoption of these rates, and the practical importance of the question from the financial point of view.

As regards the national status of the inhabitants of territories under B and C mandates, the Commission wished to know what action the mandatories had taken on the Council resolution of April 23rd, 1923, which stipulated that native inhabitants who received the protection of the Mandatory should in each case be designated by some form of descriptive title which would specify their status under the mandate.

The Council further invited the Mandatories to communicate to the Commission information on the application of general and special conventions in the mandated territories, on general statistics and on the financial position of the mandated territories.

Finally it approved certain amendments to the Commission's rules of procedure, which were of an entirely formal character and proposed only to bring the text of the rules into line with existing practice.

## 2. ANNUAL REPORTS OF THE MANDATORY POWERS

The Council instructed the Secretary-General to forward to the Governments concerned the observations of the Commission on the annual reports examined at its twelfth session and to request them to take the requisite action.

a) *Iraq*. — The Commission expressed the desire to be informed of the measures taken in pursuance of the recommendations of the Mosul Commission concerning minorities. It noted with satisfaction that the position on the Persian, Syrian and Turkish frontiers had improved, regretting nevertheless that a more normal relationship had not yet been established between Iraq and Persia.

It asked for additional information on certain oil concessions, on public health, labour conditions, economic development, education, etc.

b) *British Togoland*. — The Commission noted that there was a shortage of doctors in the territories of Togoland and the Cameroons, and hoped that the Mandatory would make every possible effort to cope with the situation. It asked for additional information on public finance, the number of labourers employed by various government departments and private enterprises, and on the liquor traffic.

c) *British Cameroons*. — The Commission asked to be informed of the steps taken to extend the administrative authority of the mandatory to districts in the central part of the territory which had not yet been brought under control. It also requested information on the steps taken for the apportionment of taxes among the different classes of the native and European populations, on labour conditions, education in the northern districts of the territory, and ex-enemy property.

d) *Ruanda Urundi*. — The Commission was distressed to learn of the famine from which the territory had suffered in 1926 and noted with interest the emergency measures taken by the Mandatory to minimise the effects of this scourge.

It asked for information with regard to the principles governing the division of expenditure on behalf of the mandated territory and the Belgian Congo, on the recruiting of workers for the Katanga mines, on education and the granting of mining concessions.

e) *Pacific Islands under Japanese Mandate.* — The Commission expressed its appreciation of the generosity displayed by the Japanese Government in making a considerable grant each year to cover the deficit incurred by the administration of the Islands and asked for additional information on the taxation of natives and non natives.

f) *Western Samoa.* — The Commission noted the information given by the accredited representative of the Mandatory on the causes of the agitation in Western Samoa in 1926. It learned with satisfaction that a Royal Commission had been instructed to conduct an enquiry on the spot, and expressed the hope that the results of this enquiry and the observations of the mandatory would be communicated as soon as possible. In this way the Commission would be in a position to form an opinion on the events.

On this occasion the Commission recalled that to supervise the observance of mandates and usefully to cooperate with Mandatory Powers, it would be desirable that it should be informed each year of political movements of any consequence in the mandated territories. It noted with regret that no previous mention had been made of the underlying causes of the agitation in question.

Replying on this point to the observations of the Commission, the accredited representative said that it was possible that the Mandatory might not consider as very important certain disputes and differences which occurred fairly frequently, and might consequently not mention them in its annual report. The Mandatory nevertheless fully recognised that information on any movement which might entail serious consequences should be promptly communicated to the Commission.

The Commission drew the attention of the Mandatory Power to certain terms used by the Administrator of the Territory who had referred to Western Samoa as "part of the British Empire" and to its inhabitants as "British subjects". It was glad to learn from the accredited representative that in spite of the use of this phrase by the Administrator, the opinion of the Mandatory on this question was in conformity with the principles of the mandate system as laid down in the Covenant and upheld by the Council and the Assembly.

The Commission asked for supplementary information on public finance, economic development, cleaning of roads and tracks, the payment of workers, and public health.

### 3. PETITIONS

The Council noted the observations of the Mandates Commission on certain petitions and instructed the Secretary-General to forward them to the Mandatory Power concerned and to the petitioners.

a) *Palestine.* — Certain Turkish nationals of Palestinian origin living in Honduras, Salvador and Mexico had claimed to be immediately registered as Palestinian citizens. The Commission was of opinion that both in law and equity this claim was not justified. It nevertheless drew the attention of the petitioners to the fact that in special cases the Palestine High Commissioner could grant a certificate of naturalisation even though the two years' residence generally required for naturalisation had not been within the last three years immediately preceding the date of the application.

b) *French Togoland.* — On the subject of the petition concerning certain natives of the Adjigo tribe, the Commission considered that no new facts had been adduced which would cause it to modify the decision taken at its eleventh session.

c) *South-West Africa*. — As regards the petition from certain members of the Rehoboth community the Commission pointed out that, as it had not yet received the report of the Mandatory and of the examining magistrate, it had not yet been able to form an opinion on the subject.

d) *Western Samoa*. — The Commission considered that it could not give its reasoned opinion on the two petitions submitted before receiving the report of the Royal Commission on the occurrences in Samoa.

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On the proposals of the Netherlands representative, the Council decided to convey to the Swedish Government and the family of Madame Wicksell, deceased, its gratitude for the services she had rendered the Mandates Commission of which she was one of the original members.

It noted with regret the resignation of M. Yamanaka, who had been a member of the Commission for two years. As his successor it appointed Mr. Sakenobe, former Plenipotentiary Minister (Japanese). To succeed Madame Wicksell, the Council decided that a woman member, national of a non-Mandatory Power, should be selected by its acting President in consultation with his colleagues.

b) *Communication to Iraq of the Convention on Freedom of Transit and of the Convention on the International Regime of Maritime Ports.*

The Iraq Government having decided to accede to the Convention on Freedom of Transit (April 20th, 1921) and the Convention on the International Regime of Maritime Ports (December 9th, 1923), the British Government requested the Council to communicate the texts of these conventions to the Iraq Government in accordance with the procedure therein laid down.

The Council, on the report of the Polish representative, considered that such action was not incompatible with the arrangements made for the Government of Iraq under Article 22 of the Covenant. It accordingly agreed to the proposal of the British Government, and decided to communicate the conventions to the Iraq Government with a view to its accession. On this occasion the Rapporteur drew attention to the fact that the texts governing the application of Article 22 of the Covenant to Iraq were different from those in force for other mandated territories, and that the decision of the Council would have no effect as regards those territories.

## VIII. — Protection of Minorities.

### 1. — PROTECTION OF MINORITIES IN UPPER SILESIA

By a petition dated January 30th, 1928, the *Deutscher Volksbund* of Polish Upper Silesia submitted to the Council, under Article 147 of the Upper Silesian Convention of May 15th, 1922, a question concerning the establishment of an elementary minority school at Biertultowy in the district of Rybnik. The *Volksbund* explained that it had already lodged with the Polish Minorities Office in Katowice an appeal to the Council under Articles 149 and 157 of the Convention, but that it had been unable to secure any information as to the forwarding of this appeal to the Council. According to Article 157 of the Convention, such an appeal should be forwarded to the Council by the Polish Government.

In a letter dated March 1st, 1928, the Polish Delegation to the League stated that if the Polish Government had not felt called upon so far to forward the appeal to the Council, this was not due to a desire to modify in any way the normal procedure laid down in the Convention for the examination of minorities petitions, but rather to the fact that that Government was of opinion that the question raised by the appeal was related to that of the interpretation of Articles 106 and 131 of the Convention, which was now the subject of proceedings before the Permanent Court of International Justice. In these circumstances, the Polish Government considered that the question raised by the petition could not usefully be examined at this moment.

On the report of the Colombian representative, M. Urrutia, the Council, on March 7th, noted this statement of the Polish Government, and decided to postpone consideration of the *Deutscher Volksbund's* petition until the Permanent Court had given judgment.

## 2. REQUEST FOR AN ADVISORY OPINION BY THE MIXED COMMISSION FOR THE EXCHANGE OF GREEK AND TURKISH POPULATIONS

By a letter dated February 13th, the Chairman of the Mixed Commission for the Exchange of Greek and Turkish populations had asked the Council to seek the advisory opinion of the Permanent Court on the interpretation of certain points of an agreement concluded at Athens on December 1st, 1926, by the Greek and Turkish Governments.

After consulting jurists, the Council instructed the Secretary-General to ask the Greek and Turkish Governments whether they would consent to its submitting to the Court the question raised by the Mixed Commission.

The Greek Government replied affirmatively, but the reply of the Turkish Government did not arrive before the close of the session. In these circumstances the Council decided not to place the question on its agenda but to leave the matter open.

## IX. — Political Questions.

### 1. — REQUESTS OF THE HUNGARIAN AND ROUMANIAN GOVERNMENTS.

The Council dealt with the question of the Hungarian Optants at four public meetings on March 8th and 9th, when it heard detailed statements by the Hungarian and Roumanian representatives.

On the proposal of its rapporteur, Sir Austen Chamberlain, it adopted a recommendation together with considerations concerning its recommendation of September 1927.

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On March 8th, Sir Austen Chamberlain gave a brief summary of the principal phases of the question.

The question was originally brought before the Council in 1923 and an effort at conciliation and settlement was made without result. In 1927 requests were received from the Roumanian and Hungarian Governments concerning the Mixed Arbitral Hungarian and Roumanian Tribunal. The Council then set up a Committee of Three. Direct negotiations took place between the parties under the auspices of this Committee which, in September 1927, submitted its report to the Council. The Council thereupon adopted a recommendation inviting the parties to conform to the principles indicated in this report and to negotiate on this basis.

To conclude, Sir Austen Chamberlain invited the representatives of the parties to state what action had been taken on this recommendation.

The Hungarian representative, Count Apponyi, recalled that his Government had felt unable to agree to the Council recommendation of September, 1927, which, in his opinion, was merely an invitation to reach, if possible, an agreement on the basis of the principles set forth in the Report of the Committee of Three. His Government had endeavoured to reach agreement with Roumania in the practical field, each of the parties maintaining their legal position untouched.

He stated that, in reply to the Hungarian proposals, the Roumanian Government had presented counter-proposals which had not seemed acceptable to the Hungarian Government because they required, as a preliminary condition, the acceptance of the principles contained in the report — that is to say, that the Hungarian Government should abandon its legal point of view — and because the sums offered by the Roumanian Government were in striking disproportion with the value of the object under dispute.

To conclude, he thought that it was in the first place necessary to draw a distinction between judicial international power, and the political power represented by the Council, and accordingly asked the Council either to appoint deputy-judges so as to enable the Mixed Arbitral Tribunal to continue to sit, or to seek the advisory opinion of the Permanent Court of International Justice on the question whether the Mixed Arbitral Tribunal had exceeded its powers or in the principles contained in the report of the Committee of Three.

The Roumanian representative, M. Titulesco, recalled that his Government had accepted the Report of the Committee of Three and the Council's unanimous resolution, which had a considerable moral force. In his opinion, by adopting this resolution, all the members of the Council had considered that the most suitable method of putting an end to the dispute was to accept the principles of the report. He then described the informal conversations which he had had with one of the counsel acting for the Optants with a view to reaching an agreement by which Hungary would have accepted the report of the Committee of Three as Roumania had done, and the Roumanian Government, acting with full sovereignty, neither granting a privilege nor creating a precedent, would have made certain concessions in regard to the reparation payments owing by Hungary.

M. Titulesco rejected the argument that the Council was only a political tribunal and consequently could not deal with legal questions. He gave the reasons why he could not agree to the question being submitted to the Court for an advisory opinion nor to the mere appointment of judges.

The rapporteur, Sir Austen Chamberlain, noted that the Council's proposal for a friendly solution had failed to produce any result because, in the first place, Hungary, who was ready to make a proposal for compromise, still found it necessary to refuse to accept the principles of the report, and because, on the other hand, Roumania, accepting in full these principles herself, demanded that they should be accepted by Hungary as a preliminary to any arrangement.

He added that he was even now unwilling to admit that there was no possibility of agreement, and asked his colleagues whether they would recommend the Hungarian and Roumanian representatives to agree that the Council should name two persons, nationals of States which were neutral in the war, to be added to the Mixed Arbitral Tribunal as established by Article 239 of the Treaty of Trianon (that is to say, including the Roumanian member), and that to this Arbitral Tribunal of five members should be submitted the claims filed under Article 250 of the Treaty by Hungarian nationals expropriated under the agrarian reform in the territory of the former Austro-Hungarian monarchy transferred to Roumania.

The French representative, M. Briand, emphasised the necessity for a solution; appealing to the goodwill of the parties, he said :

We would ask those who regard themselves as among the small nations to realise that they would be transforming their weakness into tyranny if they

made use for the League's constitution to perpetuate between nations difficulties which may become the seeds of war. It is necessary that they should associate themselves with our effort. They must help us in our effort and realise that absolute, inflexible and contradictory doctrines are not appropriate to modern States and that in any circumstances—even though they are strongly conscious of their rights, and, it may be, because they are strongly conscious of their rights — they must always direct their minds towards the possibilities of conciliation and compromise.

He adhered entirely to the solution proposed by the rapporteur :

It has the advantage of not running counter to any of the theories which have been put forward. The principle of arbitration is maintained in the form provided for in the Treaty, and yet at the same time we have found a means of making use of our rights. Whatever Count Apponyi may say, a tribunal, even an arbitral tribunal, is not a supreme absolute court which lays down for itself indefinite rules regulating its competence. It is the result of an agreement to arbitrate, as is the case with all arbitral tribunals. It cannot lay down the law without rule and without limit. Mixed Arbitral Tribunals are the result of an agreement to arbitrate in the form of a Treaty. Their first duty is not to overstep the bounds of that Treaty, and if they do so they commit a grave misdemeanour and are guilty of an abuse of power, which the Council of the League of Nations, composed as it is of States which took part in framing the Treaty and which drew up and established the agreement to arbitrate, has the right—I would even say the duty—of examining. When one of the interested parties brings a question before the Council, that duty is absolute. We have done all in our power. We have indicated the solution. We have expressed the hope that the parties would reach agreement. I venture to believe that, even after the suggestion which has been put forward, they will find means to continue their conversations and to achieve a satisfactory conclusion. Despite the blinding glare of legal theories, we have been able to discern at certain moments that questions of positive interest have arisen between the two parties. We continue to hope that, in examining these causes of divergence more closely and in trying to discover new and practical solutions, the direct compromise which is so much to be desired may perhaps be achieved.

The Italian representative, M. Scialoja, still hoped that the two parties might reach agreement by negotiation, since that was always the best solution. If, however, agreement were not possible, he thought that the Council should endorse the proposal of its rapporteur, with which he associated himself.

The German representative recalled that in September he had stated, should agreement between the parties be impossible, he would ask the Council to seek the advisory opinion of the Court. He would have made this proposal at this session if the rapporteur had not submitted his own suggestion. He fully approved this proposal, saying that the problem at issue went far beyond a mere dispute between two countries, and concerned the authority of courts of arbitration, and consequently the whole question of the abolition of war, in other words, the whole question of peace.

The Chilean, Polish, Cuban, Japanese, Chinese, Netherlands, Canadian, and Finnish representatives then adhered to Sir Austen Chamberlain's proposal, which, the President stated safeguarded both the principle of arbitration and the rights of the parties. He invited the Roumanian and Hungarian representatives to express their opinion on the suggestion.

The Roumanian representative, M. Titulesco, said that he considered the proposal as supplementary to the report of September 1927, and to the unanimous resolution of September 19th. He added that he accepted it on condition that the two supplementary judges should be bound by the three principles contained in this resolution. He once more emphasised the danger to social order in Roumania if the agrarian reform were imperilled, saying that his Government could not accept a purely judicial solution which the Council on two occasions had recognised as unsatisfactory.

The Hungarian representative, Count Apponyi, said that he could not accept M. Titulesco's argument that the hreet principles of the report should bind the supplementary judges. He fully adhered to Sir Austen Chamberlain's proposal as presented by the latter, and without the amendment submitted by M. Titulesco.

Sir Austen Chamberlain said that he could not take the responsibility of fathering the change which the Roumanian representative proposed to make in the resolution. In his opinion the Council might, as an act of courtesy to the Tribunal, send it the whole of the minutes of the discussions including the resolutions taken on the question, adding that all previous resolutions remained on record in the minutes and were not contradicted by the present resolution.

The French representative, M. Briand, was also of opinion that there was no contradiction between the resolution of September and the resolution now before the Council. He recalled that he had himself stated that the Council had a perfect right to interpret the Treaty of Trianon as it had already done in a previous resolution.

The German representative, Dr. Stresemann, also pointed out that there was no contradiction between the resolutions, adding that the September resolution had been adopted as a recommendation to the States to negotiate on the basis of the report of the Committee of Three. He approved the despatch to the Mixed Arbitral Tribunal of the Minutes of the Council debate.

Finally, the Council, at the request of M. Titulesco, decided to precede Sir Austen Chamberlain's resolution by considerations relating to the resolution of September 1927. The text finally adopted reads :

The Council :

Considering that the best method of settling the dispute was by friendly negotiation between the two parties, recommended that method to them in September 1927, and stated three principles which, in its opinion, might serve as an equitable basis for this negotiation.

Finding, however, that such friendly negotiation has not been possible between the parties, the Council, while considering its recommendations of September 19th, 1927, to be of value, and without modifying its views which are contained in the Minutes of its discussions, submit unanimously for the acceptance of the parties the following recommendation :

That the Council should name two persons, nationals of States which were neutral in the war, who should be added to the Mixed Arbitral Tribunal as established by Article 239 of the Treaty of Trianon (that is to say, that Tribunal including a Roumanian member, who would be restored to it by his Government), and that to this Arbitral Tribunal of five members there should be submitted the claims which have been filed under Article 250 of the Treaty of Trianon by Hungarian nationals who have been expropriated under the agrarian reform scheme in the territory of the former Austro-Hungarian Monarchy transferred to Roumania.

The Council requests the representatives of the Hungarian and Roumanian Governments to inform it at its next session of the replies of those Governments, and decides at once to insert the question on the agenda of that session.

Count Apponyi accepted this resolution. M. Titulesco abstained from voting, adding that, out of courtesy towards the Council, he would forward its resolution to his Government.

To give the Governments concerned sufficient time to reflect and inform it of their decision, the Council once more invited the parties to continue negotiations, and placed the question on the agenda of its next session.

## 2. — THE POLISH-LITHUANIAN QUESTION

At the opening meeting of the Council, the British representative, Sir Austen Chamberlain, suggested that the Rapporteur should submit during the Council session any official information he might have received from the Polish and Lithua-

nian Governments in connection with the conclusions reached at the December session on the Polish-Lithuanian question.

The Prime Minister of Lithuania, M. Voldemaras, was informed by telegraph of this request, but replied, stating that he would be unable to come to Geneva at such short notice and requesting that the question should not be added to the Agenda.

The Rapporteur, M. Beelaerts van Blokland (Netherlands), while noting that the Council had the undoubted right even during the session to add to its agenda any question it might desire to consider, proposed, out of courtesy to M. Voldemaras, that the matter in question should not be included in the agenda of this session. The Council agreed, and decided to consider the question in June.

The Netherlands representative communicated to the Council a statement which included the text of the correspondence exchanged since the last meeting between the League and the Governments concerned. In this statement he expressed the hope that the negotiations into which the parties were about to enter, would proceed successfully. He submitted to the Council the report of the Chinese, Colombian, and Netherlands representatives on the complaints of the Lithuanian Government with regard to the treatment of persons of Lithuanian race or language in the Vilna district. He informed the Council that this Committee would study the question with due reference to the observations of the Polish Government and that it hoped to submit a final report at the June session.

## X. — Social and Humanitarian Questions.

### 1. — PROTECTION AND WELFARE OF CHILDREN AND YOUNG PEOPLE

*Meeting of the Advisory Commission.* — The Advisory Commission for the Protection and Welfare of Children and Young people met at Geneva from March 12th to March 24th with M. Regnault (France) in the chair.

The Committee on Traffic in Women and Children sat from March 12th to the 17th, and the Child Welfare Committee from March 19th to 24th. The Advisory Commission held a plenary session to deal with certain questions of interest to both Committees.

#### a) *Traffic in Women and Children.*

After noting the progress report of the Secretariat the Committee decided to draw the attention of Governments to the fact that a large number of them had not yet acceded to the international conventions and agreements concerning the traffic in women and children, the Committee examined the annual reports of Governments and philanthropic associations and studied the various items on its agenda.

*Material and moral protection of music-hall and similar artists touring abroad.* — The Committee decided to address to Governments a questionnaire on the employment of women abroad, and to ask the Advisory Committee of Intellectual Workers to communicate the results of its enquiry regarding the conditions under which members of the theatrical profession are employed. It requested the International Labour Office to approach some of the more important artists' professional organisations and to seek their opinion on the various points mentioned in the questionnaire.

*Employment of women police.* — The Committee heard a statement on the development of women police work in Germany. The German Women Police



Force, created subsequent to an experiment made at Cologne, is mainly engaged in preventive and protective work, particularly in regard to minors and women. In criminal matters they act as investigators. Most of its members belong to a fairly high social class and their police training lasts four to five years.

The Committee decided to include this question on the agenda of its next session.

*Results and continuation of the enquiry of the Special Body of Experts on Traffic in Women.* — The Committee discussed the questions raised in the second part of the report of the Special Body of Experts. It requested the Council to ask Governments and philanthropic associations to forward to the Secretariat any documentation which might add to the information already available on the question with which the enquiry is concerned. It considered that the continuation and development of this enquiry was most desirable. Without taking a decision as regards the countries to which the enquiry should be extended, the Committee thought that public opinion in such countries would have to be educated in order to ensure success and the indispensable co-operation of the authorities and of the population. The nature and scope of the enquiry will be discussed later. Meanwhile, the Committee invited its members and the philanthropic associations to make such steps as might be possible to prepare the way for further enquiries.

*Licensed houses.* — When discussing the resolution of the Eighth Assembly on the subject of licensed houses, the Committee noted that further light had been thrown on the whole system by the enquiry of the experts. It expressed the hope that Governments which still retained this system would investigate the question as soon as possible with due reference to the report of the Experts and other information collected by the League. To facilitate its investigation, the Committee asked the Secretariat to collect the laws and regulations in force in countries where the system had been abolished.

*Penalties to be imposed on persons living on the earnings of prostitutes.* — The Committee realised that it was important that crimes and offences committed by souteneurs should be severely dealt with in order to put a stop to their operations which are one of the main causes of the traffic in women. It instructed the Secretariat to submit at its next session a concise study of the laws and penalties relating to souteneurs.

*The age limit.* — The Committee discussed the desirability of abolishing the age-limit mentioned in the Conventions of 1910 and 1921. It requested Mr. Cohen, Secretary of the Jewish Association for the Protection of Girls and Women to submit a report.

*Replies from Governments and the suppression of obscene publications.* — The Committee noted that twenty-two countries had so far ratified the Convention on Obscene Publications (1923), and that five had acceded to it. After discussing the influence of such publications on the traffic in women, the Committee examined the provision of the Convention that the Council shall consider, at the end of each period of five years, whether a conference shall be summoned to revise it. As this question may come before the Council this year, the Committee proposed to examine its technical aspects at its next session.

#### b) *Child Welfare.*

The agenda of the Child Welfare Committee included questions concerning the cinematograph in its relation to child welfare, juvenile courts, blind and illegitimate children, recreation, etc.

*Cinematograph questions.* — The Child Welfare Committee considered the draft statutes of the International Cinematographic Institute which had been referred to it by the Council. The object of this Institute is to encourage the production, distribution and exchange between various countries of educational films concerning instruction, art, industry, agriculture, commerce, health, social education, etc., by any means which the Governing Body may consider necessary. The Committee made observations on certain articles of the statute and appointed Don Pedro Sangro y Ros de Olano to represent it on the Governing Body.

The Committee noted a report by a French technical expert, M. Martin, on the problems raised in connection with the influence of the cinematograph on children and young people. It endorsed its decisions of 1926 concerning the creation of offices for control or preliminary censorship in each country, and the adoption of hygiene and security measures. A resolution was adopted drawing the attention of all States to the advisability, from the point of view of the moral and physical protection of the young, of showing films in diffused light and in daylight.

*Juvenile Courts.* — The Committee examined the report of the International Prison Commission on juvenile courts, in the presence of Professor van der Aa, Secretary-General of that organisation. It appointed three rapporteurs (Dr. Baümer, Miss Lathrop and M. Rollet), who will submit proposals after consulting the International Prison Commission regarding the form in which an enquiry into the different auxiliary services of juvenile courts could be pursued.

*Relief and repatriation of minors.* — The Committee noted replies from Governments on the draft conventions prepared by its legal sub-committee concerning the relief and repatriation of minors. The Sub-Committee recommended that States which had not yet given their opinion would reply to the questionnaire. It decided to proceed to an exchange of views at its next session on the final form of a preliminary draft convention for the repatriation of minors who have escaped from the custody of their parents or guardians, on the drafting of a preliminary convention on the relief of minors of foreign nationality, and on the final form of a preliminary draft convention on the execution of judgments relating to maintenance payable on behalf of children by persons responsible for their support and living abroad.

*Illegitimate children.* — The Committee decided to forward to Governments who had given information on this question the report prepared by the Secretariat, and to seek their opinion.

*Blind children.* — This question was discussed in the presence of Mr. L. W. Caris, Director of the American Association for the Prevention of Blindness. Mr. Caris laid before the Committee a scheme for the creation of an international organisation to deal with this subject, and expressed the hope that if the proposal materialised there would be close cooperation between the new organisation and the Child Welfare Committee.

The Committee noted documents on the subject submitted by Governments and urged delegates whose Governments had not given information to approach with a view to obtaining their replies.

*Life and health in early infancy.* — The Committee considered a report by Dr. Léon Bernard on the progress of the enquiry conducted by the Conference of Experts on Infant Hygiene on the causes of infant mortality. It also noted memoranda submitted by Mlle. Chaptal on the results obtained by anti-tuberculosis vaccination and on the boarding out of young infants with a view to removing them from an environment infected with tuberculosis.

*Gift of the American Social Hygiene Association.* — The Committee discussed what use should be made of a sum of 5,000 dollars placed at its disposal by the

American Social Hygiene Association. It came to the conclusion that these funds might be devoted to a study of the moral and social danger to which children are exposed in certain surroundings.

While recognising the progress made in this field, alue to official and private measures, the Committee considered that supplementary information should be collected to show how far the measures taken were adequate. It recommended that the preliminary enquiry should be made in sever or eight countries and should be conducted by competent persons, to be appointed by the Council. The enquiry would consist in the collection of information furnished by Governments, official bodies, voluntary oragnisations, etc.

*Alcoholism.* — The Committee dealt with the question of alcoholism in its relation to child welfare. It expressed the opinion that Governments should shortly renew their enquiries into the effects of alcoholism on the physical and mental development of children witht reference to measures taken in various countries to restrict the consumption of alcoholic beverages by young people.

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*Legal age of marriage.* — The question of the legal age of marriage and consent concerns both committees of the Advisory Commission for the protection and welfare of children and young people, and was accordingly examined in a plenary meeting. The Committee considered that it was desirable that the legal age of marriage should be high enough to provide the full safeguards as regards the health both of the married persons themselves and of the children of the marriage. It was nevertheless of the opinion that no single a ge limit could be made applicable to all countries. Considering that the fixing of the age of marriage had an important bearing on the physical and moral welfare of persons of both sexes, the Commission recommended that Governments should examine in the light of these considerations, the question of the ages of marriages fixed and their respective laws.

The session was attended by the following members :

Mr. Regnault (France), Dr. Baumer (Germany); Count Carton de Wiart (Belgium); Dr. Estrid Hein (Denmark); Mr. S. W. Harris (British Empire); Don Pedro Sangro y Ros de Olano (Spain); Marquis Paulucci di Calboli (Italy) (Vice-Chairman); Mr. Ito, Counsellor of Embassy (Japan); Mme. Romniciano (replacing Mr. Comnène) (Roumania).

*Assessors on Traffic in Women.* — Mr. F. A. R. Sempkins, International Bureau for the Suppression of Traffic in Women and Children; Mme. Avril de Sainte-Croix, Women's International Organisations; Mme. la Baronne de Montenach, *Association catholique internationale des œuvres de protection de la jeune fille*; Mme. Curchod-Secretan, *Fédération des Unions Nationales des Amies de la Jeune Fille*; Mr. S. Cohen, Jewish Association for the Protection of Girls and Women; Mr. Varlez, International Labour Office.

*Assessors on Child Welfare.* — Mr. Henri Rollet, International Child Welfare Association; Dame Ketherine Furse, International Organisation of Boy Scouts and Girl Guides; Dr. Humbert, League of Red Cross Societies; Dr. Polligkeit, International Union of the "Save the Children" Fund; Miss Eleanor Rathbone, Women's International Organisations; Mr. Jorge Valdes Mendeville, Chilian Minister at Berne, Pan American Child welfare Congress; Miss Charlotte Whitton, Social Service Council of Canada and Canadian Council on Child Welfare; Mr. Bascom Johnson.

## 2. — TRAFFIC IN OPIUM

The Council prolonged the term of office for one year of Mr. Henri Brenier (French), Mr. L. A. Lyall (British), and Colonel Arthur Woods (American), as the

assessors to the Advisory Committee on Traffic in Opium and other Dangerous Drugs.

### 3. — INTERNATIONAL RELIEF UNION

The resolutions adopted by the Preparatory Committee of the International Relief Union at its February session were noted by the Council, which instructed the Secretary-General to communicate to all States mentioned in Article 15 of the Convention founding the Union, the resolution in which the Committee expresses the opinion that owing to the spirit of international universal solidarity which should animate the Union, it is advisable that the greatest possible number of States should be included among the original signatories of the convention.

## XI. — Other Questions.

### 1. — THE LEAGUE BUILDINGS

On March 10th, the Council noted the report of the Special Committee for the new League Buildings. This Committee decided last December to invite five architects—Mr. Nénot, Mr. Flegenhaimer, Mr. Broggi, Mr. Lefèvre and Mr. Vago—to collaborate in the preparation of a revised design based upon that presented by Messrs. Nénot and Flegenhaimer. The Committee gave detailed instructions regarding the changes to be made in the original design.

*Report of the Building Committee.* — The design prepared by the architects was submitted to the Committee on March 2nd, 1928, together with an explanatory report. Considerable changes had been made, the most noteworthy being the avoidance of any interior courts. All offices in the Secretariat building would, now have direct light and air. The Secretariat had been placed on the north side of the Assembly Hall, in order to facilitate further extensions, and the new Library to be built out of the Rockefeller grant, was to be on the Route de Lausanne in a convenient position for public access.

The Committee unanimously approved the amended plan as embodying the requisite improvements and giving general satisfaction to the requirements of the League. The authors of the original plan and their collaborators differed on three points, on which they asked for the ruling of the Committee. These concern the form of the Assembly Hall, the façade, and the general directions of the work. The Committee gave decided preference to a round or oval form for the Assembly Hall instead of the square hall proposed both in the original and in the revised design.

With regard to the façade, the Committee felt that the revised design, which had many points of similarity with the original, was not in harmony with the new general conception, and that the architects should be left free to study a new façade and should not be bound by the features of the original design.

The direction of the work was to be vested in the five architects collectively, with one of their number to represent them all, both in their dealings with the League and with the contractors. The Committee proposed that this representative shall be Mr. Nénot. If he were unable to direct the work or to act as the architects' representative, his substitute, or, if the contingency arises, his successor, would be designated by a majority of the other architects, or, failing such majority, by the Secretary-General.

The architects pointed out that the fees provided for in the programme (5 % of the cost construction) were inadequate. They proposed that the 5 % should be equally divided among the five architects, that a further 1/2 % should be allowed to the architect who acted as their representative, and that the clerical and other

expenses of the works office should be charged to the building fund, up to 2 1/2 % of the cost of the construction.

After carefully weighing all the factors, the Committee approved these proposals, with the exception that the office expenses to be charged to the construction fund should not exceed 2 %. It asked the Council to ratify its approval of the revised plan and to authorise the Secretary-General to draw up and sign the contract with the architects, leaving to the Committee the final approval of the revised drawings of the Assembly Hall and façade, which should be submitted to it not later than the end of May 1928. Once approved, the execution of the plans will be entrusted to the Secretary-General and the Building Committee appointed by the Council, as stipulated in the Assembly resolution of September 25th, 1927.

Gifts for the decoration or furnishing of the new buildings are to be referred to the Building Committee which will take the necessary decisions in consultation with the architects.

*Action of the Council.* — The Council approved the broad lines of this report.

After an exchange of views between Mr. Briand, Mr. Scialoja and Mr. Adatci (Chairman of the Special Committee), it was decided that Mr. Nénot should be requested to undertake the direction of the works.

As regards the two points under reserve, the façade and the Assembly Hall, the Secretary-General said that he would not sign the contract until all elements of doubt had been removed.

The Chief of the Swiss Political Departments, Mr. Motta, who attended the Council meeting, expressed his satisfaction that the plans had been drawn up in consultation with Swiss experts and with the Cantonal and Federal authorities.

## 2. — THE LEAGUE LIBRARY

The Library Planning Committee met at Geneva from March 12th to 14th, with Mr. Scialoja in the chair, to advise as to the best method of utilising Mr. John D. Rockefeller, Jr's gift to the League of two million dollars for an international research library at Geneva.

The Secretary-General welcomed the members and emphasised that the donor had placed no restriction on his gift except that it should not be used to reduce the regular appropriations for the League Library. The principal object of the new Library would, he said, be to serve the official needs of the League and the International Labour Office, but at the same time the donor hoped it might also become an international centre for the use of students and international organisations. Already, many demands for library facilities had been made which up till now could not be met for lack of funds, notably in such specialised documentation as that required by the Economic Conference or the work in fields such as health and Mandates. It was because of the importance and diversity of the whole problem that the Secretary-General had convened the present Committee of statesmen familiar with the League and its probable development during some years and of expert librarians, directors of other comparable institutions, and had also sought as a possible aid to the Committee, the views of certain officials and outside organisations on their especial needs.

The Chairman, Mr. Scialoja, expressed his appreciation of the munificence of the donor, and thanked the Secretary-General for his invitation to co-operate in the organisation of the Library. This Library, he thought, would be quite different from others, and would serve in the first place, the work of the League itself. It would further constitute the historical archives of the League, and serve as a centre for research and students at Geneva. With this variety of interests and material, the Library could not be expected to be a composite general institution, but must of necessity concentrate on the international phases of the various subjects of the League's work.

A general discussion then took place on the fundamental purpose and organisation of the new institution.

A preliminary report was prepared for the Secretary-General and arrangements made for a second meeting in June, when further study will have been possible and when the League Librarian, Dr. Sevensma, will be able to report on his observations of recent American library experience.

The following attended the meeting :

Mr. Scialoja (President) Representative of Italy on the Council.  
Dr. Hugo Andres Krüss, Director, Preussische Staatsbibliothek, Berlin.  
Mr. de Maday, Librarian of the International Labour Office, Geneva.  
Mr. Roland Marcel, Director of the Bibliothèque Nationale, Paris.  
Sir James Rennell Rodd, G. C. B.  
Dr. Sevensma, Librarian of the League of Nations, Geneva.

Mr. William Warner Bishop, Librarian of the University of Michigan, was prevented by illness from attending this session, and Mr. Raymond B. Fosdick, former Under-Secretary General of the League of Nations, will not be able to leave the United States till the June meeting.

## XII. — Forthcoming Events.

- April 25th : Committee of Experts on Tariff Nomenclature, Geneva.  
April 25th : Permanent Committee for the Standardisation of Sera and Biological Products, Frankfurt on the Main.  
April 25th-26th : Committee on Smallpox and Vaccination, Geneva.  
April 27th : Supervisory Commission, Geneva.  
April 27th : Cancer Commission, Geneva.  
April 30th : Health Committee, Geneva.  
May 14th : Consultative Committee of the Economic Organisation, Geneva.  
May 18th : Conference on the Sero-diagnosis of syphilis, Copenhagen.  
May 28th : Exchange of Public Health Officers (Study of rural hygiene), Various countries in Europe.  
May 30th : Financial Committee, Geneva.

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