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OF THE
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OF THE COUNCIL

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MONTHLY SUMMARY OF THE LEAGUE OF NATIONS

Vol. VIII. No. 6.

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I. — Summary of the Month.

Almost the entire field of the League's activity, political questions, arbitration and security, codification of international law, economic and financial questions, communications and transit, etc., was covered by the fifteen League Commissions and other organs meeting in June.

The more important events were the fiftieth session of the Council, the third session of the Arbitration and Security Committee and meetings of the Mandates Commission and of the Committee of Experts for the Progressive Codification of International Law.

The ordinary annual session of the Permanent Court of International Justice opened on June 22nd at The Hague.

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The fiftieth session of the Council took place from June 4th to 9th, the Cuban representative, M. Aguero y Bethancourt, presiding.

In his opening speech the President drew attention to the historical interest of this session, the fiftieth held by the Council... Article 4 of the Covenant, he said, stipulated that the Council should meet "at least once a year". Since 1920 the Council had held fifty sessions, with the result that statesmen enjoying the honour of representing their countries on the Council had worked and lived together in Geneva during a long period. They had thus learned to know and appreciate one another, and this had contributed to progress in good understanding between nations.

The principal questions on the agenda were political and concerned the progress of the Polish-Lithuanian negotiations, the St. Gotthard machine-gun incident, the Hungarian optants, and a request from the Albanian Government concerning Albanian property and the Albanian minority in Greece. There was also a series of minority problems, mostly concerning educational questions in Polish Upper Silesia.

The Council dealt with the following legal and constitutional questions : the reference to the Permanent Court of a request of the Mixed Commission for the exchange of Greek and Turkish populations; the relations between the League and institutes or organisations constituted under its authority; the ratification of agreements and conventions concluded under the auspices of the League.

The Council reviewed the technical and humanitarian work of the various League commissions since last March—the work of the Consultative Economic Committee, the Financial Committee, the Health Committee, the Advisory Commission for the Protection and Welfare of Children and Young People, and the Advisory Committee on Traffic in Opium.

It referred to the Economic Committee for study and gradual execution the recommendations of the Consultative Committee on commerce, agriculture, and industry, including those concerning coal and sugar; and to the Financial Committee the question of undue fluctuations of the purchasing power of gold.

The Council approved the proposals of the Health Committee concerning the standardisation of sera, international leprosy research and the fumigation of ships.

It took the necessary steps to give effect to the resolutions of the Advisory Committee on Traffic in Opium, more particularly, as regards the supervision and repression of the illicit traffic. It decided to extend measures in favour of Russian and Armenian refugees to certain groups of Assyrian, Assyro-Chaldean and Turkish refugees.

In addition to the fourteen regular Members of the Council the following States were represented for the discussion of the questions affecting their interests : Albania, Austria, Bulgaria, Greece, Hungary, the Serb-Croat-Slovene Kingdom, Czechoslovakia and Turkey.

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The economic work of the League included meetings of a Committee of Experts for the Unification of Customs Nomenclature, of a Committee of Veterinary Experts, of the Economic Committee and of the Second Conference for the Suppression of Import and Export Prohibitions on Hides and Bones.

The Malaria Commission drew up the principles and methods of anti-malarial work which it considers should be recommended in the light of the experience gained since 1924 and with particular reference to economic and political questions in Europe.

The Committee of Experts for the Progressive Codification of International Law held a session towards the end of June, when it decided to recommend to the Council two new questions as ripe for codification.

The Mandates Commission examined the annual reports of the Mandatory Powers for Palestine, Syria and Lebanon, the French Cameroons, French Togoland, Tanganyika, South West Africa, New Guinea and Nauru, and the report of the Royal Commission on the Administration of Western Samoa. It studied a certain number of general questions concerning the administration of the Mandates, such as economic equality, the liquor traffic etc.

The Committee on Arbitration and Security met at Geneva on June 27th for its second reading of the draft treaties prepared in March and for an examination of the German proposals for strengthening the means of preventing war.

•II. — The Permanent Court of International Justice.

1. — CASE CONCERNING CERTAIN BRAZILIAN FEDERAL LOANS ISSUED IN FRANCE (1)

The French Government has appointed as its Agent with the Court for the purposes of this case M. Basdevant, Assistant Legal Adviser to the Ministry for Foreign Affairs. The Brazilian Government has appointed as its Agent Professor Eduardo Espinola.

By an Order dated May 1st, 1928, the President of the Court, taking into account the terms of the Special Agreement for Arbitration of August 27th, 1927, fixed the times within which the parties are to file their respective Cases and Counter-Cases as follows :

- (a) For the Case, by the French Government, June 30th, 1928;
For the Case, by the Brazilian Government, July 31st, 1928;
- (b) For the Counter-Case by the French Government, October 1st, 1928;
For the Counter-Case by the Brazilian Government, October 31st, 1928.

(1) See *Monthly Summary*, Vol. VIII, No. 4, p. 117

It is understood that the parties will hold themselves at the disposal of the Court one month after the filing of their respective Counter-Cases, i. e. as from December 1st, 1928.

2. — CASE CONCERNING CERTAIN SERBIAN LOANS ISSUED IN FRANCE ⁽¹⁾

The French Government has appointed as its Agent with the Court in this Case M. Basdevant, already appointed Agent in the case concerning the Brazilian Loans. The Government of the Serb-Croat-Slovene Kingdom has appointed M. Spassioevitch, Professor at the University of Belgrade, to represent it before the Court.

By an order of May 26th the President of the Court, taking into account the terms of the Special Agreement for Arbitration of April 19th, 1928, fixed the times within which the parties are to file their respective Cases and Counter-Cases as follows :

For the Cases, by both parties, July 25th, 1928.

For the Counter-Cases, by both parties, September 25th, 1928.

The President, at the same time, reserved the right of the Court to call upon the parties to submit replies within a time subsequently to be fixed.

3. — NEW CASE : INTERPRETATION OF THE GRECO-TURKISH AGREEMENT OF DECEMBER 1ST, 1926 ; FINAL PROTOCOL (ARTICLE IV)

On June 9th, 1928, a Request for an Advisory Opinion was filed with the Court in pursuance of a Resolution taken on June 5th, 1928, by the Council of the League, at the demand of the Mixed Commission for the Exchange of Greek and Turkish Populations and with the consent of the Greek and Turkish Governments. The Court is asked to give an Advisory Opinion on the interpretation of Article IV of the Final Protocol annexed to the Greco-Turkish Agreement concluded at Athens on December 1st, 1926, in so far as that article concerns the conditions for appeals to the arbitrator provided for therein. The Article in question is as follows :

Les questions de principe présentant quelque importance et qui pourraient surgir au sein de la Commission mixte à l'occasion des attributions nouvelles que lui confère l'Accord signé ce jour et qu'elle n'avait pas à la conclusion de ce dernier sur la base des actes antérieurs fixant sa compétence, seront soumises à l'arbitrage du président du Tribunal arbitral gréco-turc, siégeant à Constantinople. Les sentences de l'arbitre seront obligatoires.

The Greek Government has appointed as its Agent with the Court for the purpose of this affair M. Démètre Drossos, Director of the Ministry of Foreign Affairs of Athens. The Turkish Government has reserved its right to appoint an agent at a later stage.

By an Order dated June 12th, the President of the Court, having regard to Article 73 of the Rules of Court, fixed July 10th, 1928, as the date by which written statements, if any, on the question submitted to the Court, shall be filed by the Governments of Greece and Turkey.

4. — OPENING OF THE 14TH ORDINARY SESSION OF THE COURT :
HEARINGS IN THE CHORZOW CASE ⁽²⁾

The first public sitting of the session was held on June 21st. There were present on the Bench, in addition to the judges mentioned in the preceding number

(1) See *Monthly Summary*, Vol. VIII, No. 5, p. 138.

(2) See *Monthly Summary*, Vol. VII, No. 2, p. 37.

of the Bulletin, M. Rabel and M. Ehrlich, Judges *ad hoc* appointed by Germany and Poland, respectively, for the purposes of the Chorzow case.

According to a statement made on this occasion the following cases were actually pending before the Court :

(a) Case between Belgium and China concerning the denunciation of the sino-Belgian Treaty of November 2nd, 1865;

(b) Chorzow case. Claim for indemnities;

(c) Case between France and Switzerland concerning the status of the Free Zones of Savoy and of the *Pays de Gex* ⁽¹⁾;

(d) Case between Brazil and France concerning certain Brazilian Federal Loans issued in France;

(e) Case between France and the Serb-Croat-Slovene Kingdom concerning the payment of certain Serbian loans;

(f) Case for Advisory Opinion concerning the interpretation of the Greco-Turkish Agreement of December 1st, 1926 ⁽²⁾.

Only the Chorzow case had so far been inscribed on the list for the present session.

After this statement the hearings in the Chorzow case immediately began, Dr. Erich Kaufmann, representing Germany, expounding the German point of view in public hearings on June 21st and 22nd, and M. Sobolewski, speaking for the Polish Government, explaining its point of view at a public hearing held on June 25th. M. Kaufmann and M. Sobolewski delivered a Reply and a Rejoinder on June 27th and June 29th respectively.

The Court withdrew to consider its further action in the matter.

5. — JURISDICTION OF THE COURT

The names of the Egyptian and French Governments as well as of the Free City of Danzig should be added to the list of those having taken action in the matter referred to in the Registrar's circular letter of March 24th, 1927.

6. — EXTERNAL STATUS OF THE MEMBERS OF THE COURT ⁽³⁾

The Council of the League, on June 5th, 1928, noted an agreement reached on May 22nd of the same year between the President of the Permanent Court of International Justice and the Minister for Foreign Affairs of the Netherlands concerning the interpretation of Article 19 of the Court's Statute and, in so far as the situation of the staff of the Court at the Hague was concerned, of Article 7 of the Covenant.

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

1. — MEETING OF THE COMMITTEE ON ARBITRATION AND SECURITY ⁽⁴⁾

The Arbitration and Security Committee met on June 27th with Dr. Benes, Foreign Minister of Czechoslovakia in the Chair.

At its second session, in February and March, the Committee prepared certain draft standard conventions and treaties.

(1) See *Monthly Summary*, Vol. VIII, No. 3, p. 66.

(2) See *Monthly Summary*, Vol. VIII, No. 5, p. 140.

(3) See *Monthly Summary*, Vol. VIII, No. 3, p. 60.

(4) See *Monthly Summary*, Vol. VIII, p. 67.

The third session was devoted to : (1) the second reading of the draft treaties prepared in March and a study of draft bi-lateral treaties; (2) the study of the German proposals for the strengthening of means of preventing war. One of the Members of the Committee, M. Rolin-Jacquemyns has prepared a report on the subject.

The Committee also noted the report of the Joint Committee examining the scheme for the financial assistance of States victims of aggression.

All the States represented on the Preparatory Commission for the Disarmament Conference, with the exception of the United States, have up to now taken part in the work of the Arbitration and Security Committee.

The Turkish Government took part in the work of the Preparatory Commission last March for the first time, and on that occasion intimated that it also wished to take part in the future meetings of the Arbitration and Security Committee.

The U. S. S. R. is represented by an observer ⁽¹⁾.

2. — JOINT COMMITTEE DEALING WITH ECONOMIC QUESTIONS CONNECTED WITH DISARMAMENT

The Council has appointed M. Suvich, Under Secretary of State in the Italian Finance Ministry, to replace M. Bianchini on the Joint Committee dealing with economic questions connected with Disarmament.

IV. — The St-Gotthard Incident.

Request of the Roumanian, Serb-Croat-Slovene and Czechoslovak Governments.

Measures to be taken in the Interval between the Sessions of the Council.

The Committee of Three (The Netherlands, Chilean and Finnish representatives) studying the St. Gotthard incident submitted to the Council on June 7th two reports, one on the incident itself the other on measures to be taken in the intervals between the Council sessions.

The representatives of Hungary, the Serb-Croat-Slovene Kingdom, and Czechoslovakia had been invited to take part in this meeting so as to be able to give the Council any information that might be required.

Reports of the Committee of Three. — In its first report, that on the St. Gotthard incident, the Committee refers to the resolution adopted by the Council in March, explains the arrangements made for studying the incident (appointment of two groups of experts, etc.), analyses the principal points of the reports of the experts and gives an account of its meeting at the Hague at the beginning of May. The report concludes with the following observations :

The Committee feels bound to express its deep regret at finding itself confronted with an attempt to effect the clandestine transport of war material. Although the consignment in question may not have been of great military importance, the Committee cannot omit to point out the grave dangers to good understanding and mutual confidence between nations which is involved by any clandestine traffic in arms. This incident affords striking evidence of the immense importance for the establishment of mutual confidence between States, and consequently for the consolidation of peace, of an early ratification of the Convention on the Control of Trade in Arms concluded under the auspices of the League of Nations.

(1) A full account of the proceedings will be published next month

As regards the Hungarian Government in particular, the unlawful presence of war material in its territories would appear to acquire special importance from the fact that, in regard to the trade in arms, the Hungarian Government is under obligations arising from the Treaty of Trianon. It may be pointed out that the request for the insertion of this matter in the agenda of the Council was actually made with reference to the Rules in force for the Exercise of the Right of Investigation by the League of Nations, as provided in Article 143 of that Treaty.

The Hungarian Government has considered the incident in question exclusively from the standpoint of railway and Customs regulations. The Hungarian authorities complied with the provisions of those regulations. The Hungarian Government does not appear ever to have thought it necessary to consider the question of the final destination of war material. It believed that it was sufficiently complying with its obligations under the Treaty of Trianon by ordering the material in question to be rendered unserviceable as war material—which was done. The final destination of the material is not apparent from the information which the Committee has been able to obtain, acting within the limits of its powers. On the other hand, that information furnishes no evidence that the material was intended to remain in Hungarian territory.

The second report on measures to preserve the *status quo* concludes with the resolution the text of which is given at the end of this Chapter.

Statements of the Representatives of the Serb-Croat-Slovene Kingdom and Czechoslovakia and of the Members of the Council. — The Czechoslovak representative, M. Veverka, noted with regret that the Committee had been unable to shed full light on certain points which seemed to him to be of the first importance, in particular on the destination of the war material discovered at the St. Gotthard Station. M. Veverka regretted, further, the limited scope of the enquiry whose conclusions were based solely on information given by the authorities or nationals of the party concerned.

He concluded :

It is obvious that any first step in a new field taken by the League of Nations serves as an important example for the future work of the League in the same field..... if, therefore, the League of Nations were condemned to remain inactive in so important a field (the supervision of the obligations contained in Part V of the Peace Treaties)..... the confidence of States in it and their feeling of security would certainly not be increased.

The representative of the Kingdom of the Serbs, Croats and Slovenes, M. Fotitch, also expressed his regret that in spite of the efforts of the Committee to clear up the affair, the report threw no light on several very important points and its conclusions did not remove the interest which the Governments felt in regard to Hungary's execution of her disarmament obligations. He enumerated several circumstances which, in his opinion, gave rise to as serious a presumption, that the war material seized at the St. Gotthard Station was not intended to leave Hungarian territory.

We particularly regret... he said, that the Committee of Three has not even succeeded in establishing the authenticity of a fact and of determining the genuine consignee. The importance of this matter goes beyond the limits of the specific case, and gives rise to serious doubts as to the possible efficacy of the action of the League of Nations should the day ever come when the question of disarmament has emerged from the stage of preliminary negotiations, in other words, the day on which the nations renounce a portion of the security which they at present find in their own forces in the hope that they will find an equivalent protection within the League of Nations.....

The Roumanian representative, M. Antoniadé, associated himself with the statement of his Czechoslovak and Serb-Croat-Slovene colleagues. He drew attention to certain points which seemed to him to merit attention.

It think, he said, it is necessary without any delay to consider measures to prevent the renewal of such incidents, or, in the event of their occurrence, to enable a rapid and efficient procedure to be adopted, with a view to the observation and repression of the infringement of the treaty. It is for this purpose that the Council has been presented with the second report, which deals with the measures to be taken in the intervals between its meetings. I think that the proposals of the Rapporteur are calculated to ensure a step in advance in this matter.

The Hungarian representative, General Tanczos, said that the reply to the observations of the representatives of the Petite Entente was contained in the report and in its annexes and that for the moment he had nothing to add.

The French representative, M. Paul-Boncour, said that he took his stand on the ground of the League of Nations and of the international security that it must ensure. He observed that from the insufficient results of the enquiry it should not be inferred that the League was powerless to investigate such matters, for no investigation had taken place. The Committee had been merely instructed to throw light on documents submitted to the Council through its personal investigations and such information as it was able to collect.

M. Paul-Boncour then explained the reasons why the war material seized at St. Gotthard was of considerable military value.

He concluded that the procedure adopted by the Council was not a procedure likely to afford the necessary guarantee and he drew attention to that laid down in the regulations of 1926 relating to the exercise by the Council of its right of investigation, a right which might be completed by measures to preserve the *status quo*.

Control, he said, that is to say, the possibility of the League verifying on the spot these conditions of international security with which it has charged itself, seems to me an essential element of this security. I should not speak with this deep conviction..... if it were a question of measures which would for all time apply to certain States and if a general reduction of armaments were not to follow the measures that have been laid down for these States by the Treaties. I should not speak with this conviction if I did not think that such measures must help in the creation of the atmosphere of security necessary to this general reduction of armaments.....

The Chairman of the Committee of Three, M. Beelaerts van Blokland, recalled that the Committee had only been instructed to compile as complete a dossier as possible so as to enable the Council to form an opinion on the question.

We are, he added, I venture to say, all agreed that it is highly regrettable that this St. Gotthard affair has not been cleared up. We are confronted by an enigma, by an incident which has certainly greatly interested public opinion, not only in Hungary and in the neighbouring States, but in all Europe. As we have said in our report, this clandestine traffic in arms constitutes a great danger to good understanding between nations, and to mutual confidence.....

The British representative, Sir Austen Chamberlain, also noted :

The result of the procedure which the Council adopted in this case is not satisfactory to any one of us.....

..... It is clear that, if another incident arose, we should have to seek means more efficacious than those which we chose on this occasion..... But it would be I venture to say, a great mistake to suppose that, because the particular procedure which we adopted in this case failed, the Council has therefore exhausted its resources. I hope that no further incidents of this kind will occur; but should such an incident occur again, I would say in the words of a great statesman of my country : "The resources of civilisation are not yet exhausted".

The German representative, Dr. von Schubert, also expressed his regret that the Committee of Three and the technical experts, in spite of the care that they had given

to the work and of all the efforts that they had made, had not succeeded in completely clearing up the situation. "Full light upon these incidents would certainly have been advantageous to all concerned. For this reason there can be no doubt that all concerned have wished for this matter to be cleared up.....". He declared that the partial insuccess of the investigation proceedings in a particular case did not give ground for doubting the value and effectiveness of this procedure. He considered that the interest shown by public opinion in various quarters in connection that the St. Gotthard incident had been excessive and would disappear of its own accord if full account were taken of what the Council had done in the present case and of what it might do in similar cases.

To conclude, he stated that, in his opinion, there was not to be found in the St. Gotthard incident any element that might be considered as an obstacle to the beginning of general disarmament.

Resolutions of the Council. — On the proposal of the President, the Council adopted the following resolution :

The Council :

1. Takes note of the Report submitted by the Committee of Three and warmly thanks the Members of that Committee for discharging the task entrusted to them;

2. Regrets that the Hungarian Government has considered the incident which occurred on January 1st, 1928, at the Szent Gotthard railway-station exclusively from the standpoint of railway and Customs regulations, without having thought it necessary to concern itself with the question of the final destination of this war material, although its presence, under a false declaration, on Hungarian territory acquired special importance from the fact that, in regard to the trade in arms, Hungary is under obligations arising from the Treaty of Trianon;

3. Notes with regret that, in the present circumstances, it has been impossible to determine this final destination. It is, however, convinced that the discussions have sufficiently shown the Council's view of the gravity of this incident and the importance it attaches to such incidents not recurring;

4. Draws attention to the fact that every Member or the Council has the right to request an extraordinary meeting of the Council, and that the latter has authority to order immediate investigation in virtue of the rules in force for the exercise of the right of investigation, which rules the Council maintains intact;

5. Takes this opportunity of emphasising the importance, for the establishment of mutual confidence between States and consequently for the consolidation of peace, of an early ratification of the Convention on the Control of Trade in Arms concluded under the auspices of the League of Nations.

Measures to preserve the Status Quo. — On the report of the Committee of Three the Council adopted a resolution concerning measures to preserve the *status quo* to be taken in similar cases and also in cases where differences had been placed on its agenda in accordance with paragraph 2 of Article II or other articles of the Covenant such as Articles 13 or 15 (measures for giving effect to arbitral awards, disputes likely to lead to a rupture).

The resolution adopted by the Council provides that the Secretary-General, when a case of this kind is submitted, shall communicate immediately with the interested parties, drawing their attention to the following text of the resolution :

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

The Secretary-General shall request the States concerned, in the name of the Council, to forward their replies to him without delay, and to inform him of the steps which have been taken.

V. — Legal and Constitutional Questions.

1. — CODIFICATION OF INTERNATIONAL LAW

The fourth session of the Committee of Experts for the Progressive Codification of International Law took place at Geneva from June 22nd to June 28th, with M. Hammarskjöld (Sweden) in the chair.

The Committee examined a proposal of the Paraguayan Delegation to the 1927 Assembly for the preparation of a general and comprehensive plan for the codification of international law. This proposal, referred by the Council to the Committee, recommends the principle of universality as the necessary foundation for future international legislation.

In the light of the experience gained and considering that the work of codification should proceed progressively, the Committee decided to uphold the method which it had already adopted and applied.

After examining the replies received from Governments since its last session, the Committee decided to recommend to the Council the following subjects as sufficiently ripe for codification: 1) the legal status and duties of consuls; and 2) the criminal jurisdiction of States in regard to acts committed outside their territories.

As regards the revision of the classification of diplomatic agents and the communication of judicial and extra-judicial acts (letters of request in penal matters), the Committee was of opinion that they could not be recommended as sufficiently ripe for regulation by international conventions.

The Committee noted reports submitted by M. de Visscher (Belgium) on the question of the application in common law of the notion of limitation and the legal status of private international non-profit-making associations, and decided not to recommend them for codification at present.

The Committee referred to Governments its report on conflicts of laws relating to domicile in the form of a questionnaire, in accordance with its usual procedure, asking them to communicate their observations by April 1st, 1929, at the latest.

The Committee decided to undertake no new studies until other circumstances had arisen or until it had received fresh instructions from the Council.

The Committee also dealt with recommendations concerning extradition referred to it by the Mixed Committee for the suppression of the offence of counterfeiting currency.

In its report, the Committee recalls that it carefully studied this question at its second session and that its enquiry led to the conclusion that it did not seem possible at present to contemplate a general regulation of the question of extradition. It is, nevertheless, of opinion that there are very serious reasons in favour of the international regulation of the question of extradition in connection with the offence of counterfeiting currency.

The session was attended by :

M. Hammarskjöld (Swedish), Chairman; M. Diena (Italian), Vice-Chairman; Mr. Wickersham (United States of America); M. Matsuda (Japanese); M. de Visscher (Belgium); M. Schucking (German); M. Rundstein (Polish); M. Mastny (Czechoslovak); M. Suarez (Argentine); M. Guerrero (Salvador); Sir Mohamed Rafique (Indian); M. Kusters (Netherlands) replacing M. Loder, and M. Magalhaes (Portuguese).

2. — INTERNATIONAL ENGAGEMENTS

a) *Ratification of Agreements and Conventions concluded under the auspices of the League.*

On June 7th the Italian representative submitted to the Council the report, which it had asked him to prepare in March, on the question of the ratification of agreements and conventions concluded under the auspices of the League.

• M. Scialoja noted that there had been a marked improvement as regards the number of ratifications since the adoption of the Assembly resolution of 1926 concerning the publication by the Secretary-General of a periodical report on the position as regards the ratification of agreements and conventions.

He, nevertheless, considered that something more could be done. On his proposal the Council decided to invite the League Committees to examine from time to time the position in regard to the ratification of the conventions in which they were interested. After considering the reports of its committees the Council, if it thought it desirable, might decide to draw the attention of States to the expediency of ratifying these conventions or some particular convention.

b) *Registration.*

Among the treaties and international engagements registered with the League in June figure :

A Treaty of Conciliation, Judicial Settlement and Arbitration (Copenhagen, March 14th, 1928) concluded by Denmark and Spain, presented by Denmark.

A Treaty concluded by the United States and the Netherlands (Washington, December 18th, 1913) with a view to submitting to a permanent international commission disputes which may arise between the two States, presented by the Netherlands.

A Treaty of Commerce and Navigation (Tokio, July 28th, 1927) between Germany and Japan, presented by Japan.

The Protocol relating to the Bulgarian stabilisation loan with annexes (Geneva, March 10th, 1928).

Conventions on Extradition and Legal Assistance in Criminal Matters between Austria and Estonia and Belgium and Finland.

A Convention (Rome, November 25th, 1925) between Hungary and Italy for the avoidance of double taxation and the settlement of certain other questions relating to direct taxation, presented by Italy.

A Convention (March 20th, 1883) founding the Paris Union for the Protection of Industrial Property, revised at Brussels on December 14th, 1900, at Washington on June 2nd, 1911 and at The Hague on November 6th 1925, presented by the Netherlands.

The Madrid Arrangements of April 14th, 1891 concerning the Suppression of False Indications of Origin of Wares and the international registration of manufacture and trade marks revised at The Hague on November 6th, 1925, presented by the Netherlands.

An Arrangement concerning the international deposit of industrial designs or models (The Hague, November 6th, 1925) presented by the Netherlands.

Exchanges of Notes concerning the abolition of the Passport Visa between Finland and the Netherlands and Germany and Latvia.

Provisions concerning Air Letter and Parcel Post adopted at the Hague Conference of September 10th, 1927, presented by Finland.

VI. — The Technical Organisations.

1. — THE HEALTH ORGANISATION

a) *Report of the Health Committee on its twelfth Session.*

The report of the Health Committee on its twelfth session was considered by the Council on June 4th. On the proposal of the Japanese representative, the

Council decided to communicate to Governments and competent authorities the report and conclusions of the Permanent Standards Commission held at Frankfurt from April 25th to 28th. At this meeting an understanding was reached first on a whole group of important sera such as anti-diphtheritic, anti-tetanic and anti-dysenteric sera and secondly on the method for testing a series of biological products such as arseno-benzenes.

The Council offered to place the services of the Health Organisation at the disposal of the Governments of certain countries of tropical and central Africa for the conclusion of an arrangement regarding joint preventive measures to check the spread of yellow fever in the Congo Estuary. It also placed the services of the Health Organisation at the disposal of the Greek Government to assist it in carrying out a practical programme and an efficient campaign against tuberculosis.

The Council approved the proposals of the Health Committee regarding plans for international leprosy research work and an enquiry into the methods of ship fumigation as an indispensable means of preventing plague.

It noted with satisfaction that an Epidemics Commissioner had been placed at the disposal of the Bulgarian Health Administration to coordinate public health measures rendered necessary by the recent earthquake. The Commissioner has obtained the assistance of the Bulgarian, Polish, Roumanian and Serb-Croat-Slovene Health Services, which have sent either experts or material. Medical assistance has been organised for the population of the affected areas and it is hoped that all risk of an outbreak of epidemics may be eliminated.

The Council accepted the offer of the Rockefeller Foundation to increase from 50,000 dollars to 60,335 dollars its grant for the Epidemiological Intelligence Services and Public Health Statistics in 1928, to be devoted to the systematic collection of documents and archives. It thanked the Foundation for this further proof of its interest in the work of the Health Organisation.

b) *Fourteenth Session of the League Malaria Commission.*

Objects of the Session. — The Malaria Commission of the League Health Committee met at Geneva from June 25th to 29th. The session was attended not only by all the members, corresponding members and experts of the commission, but by seven representatives of the United States Public Health Service and the Rockefeller Foundation, to discuss the most effective methods of combating malaria, particularly in the economic and political conditions of Europe. This discussion was based on the data contained in the second general report of the Commission, and this report is itself the fruit of scientific research, practical work and study tours undertaken by the Commission and its members since 1924, including observation on the spot of malaria in the Soviet Union, Balkan countries, Italy, the Mediterranean Basin and Holland. Two members of the Commission also paid a visit to the United States and studied the way malaria is being dealt with in some of the Southern States and in the Mississippi Basin.

Membership and Procedure of the Commission. — The members attending this session were : Dr. A. Lutrario (Chairman), former Director-General of Public Health, Rome; Dr. Markoff, Inspector of Malaria, Public Health Service, Sofia; Prof. Brumpt, Professor of Parasitology, Faculty of Medicine, University of Paris; Prof. Marchoux, Pasteur Institute, Paris; Prof. Nocht, Director of the Institute for Tropical Medicine, Hamburg; Prof. Schilling, Robert Koch Institute, Berlin; Dr. Balfour, Director of the London School of Hygiene and Tropical Medicine; Mr. Evans, Deputy Director, Public Works Department, Nigeria; Col. James, Chief of the Epidemiological Intelligence Service, Ministry of Health, London; Dr. Stanton, Colonial Office, London; Dr. Weyman, Director of the Wellcome Bureau of Scientific Research, London; Dr. Moutoussis, Director of the Government Laboratory, Athens; Prof. Ascoli, Director of the Superior School of Malariology, Rome;

D.^r Labranca, Public Health Service, Rome; Prof. Missitoli, Director of the Experimental Station for anti-malaria Work, Rome; Prof. Ottolenghi, Director of the Institute of Public Health, University of Bologna; Prof. Schuffner, Director of the Section of Tropical Hygiene, Royal Colonial Institute, Amsterdam; Prof. Swellengrebel, Institute of Tropical Medicine, Amsterdam, Dr. Kligler, Department of Hygiene, Hebrew University, Jerusalem; Dr. Anigstein, State Health Institute; Prof. Ciuca, Faculty of Medicine, University of Jassy; Prof. de Buen, Secretary of the Malaria Commission, Madrid; Prof. Pittaluga, Professor of Parasitology, University of Madrid; Prof. Marzinowsky, Director of the Institute for Tropical Medicine, Moscow; Dr. Maxcy, Public Health Service of the United States of America, Washington; Dr. Bailey, Rockefeller Foundation, Paris; Dr. Boyd, Rockefeller Foundation, Edenton, N. Carolina; Dr. Collins, Rockefeller Foundation, Sofia; Dr. Ferrell, Rockefeller Foundation, New York; Dr. Hackett, Rockefeller Foundation Experimental Station for anti-malaria work, Rome; Dr. Strode, Rockefeller Foundation, Paris; Dr. Taylor, Rockefeller Foundation, Paris; Dr. Sfaric, Director of the Malaria Institute, Trogir.

After a short general discussion the Commission broke up into three sub-committees of which the first considered the methods of combating malaria recommended in the Commission's second general report; the second studied certain aspects of the epidemiology of malaria; the third the use against malaria of quinine, other alkaloids of quinquina, and other medicines such as plasmochine. The reports of these sub-committees were submitted to the full Commission, which, after some discussion, adopted a number of resolutions and recommendations.

Recommendations of the Commission. — The resolutions and recommendations with the report accompanying them are intended for the use of health services, particularly in Europe, faced with the problem of combating malaria, and present in a condensed form the views of the world's leading malariologists on the cheapest and most effective methods that can be applied, given the political and economic conditions of the European countries concerned. The conclusions of the Commission may be briefly summarised as follows :

1. The prevention of malaria must be guided by scientific knowledge. The Commission accordingly considers that it is necessary that malaria-infested countries should possess organisations for the systematic and specialised study of malaria. The Commission considers that these organisations should be scientific in character and deal with research rather than with measures of application, with malaria solely and specifically rather than with malaria as part of the study of public health.

2. The Commission does not recommend the utilisation of all available methods of malaria prevention in the same locality at the same time. It considers it preferable to employ, according to circumstances, one or two methods which, with the means available, can be brought above the standard called minimum effective degree of perfection.

3. Subject to certain definite limitations based on the knowledge of the region, there should be considerable freedom of choice as regards the particular methods of malaria control to be adopted. The fact that measures have succeeded in one region is not a guarantee of their success in another where, perhaps, circumstances and conditions are quite different.

4. The Commission is of opinion that the first duty of Governments which have to organise anti-malaria measures is the care of malarious sick, the second consists in studying in detail the different local aspects of the problem with the object of choosing and carrying out the most efficacious, cheapest, and best adapted method or methods in its solution.

5. The improvement of the conditions of the inhabitants which result from the development of drainage schemes is one of the determining factors in the regression of malaria. The work done is only efficacious in so far as it produces

intensives cultivation of the ground. It is certain, moreover, that the use of anti-larval measures, whilst more extensive works are being carried out, is of great value inasmuch as it reduces the anopheline density and serves to bridge the dangerous period which accompanies and follows such undertakings.

Programme of further Studies. — The Commission agreed upon a programme of further study bearing on :

a. Dwellings and malaria, taking account of conditions in tropical, sub-tropical and southern countries.

b. The study of the malaria-carrying mosquito in the different countries. This study will be made from the point of view of the conveyance and prevention of malaria.

c. The practical importance of the intensive use of quinine in preventing malaria.

2. — ECONOMIC AND FINANCIAL ORGANISATION

At its fiftieth session, the Council considered the work of the Consultative Economic Committee, the Economic Committee and the Financial Committee. The resolutions based by the Council on these subjects are analysed below, as is also the work of the Committee of Experts for the unification of customs nomenclature and of the Sub-Committee of veterinary experts.

An account of the work of the June session of the Economic Committee and of the second Conference for the Abolition of Export Prohibitions on Hides and Bones will be published in the next number.

Work of the Economic Committee (1).

The report of the Economic Committee was considered by the Council on June 7th.

The Council approved the enquiries undertaken on the subject of the equitable treatment of foreign nationals and enterprises, the unification of customs nomenclature, the preparation of a diplomatic conference on statistics, the unification of legislation in regard to bills of exchange, cheques, etc.

It expressed its satisfaction at the results obtained by the Conference which met in March and drew up protocols on the export of hides and bones.

Report of the Consultative Economic Committee.

The report of the Consultative Economic Committee on its first session was discussed by the Council on June 9th. On the proposal of the German representative, it referred to the Economic Committee for gradual study and action the Consultative Committee's recommendations on commerce, agriculture and industry, including those relating to the examination of the coal and sugar questions.

The Council reserved for later decision the recommendations concerning the establishment of close relations between the various organisations dealing with agricultural questions. It instructed the Economic and Financial Committees to undertake a study of some of the more important principles and tendencies in financial and economic policy and practice which may affect conditions favourable to peace.

The Italian representative, M. Scialoja, drew the attention of the Council to a problem which, in his opinion, was indirectly raised by the report, namely the

(1) Rapporteur : the German Representative.

scope and methods of the League's work in the economic field. His Government considered that work as highly beneficial and, indeed, strictly necessary. It nevertheless thought that, to obtain positive results and avoid dispersal of effort, the League's work must be limited to establishing and formulating general principles of economic policy and considered that it should refrain from dealing with questions arising out of special contingencies or temporary circumstances affecting certain countries and certain branches of production.

As regards the recommendations on coal and sugar, the Italian representative was of opinion that the League's action should be confined to studying the various aspects of the general problem they presented. In considering general questions he urged that the League should proceed gradually, methodically and without undue haste. He submitted, in conclusion, certain observations regarding the budget of the Economic and Financial Organisation.

After an exchange of views between the rapporteur and the British, Italian and French representatives—the general opinion—expressed being that the wider questions raised by M. Scialoja demanded careful consideration before any decision could be taken—the Council adopted the report, with certain amendments based on the observations of the Italian representative.

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The Council approved the appointment of M. Tomás Ramirez, late Minister for Public Education, Professor of Political Economy and Civil Law at the Santiago University (Chile), as member of the Consultative Economic Committee, to replace M. Quezada, who had resigned.

Customs Nomenclature.

The Sub-Committee of Experts instructed by the Economic Committee to study the unification of customs nomenclature held its fourth session in Geneva from June 4th to 22nd.

The experts considered the observations submitted by the industrial and commercial circles concerned to which the Secretariat had communicated the original nomenclature prepared by the experts in the autumn of 1927.

This enquiry, which covered twenty-one countries, led the experts to modify certain points of their original draft and enabled them to establish a final framework.

Before establishing a general nomenclature, the experts decided, with a view to their next meeting, to prepare separately the various sections and chapters of the nomenclature which they have divided among themselves.

They will meet next October to coordinate the various sections which are to be established according to a joint and well defined plan. They will also examine the questions raised by the classification of wares containing various substances (combined wares) and separate parts of machines and apparatus.

Meeting of the Sub-Committee of Veterinary Experts.

The second session of the Sub-Committee of Veterinary Experts was held at Geneva from June 20th to 23rd.

The Sub-Committee adopted a report setting forth its views on the replies received from various Governments to a questionnaire addressed to them. The Sub-Committee noted that as regards veterinary police measures all Governments had not yet adopted the system recommended at its previous session with a view to the application of certain resolutions of the Economic Conference. These resolutions aim at reducing measures of veterinary control for the importation of cattle

so as to avoid possibilities of disguised economic protection, while safeguarding the legitimate interests of public health.

The Sub-Committee therefore again stated the rules which it considered indispensable for the putting into practice of the system which it had proposed. These rules provide in the first instance for the establishment by States of an organisation of a sanitary service which will enable them to certify at any moment and on their own responsibility, the origin and state of health of animals for exportation. At the same time States should, according to the Committee, have the quality of meat for sale and public consumption controlled by their veterinary officials, and exercise a similar control as regards meat preparations for export.

The Sub-Committee also studied measures which it considered advisable for the publication in various countries of sanitary veterinary bulletins. In this respect it based its conclusions on the studies undertaken by the International Office for Contagious Animal Diseases, which are still being pursued.

To complete this work, the Sub-Committee considered it indispensable to enquire into the measures at present in force in different countries as regards the import, transit and export of animals and raw material of animal origin. It considered that, for a thorough study of the question of the inspection of meat destined for export, it was indispensable to obtain the advice of specialists from large exporting countries. Finally, as regards methods of disinfection for the transport of meat, the Sub-Committee was of opinion that it would be advisable to await the result of the investigations undertaken by the International Office for Contagious Animal Diseases.

The next session of the Sub-Committee will be devoted to the further examination of these various questions (import and export of animals; trade in meat and animal products; disinfection).

The following Members took part in the work of the Sub-Committee :

M. G. Bisanti, Director of the Veterinary Services of the Ministry of the Interior at Rome, Professor de Figueiredo Parreiras-Horta, Director of the Ministry of Agriculture, Brazil, M. J. Hamr, Director of the Veterinary Section of the Ministry of Agriculture, Prague; Mr. R. Jackson, Chief Veterinary Officer at the Ministry of Agriculture and Fisheries, London; M. C. O. Jensen, Director of the State Veterinary Services, Copenhagen; Dr. Kasper, Adviser to the Ministry of Agriculture and Forests, Vienna; Professor Leclainche, Inspector General, Chief of the Health Services at the Ministry of Agriculture, Paris; M. J. Nowak, professor of veterinary medicine to the Medical Faculty at Cracow; M. C. Petrovitch, Inspector at the Ministry of Agriculture, Belgrade; Professor Vallee, Director of the National Research Laboratory at Alfort; Dr. Wehrle, Director of the Veterinary Section of the Health Ministry at Berlin.

Work of the Financial Committee (1).

The report of the Financial Committee, which met a few days before the Council, was examined by the latter on June 8th.

The Committee dealt with questions concerning the balance of the Austrian and Hungarian loans, the Danzig Municipal loan of 1925, financial assistance for States victims of aggression, the meeting of Central Banks statisticians, the Greco-Bulgarian Agreement, on the indemnification of emigrants, the purchasing power of gold, the financial position of Bulgaria and Greece and the settlement of Greek and Bulgarian refugees (2).

(1) Rapporteur : the Finnish Representative.

(2) The financial position of Greece and Bulgaria and Portugal and the settlement of refugees a redealt with in special chapters.

The Council approved the general report of the Financial Committee and expressed the hope that the Greco-Bulgarian agreement of December 9th, 1927, would be ratified without delay.

Settlement of Greek Refugees. — Financial Stabilisation.

The financial situation of Greece and the progress of the refugee settlement work were examined by the Council and the Financial Committee on the basis of reports from the Greek Government and the Refugee Settlement Commission.

The programme of the Greek Refugee Settlement Commission for 1928, given in its report for January 1st—March 31st, provides for the extension of the settlement work to the islands of the Eastern Aegean, and, in particular, Mytilene, Chios and, eventually, Samos. A special service has been formed to study a plan for settlement in Mytilene, where a population of 100,000 includes about 40,000 refugees, most of whom are in a precarious condition.

In Chios—the first stage in the exodus of Greek emigrants from Turkey—there are approximately 17,000 refugees, living in the most deplorable conditions, houses and land being the most pressing need. The Commission contemplates a credit of about £ 100,000 for this work.

The report dwells upon a series of adverse circumstances—drought, hail, a severe winter, floods and, lastly, the earthquake in Corinth—which have had a most unfortunate effect upon the settlement work. Crops have been destroyed, the live-stock has suffered and a considerable number of dwellings have been reduced to ruins. For the more urgent wants, extraordinary credits of about £ 55,000 have been set aside. A scheme of antiearthquake house construction has been prepared, but the rebuilding of houses in Corinth has been postponed pending the publication of the conclusions of the technical services of the Ministry of Public Works on the reconstruction of the destroyed areas.

As regards the refugee settlement budget a somewhat serious position has arisen owing to the fact that the agreement for an American loan of £ 2,500,000 cannot be ratified before the United States Congress meets again in December. The funds at the disposal of the Settlement Commission enable it to continue work until September only. The Commission has therefore engaged negotiations with the Greek Government for an advance of £ 1,000,000 on the future American loan in order to make immediate arrangements for the most urgent work ⁽¹⁾.

The Council noted the report of the Refugee Settlement Commission. Pending a final settlement of the financial problems at issue, it recommended that the expenses of the settlement work should be covered provisionally as contemplated in the Geneva Protocol of September 16th, 1927.

Financial Stabilisation. — As regards the general financial position in Greece, the Financial Committee noted in its report that since May 14th the Greek currency had been stabilised on a gold basis. On the same day a new bank of issue, the Bank of Greece, began to function and its obligation to exchange its bank notes against foreign gold exchange, in accordance with its statutes, came into force.

The opening balance-sheet showed a gold foreign exchange reserve of over 53 % of note circulation and other sight liabilities.

The Council congratulated the Greek Government upon the success of its scheme for the stabilisation of the drachma.

Settlement of Bulgarian Refugees. — Financial Stabilisation.

The seventh report of the League Refugee Commissioner in Sofia and certain questions relating to expenditure on account of the Bulgarian Reconstruction loan were considered by the Council and the Financial Committee.

(1) See *Monthly Summary*, Vol. VIII, No. 3, p. 89.

The League Commissioner drew special attention to the fact that, during the period from February 15th to May 15th, the refugee settlement work had been carried on under exceptionally unfavourable conditions, the richest part of Bulgaria having been devastated by repeated earthquakes. The immensity of the disaster in an impoverished country like Bulgaria faced the Government with very serious problems and the repairing of damage will be a burden to Bulgaria for a long time to come.

No part of the refugee loan funds can be diverted from the purposes specified in the Protocol of September 28th, 1926. As, nevertheless, the stricken population included a certain number of refugees who had not hitherto been assisted—either because they needed no help or had found means of earning a livelihood—the Commissioner decided to include them in future in the settlement scheme, and thus help the Bulgarian Government in its relief work. The Commissioner moreover placed at the Government's disposal a sum of 45,000,000 levas, being the approximate amount of the interest on the unexpended loan funds.

The report further dwells on certain difficulties encountered in the settlement work—owing to the friction between the General Directorate and other organisations such as ministerial departments whose assistance is essential—and gives details concerning the distribution of seed, cattle and implements, the building of houses and allocation of land, the draining of marches, the refund of expenses by refugees etc. The campaign against malaria opened this year under favourable auspices, the General Directorate for the Settlement of Refugees having undertaken the construction of a health centre for the use of the Rockefeller Foundation at Petritch.

The Council expressed its sympathy with the Bulgarian Government in the misfortunes which had overtaken part of the population and its desire that the Refugee Commissioner and the Health Organisation might continue to help the Bulgarian Government in every possible way (1).

Financial Stabilisation. — The Bulgarian Loan Protocol provided that a sum of £ 250,000 out of the loan proceeds should be spent on the improvement of the Bulgarian means of communication.

M. Regnoul, Chief Engineer to the Board of Management of the Paris—Lyon—Mediterranean Railway Company, was appointed for this purpose and his report, which contained a detailed programme for the upkeep, improvement and construction of railways, ports and roads, was considered by the Council on June 8th.

On the recommendation of the Financial Committee, the Council gave its general approval to the programme of expenditure contained in M. Regnoul's report and authorised the Commissioner to liberate the necessary monies, subject to his being satisfied, after consulting the Financial Committee, that the Bulgarian Government had proceeded to the necessary reorganisation of the railway administration.

Issue of Reconstruction Loan.

The Council authorised the issue of the Bulgarian Reconstruction loan under the auspices of the League; as soon as the President of the Financial Committee, with such consultations of his colleagues as might be necessary, was satisfied that the requisite conditions existed. It further authorised a modification of the Protocol so as to allow of an increase in the loan total to such an extent and under such conditions as regards control and expenditure as the Financial Committee might decide.

Portuguese loan.

On June 6th the Portuguese Government sent a letter to the President of the Council notifying him that it had most carefully examined the clauses relating to

(1) See Chapter on the Health Organisation.

the League of Nations control which, in March last, had prevented the successful conclusion of negotiations for the issue of an external loan of £ 12,000,000 sterling in order to carry out a scheme for the financial reconstruction of Portugal, currency stabilisation and economic development.

The Portuguese Government feels unable to accept these clauses and has decided not to take any further steps with regard to the loan.

Purchasing power of gold.

The question of the purchasing power of gold raised by the Consultative Economic Committee at its recent session was considered by the Council on June 8th.

The Council had previously received the advice of the Financial Committee, which recalled that the Genoa Conference had declared that the first stage in monetary reconstruction was to prevent currency fluctuations in relation to gold; the second to prevent undue fluctuations in the purchasing power of gold itself.

The Financial Committee considered that the first stage might now be regarded as nearing its conclusion, various countries having stabilised their currency or being about to do so.

The Council instructed the Financial Committee to examine to what extent and in what way the League could most usefully assist in the study and solution of the question of undue fluctuations of the purchasing power of gold.

3. — COMMUNICATIONS AND TRANSIT

a) Establishment of a League of Nations Radio-Telegraphic Station (1).

The Council decided to forward to the Assembly for consideration the report of the Committee for Communications and Transit on the question of the establishment of a League Radio-Telegraphic Station.

On this occasion the British representative pointed out that in its present form the report of the Committee on Communications and Transit did not contain all the necessary information to enable the Assembly to take a decision.

Sir Austen Chamberlain recalled that the object of the resolution passed in December 1926 had been to enable the Council and the Assembly to judge whether the establishment of a special League wireless station would afford trustworthy means of communicating in time of crisis with the Members of the League, and whether a special station would be so far superior to other means of communication as to justify the cost involved.

In his opinion, to decide these questions, it would be necessary not only to have specifications of the most suitable form of installation, together with estimates of cost, but also to make a detailed examination of the conditions under which the station would work in normal times, on which would depend very largely its efficiency in time of crisis.

On the first point the Committee's report gave, he said, fairly detailed information, but it would appear necessary to pursue the investigations on other points. The Committee on Communications and Transit had, moreover, stated that a supplementary report would be prepared for the meeting of a Committee of experts from telegraphic administrations; it was necessary that both the general and supplementary reports should be available for consideration by the Assembly, which might then contemplate other solutions than that of a League wireless station.

The French representative reminded the Council that the study concerning the wireless station had been begun at the request of the Committee of the Council

(1) Rapporteur : the Polish Representative.

entrusted with the examination of the measures that might be undertaken under Article 11 of the Covenant. This Committee had been led to consider the possible danger to the League, in the case of a great European conflict, from the fact that lines of communication might be affected by this conflict. M. Paul-Boncour stated that the final aim in view was to discover means of ensuring the absolute independence of the League's radio-telegraphic communications in a crisis.

Sir Austen Chamberlain agreed.

The Rapporteur, M. Zaleski, Poland, said that the Special Committee that had drawn up the report had already dealt with certain of the question raised. It would meet again before the Assembly and would once more examine the question as a whole.

b) Meeting of the Committee on Private Law in Inland Navigation.

The fourth session of the Committee on Private Law in Inland Navigation was held at Vienna from June 8th to 14th. It was attended by :

M. B. Winiarski, Deputy, Professor of Law at Poznan University (Chairman).

M. E. Bonaki, first president of the Court of Appeal of Galatz.

M. P. Chargueraud-Hartmann, Secretary of the International Commission of the Oder, Legal Adviser to the French Ministry of the Marine.

M. J. Hostie, Secretary-General of the Central Commission for Rhine Navigation.

M. H. de Jarmay, Director of the Royal Hungarian Company for River and Maritime Navigation.

M. Nauta, Barrister at Rotterdam.

M. Richter, Councillor in the German Ministry of Justice.

M. C. Rossetti, Chairman of the Committee of Private Law and of the Central Commission for Rhine Navigation.

M. Sitensky, Legal Adviser to the Czechoslovak Ministry of Commerce.

The Committee prepared a draft convention on certain questions of river law on the basis of a draft established by a Sub-Committee of the Central Commission for Rhine Navigation dealing with questions of registration, property, mortgages, liens etc.

The Committee made a series of modifications in this draft convention so as to take account of the legislation of the various countries represented on it.

The Committee further studied a draft convention on administrative measures for certifying the nationality of vessels for inland navigation and two questionnaires concerning responsibility for damages resulting from collisions and the jurisdiction of courts as regards collisions.

The next session of the Committee will be held in February, 1929, when it will definitely adopt its various draft conventions so that an international conference on the subject may be convened in the Spring of 1930.

4. — INTELLECTUAL COOPERATION AND INTERNATIONAL BUREAUX

a) Relations between the League and Institutes or Bodies set up under its Authority.

Pursuant to a resolution of the Assembly, the Council had instructed the Secretary-General to prepare a memorandum on the question of the relations between the League and Institutes or bodies set up under its authority. This memorandum formed the basis of a report which was examined by a Committee constituted at the request of the Italian representative and adopted by the Council on June 7th.

The report, which is analysed below, deals, first, with the general principles to be followed in placing international bureaux under the League's direction, *i. e.*, the application of Article 24 of the Covenant, and, secondly, with the general rules which might in future govern the acceptance of international institutes by the League. It will be forwarded to the Assembly.

1. *Application of Article 24 of the Covenant.* — This article provides that "there should be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League".

In 1921 the Council approved certain rules to be observed in placing international bureaux under the direction of the League. At its recent meeting it laid down the general principles which should govern the relations contemplated in this article between the League and certain international bodies and, similarly, the procedure for the establishment of such relations and their acceptance by the League.

The Council defines the "direction" of the League of Nations, as the exercise by the League of a general mission in regard to the examination and coordination of the various manifestations of international life. On this hypothesis the League should see that the organisation in question always preserves a strictly international character, and that this work is carried on in an efficient manner. The necessity of avoiding over-lapping must also be borne in mind.

The exercise of authority by the League further implies that its organs shall be fully informed as to the work of the institutions covered by Article 24; with due reference to the precedents already established, the League shall be able to call upon those institutions whenever their services may be of technical value from the standpoint of its general work; and, lastly, the League's competent organisations shall, if they think fit, be able to reach any decision in pursuance of this mission concerning general examination and coordination.

The Council also sets forth the procedure for the establishment of the League's direction. This direction which, by the Council resolution of 1921, can only be extended to official institutions, must be established by a definite legal act admitting of no future doubt. It is for the Council to pass a resolution when the conditions laid down in Article 24 are fulfilled, declaring that this or that institution is henceforth placed under the direction of the League of Nations.

2. *Principles which might govern the acceptance of International Institutions by the League of Nations.* — As regards the principles which might govern the acceptance of international institutes by the League, the Council adopted certain rules, based on the experience of the last few years in connection with the creation of the International Institute for Intellectual Cooperation in Paris, the Institute for the Unification of Private Law in Rome and the Educational Cinematographic Institute also in Rome.

These rules are :

1. The object of the Institute must come within the sphere of activity of the League of Nations.

2. The legal statute of the Institute must provide for its independence as regards the local authorities.

3. The constitution of the Institute must be such that the League organs are able to exercise supervision over its work.

b) *Relations between the International Institute of Agriculture and the League of Nations.*

In connection with the examination by the Council of the above report, the Italian representative informed it of the desire of the Italian Government that closer relations should be established between the International Institute of Agriculture in Rome and the League of Nations. Closer cooperation between the two organisations would, it was considered, not only prevent duplication of work, but serve the general interests of agriculture.

The Italian Government, which is the depository of the Convention of 1905 founding the Institute, has already approached the parties to the Convention on the subject. At the request of M. Scialoja, the Council instructed the Secretary-General to get into touch with the President of the Institute with a view to investigating this question and preparing the way for a subsequent decision.

In accordance with the desire expressed by the Consultative Economic Committee, the President of that Committee, M. Theunis, will take part in the negotiations.

c) *Inauguration of the International Institute for the Unification of Private Law, at Rome.*

The opening ceremony of the International Institute for the Unification of Private Law, whose seat is in Rome, at the Villa Aldobrandini, took place on May 30 in the presence of the King of Italy, the Italian Prime Minister, the Diplomatic Corps, the Representative of the Acting President of the Council of the League and numerous members of universities and learned societies and the members of the Governing Body of the new Institute. The League Secretariat was represented by M. Dufour-Féronce, Under-Secretary-General and Director of the International Bureaux and Intellectual Cooperation Section; Marquis Paulucci di Calboli Barone, Under-Secretary-General in charge of the internal administration, and M. Buero, legal adviser to the Secretariat.

On behalf of the Italian Government, the Prime Minister, M. Mussolini, handed over the Institute to the League, recalling the motives which had actuated the Italian Government in making this effective contribution to the League's work intellectual cooperation.

In the vast domain of intellectual cooperation, he said, it appeared to us that one of the most strongly felt needs of scientists and business men was the organisation of a centre for the study and coordination of private law. As a matter of fact, the individual interests of the citizens of all States are becoming and more interwoven, while private law, with its far-reaching ramifications, differs considerably in the various legislative systems.

Recalling the difficulty of the task with which the Institute is faced, M. Mussolini added :

The problem you are called upon to study is a complex one, you will have to undertake a work of unification, assimilation and coordination which, varying in scope according to circumstances, will bring you nearer to the object of the Institute, namely, the harmonious co-existence of the various national systems of private law.

M. Restrepo, Colombian Minister in Rome, replacing M. Urrutia, Acting President of the Council, thanked the Italian Government on behalf of the League. He described the work which had so far been done in the field of intellectual cooperation, in particular as regards international law. Thanks to the initiative of the Italian Government, the League's efforts would now be extended to private law.

The unification of private law, M. Restrepo added, means working for the establishment of a universal law and for the reduction of one of the most formidable barriers that separate persons of different nationalities. To be brief, it is an endeavour to ensure the peaceful and productive development of the life of the peoples..... by the foundation of the Institute, Italy, who has always proved a valuable collaborator in the League's work, has acquired a fresh title to the gratitude not only of the League of Nations, but of mankind in general...

M. Restrepo concluded by saying that the work which the Institute was about to undertake was of an essentially practical order, but not without difficulty :

The method and the aim of the new Institute is to reconcile such difficulties as may occur in the various legislative systems. The Institute opens to-day under the most favourable auspices. Its seat is in Rome, the eternal city, where all things, even the stones of the ruins, bear the indelible imprint of the law-making genius of a people who from its sacred precincts dictated its laws to the whole world.

M. Dufour-Feronce, Under-Secretary-General of the League of Nations and Director of the Section for International Organisations and Intellectual Cooperation thanked the Italian Government on behalf of the Secretary-General.

Few cities, he said, are so suitable as Rome to be the seat of the institute of international private law. But it is not merely to the illustrious legal tradition of ancient Rome that we must look to justify this choice. We must also take into account the learning, the intelligence and the intellectual action of the Rome of to-day, the worthy successor of ancient Rome. Under the lofty patronage of these two Romes it is impossible that the International Institute of Private Law should not prove worthy of their brilliant legal tradition.

M. Dufour-Feronce recalled that political interests were not the only important factor in the life of peoples. Nations, like individuals, had their daily round of practical work, which was none the less essential for the development of the life of the collectivity.

Private law, he said, deals with the normal activity of the individual, his profession, his daily work, his family ties. And since economic transactions, and even family ties, spread their ramifications across frontiers and beyond seas and oceans, it is indispensable that the various systems of private law should be coordinated.

Finally, M. Scialoja, Italian representative on the Council, and Chairman of the Governing Body of the new Institute, thanked the speakers on behalf of the Institute and recalled that this centre of legal study had been created in order to enable civilised nations as far as possible to enjoy the advantages of unified law. This legal unity, he said, had been an important factor in the development of the greater part of Europe up to the end of the eighteenth century, when the creation of various new States had put an end to it.

M. Scialoja drew attention to the character of universality acquired by Roman law at the time of the Roman conquest and later during the Renaissance. He noted that this tendency to become universal had also been shown by Canon Law and Mohammedan law, both of which were of religious origin.

History has shown, he said, that success is now possible if we do not endeavour to do too much and in too general a way. The number of facts in support of this view is increasing from day to day. I will not refer to the series of treaties concerning international private law because our task is not to lay down rules for the settlement of conflicts of laws but, on the contrary, to draw up rules whose object is to avoid these conflicts by means of the unification of laws.

M. Scialoja concluded :

The Institute will make use of all that has already been done and of the work of all those who are pursuing the same object....

We wish to achieve practical results, and these demand a most careful scientific and political preparation. We shall have to study and prepare drafts which the League of Nations can recommend to States. We should also endeavour to disseminate ideas and as far as possible to give them concrete form.

First Meeting of the Governing Body. — The first meeting of the Governing Body took place in Rome with M. Scialoja in the Chair, The rules of the Institute were discussed and approved and M. Pietro de Francisci, professor of the History of Roman Law at Rome University, was appointed as Secretary-General of the Institute.

This meeting was attended by :

M. Ambroise-Colin (France); M. Destrée (Belgium); M. Rabel (Germany); M. Loder (Netherlands); M. Rocco (Italy); M. Felibe Sanchi Roman (Spain); M. Antoniadé (Roumania), (replacing M. Titulesco); M. Celfo Bojme (Brazil), (Replacing M. Fernandez); Mr. Beckett (England), (replacing Sir C. J. Barbington Hurst); M. Thadée de Romer (Poland), (replacing M. Rundstein).

d) *Subsidies granted to the International Institute of Intellectual Cooperation.*

Acting on the Assembly recommendation of 1926 that States should grant subsidies to the International Institute of Intellectual Cooperation, the Belgian Government has made arrangements for a sum of 20,000 francs to be paid at the end of 1928, pending the inclusion of a regular subsidy in the budget of 1929.

The Egyptian Government has intimated that it will contribute 15,000 old francs to the budget of 1928.

e) *Appointment of a Successor to Professor Lorentz.*

M. Joseph Susta, Professor of general History at the Charles University of Prague has been appointed by the Council to replace the late Professor Lorentz as member of the Committee on Intellectual Cooperation.

VII. — Administrative Questions.

THIRTEENTH SESSION OF THE PERMANENT MANDATES COMMISSION

The thirteenth session of the Permanent Mandates Commission took place at Geneva from June 12th to June 29th.

At the opening meeting, the Chairman paid a tribute to the memory of Mme. Bugge-Wicksell, who had taken part in the work of the Commission since its creation. He welcomed M. Nobumichi Sakenobe, the new Japanese Member, and Mme. Valentine Dannevig (Norwegian), who has succeeded Mme. Bugge-Wicksell.

After hearing statements by M. Van Rees on the work of the Council concerning mandates and by the Secretariat on the work done since its last meeting, the Commission constituted its Bureau, re-electing as Chairman Marquis Theodoli and as Vice-Chairman M. Van Rees.

The meeting was attended by Mlle. Dannevig (Norwegian), M. Kastl (German), Lord Lugard (British), M. Merlin (French), M. Palacios (Spanish), M. W. Rappard (Swiss), M. Van Rees (Dutch), Marquis Theodoli (Italian), M. Nobumichi Sakenobe (Japanese), and Mr. Grimshaw (International Labour Office). M. Orts (Belgian) and M. Freire d'Andrade (Portuguese) were unable to attend.

The Commission's agenda included the examination of the reports of the Mandatory Powers on Palestine (Great Britain), Syria and Lebanon (France), French Cameroons and Togoland, Tanganyika (Great Britain), New Guinea (Australia) and Nauru (British Empire).

The Mandatory Powers had appointed the following accredited representatives :

Great Britain : Lt. Colonel Symes, Secretary-General of the Palestine Government (Palestine and Trans-Jordan); Mr. J. Scott, Secretary-General of the Tanganyika Government, and Mr. Machtig, of the Colonial Office.

Australia : Major General Sir Granville de Laune Ryrie, High Commissioner in London (Nauru and New Guinea).

France : M. Robert de Caix (Syria and Lebanon), M. Duchêne (Director of Political Affairs in the Colonial Ministry) (French Cameroons and Togoland).

The Commission also examined the report of the Royal Commission of Enquiry the administration of Western Samoa. At its preceding session it had decided to abstain from any comment on the disturbances which had occurred in Samoa during the past few years until the New Zealand Government had communicated the results of its enquiry into the situation together with its conclusions and decisions.

The New Zealand Government had accredited for the examination of this report Sir James Parr, High Commissioner in London, assisted by Major General Sir George Richardson, until last April Administrator of Western Samoa.

On this occasion the Commission also dealt with various petitions concerning Western Samoa. The agenda included a certain number of petitions concerning Palestine, Syria and Lebanon, Tanganyika, and South West Africa.

The Commission pursued its study of certain general questions concerning the administration of the mandated territories, in particular, problems relating to the liquor traffic, economic equality, and the extension of Treaties of commerce and establishment to mandated territories.

As regards the liquor traffic, the Commission, in accordance with resolutions of the Assembly and the Council in September and December 1927, began a study of the causes of the increased importation of alcoholic liquors into territories under B. Mandate, where such an increase had been noted, and of the measures to be taken to remedy this situation.

On these general questions the Commission drew up recommendations for submission to the Council.

An analysis of the observations of the Commission on the reports examined at this session will be published later.

VIII. — Protection of Minorities.

The Council dealt with a certain number of petitions, most of which were brought to its notice under the German-Polish Convention on Upper-Silesia by the *Deutscher Volksbund* in Polish Upper Silesia and concern educational questions. One of the petitions was from the Silesian Section of the Association of Poles in Germany.

The Council also examined an important point of procedure raised by the Lithuanian Government on the occasion of a petition from Ukrainians residing in Lithuania. The Council referred it for study to a Committee of Jurists, which will submit a report at its next session.

At the request of the Lithuanian representative the Council postponed to its next session its examination of the final report on the treatment of persons of Lithuanian race or language in the district of Vilna, a question which the Council, by its resolution of December 10th, 1927, had referred to the Committee of Three.

1. — QUESTIONS CONCERNING UPPER SILESIA

Three of these questions, concerning the establishment of minority schools at Biertultowy, at Stara-Wies and at Gieraltowice were settled by the Council on the basis of the decision of the Permanent Court of International Justice of April 26th, 1928.

The difficulties which had arisen in this matter were due to the fact that many persons responsible for the education of children who did not speak the language of the minority had nevertheless requested that these children should be admitted as pupils in the minority schools. The Council decided on the report of a Committee of Three (the Colombian, Italian and Netherlands representatives) to lay down the principles which should govern declarations concerning the language of the children. These principles are as follows :

(1) Any person making a request, either for the establishment of a minority school or for the entry of a child into an already existing school, must declare, according to his conscience and on his personal responsibility, what is the language of the child for whose education he is legally responsible; this declaration must set out what its author regards as the true position in regard to the point in question. It should, however, be understood that this right freely to declare what is the language of a child, though comprising, when necessary, the exercise of some discretion in the appreciation of circumstances, does not constitute an unrestricted right to choose the language in which instruction is to be imparted, or the corresponding school.

(2) The Polish Government is justified in not admitting to the minority schools children whose language, according to the declaration of the persons responsible, is only Polish, or for whom there is no declaration concerning the child's language.

(3) The declarations concerning the language of children made by persons responsible for the education of these children may not be made subject to any verification, dispute, pressure or hindrance whatever on the part of the Polish authorities.

In this connection the Council recalled the opinion expressed in its resolution of March 12th, 1927, to the effect that it was not desirable to admit to minority schools children who spoke only Polish.

It expressed the hope that, once the Polish Government had prepared the forms for the oral or written declarations regarding the language of the children in such a way as to avoid all possible misunderstanding with regard to the objective nature of these declarations, difficulties of the kind which had hitherto arisen would no longer occur and the normal working of the minority schools from a scholastic point of view, which is the responsibility of the Polish authorities, would thus be ensured.

The Polish representative noted that the decision of the Court of April 26th, 1928, had recognised the correctness of the main theses of the Polish Government which it had already defended in March 1927. He pointed out that the Polish Government had always recognised that the Upper Silesian Convention implied that the school authorities were not at liberty to verify or dispute the declarations of the persons responsible for the education of the children. He expressed his

regret that the Committee of Three which had studied the question had not thought it desirable to recommend the application of an impartial linguistic control by a neutral pedagogic expert, as instituted by the resolution of the Council of March 12th, 1927.

He added that the Polish Government would in no case admit that, in consequence of declarations not in accordance with the actual facts, the good working of the school from an educational point of view should be rendered impossible.

The German representative, Dr. Von Schubert, noted the statement of the Polish representative according to which the Polish Government recognised that the Upper Silesian Convention implied that the Polish authorities were not at liberty to verify or dispute declarations made in order to obtain entry into the minority schools. He emphasised that the decision of the Hague Court stated this important principle without any restriction.

As regards the creation of a primary minority school in Brzezinka, the Council expressed its desire that the Polish Government would find it possible to reopen the minority school under conditions that would avoid any further fear of the draw-backs which had given rise to the present question and that would at the same time in no way interfere with the normal operation of the Polish school.

With regard to two other questions concerning the composition of the teaching staff of the secondary minority school at Krölewska Huta and the use of the German language in together with the official language in the registers and other documents of the minority schools, the Council, relying upon the spirit of equality and the goodwill of the Polish Government, decided to abstain from taking any action in this matter because, in its opinion, there was no provision in the Upper-Silesian Convention expressly relating to these cases.

The German minority at Godulla had complained of acts of violence from which it had suffered on the occasion of the entry of children for the minority school. After noting the observations of the Polish Government, according to which the responsible persons had been handed over to the Courts, the Council expressed its confidence that suitable punitive measures would be taken against them.

The Polish minority in certain districts of German Upper Silesia had also complained of acts of violence. In the observations which it submitted on this subject, the German Government declared that in the principal case the persons implicated had been sentenced by the court to long terms of imprisonment and in other cases inquiries had been instituted. The Council noted this information and expressed its confidence that equally suitable measures would, if necessary, be taken in the cases under investigation.

2. — RECEIVABILITY OF PETITIONS

On November 14th, 1927, twenty-one persons of Ukrainian origin living in Lithuania addressed to the League a petition in which they complained that they had been deprived of their land by the Lithuanian Government. The petition was considered as receivable by the Secretary-General and by the Acting President of the Council, to whom the petition was submitted, in accordance with the regular procedure, as the result of a protest from the Lithuanian Government. That Government finally asked that the Council agenda should include the question of the receivability of petitions concerning persons resident in a State but not belonging to a minority of race, language or religion.

The Lithuanian Government considered that there could be no question of the protection of minorities because there was no Ukrainian minority in Lithuania and the petitioners did not possess the distinctive characteristics of a national minority.

After an exchange of views between M. Voldemaras (Lithuania), the rapporteur, M. Urrutia (Colombia), M. Procope (Finland), M. Paul-Boncour (France),

the President, M. Agüero y Bethancourt (Cuba), M. Scialoja (Italy), and M. Villegas (Chile), the Council on June 6th decided that the petition was receivable from the point of view of form, without prejudice to the question of substance. It considered that the concrete points of procedure raised by the Lithuanian representative should be submitted to a Committee of Jurists for examination. The Committee of Jurists will be composed of experts appointed by the Council, representatives of Germany, France, Italy, the Netherlands and Roumania. It will submit its report to the Council next September.

3. — TREATMENT OF PERSONS OF LITHUANIAN RACE OR LANGUAGE IN THE DISTRICT OF VILNA

Last March the Committee of Three (the Chinese, Colombian and Netherlands representatives) studying this question had informed the Council that it would submit its final report at the June session.

The Lithuanian Government having asked to be represented on the Council for the examination of this report, the Council consulted a Committee of Jurists, which concluded that the Lithuanian request should be acceded to owing to the circumstances in which this question had been brought before the Council last December and to the fact that the Council resolution dealt at the same time with general political questions and cases of minorities.

The Council having decided to accept the conclusions of the Jurists, the Polish representative said that, out of a spirit of conciliation and goodwill towards Lithuania and in order to prove once more the friendly feelings of Poland towards that country, he would make no objection to the proposal that the Lithuanian representative should sit on the Council. He nevertheless thought that the procedure applied in this case should not be allowed to constitute a precedent.

The British representative and the French representative also observed that the procedure had been adopted owing to exceptional circumstances, and should not form a precedent.

The Roumanian representative then proposed that the Council should examine the report of the Committee of Three. The German representative pointed out that M. Voldemaras was not present and that, in view of the fact that Poland had agreed that Lithuanian should be represented when the matter was discussed, it would be preferable to adjourn it until the next session of the Council.

The Council decided to postpone the examination of this question to its next session.

IX. — Political Questions.

1. — THE HUNGARIAN OPTANTS

In reply to the invitation of the Council at its March session, the Roumanian Government in a letter dated May 28th, 1928, expressed its regret that it could not accept the proposals of the Council. The Hungarian Government, in a letter dated June 6th, confirmed its acceptance of the proposals.

At the beginning of the meeting of June 8th, Count Apponyi and M. Titulesco stated that they had nothing to add to the previous communications of their Governments.

The Rapporteur, Sir Austen Chamberlain, then proposed that the Council should urge the two parties to bring the dispute to a close by reciprocal concessions.

In his statement to the Council Sir Austen Chamberlain retraced the various stages of this affair and the successive efforts of the Council to settle it.

Hungary, he said, maintains her objection to the solution suggested by the Council in September 1927 and Roumania maintains her objection to the proposal approved last March. As each of these proposals required the assent of both parties neither can be imposed on either party against its will. The Council having declined to enforce what was described as a sanction on the refusal of Hungary to accept the earlier proposal will not, I presume, think it proper to proceed to sanctions against Roumania for her later refusal.

Consequently Sir Austen Chamberlain proposed a draft resolution which was unanimously adopted, the Hungarian delegate abstaining. The resolution reads :

The Council :

Whilst deeply regretting that the parties have hitherto failed to reach agreement on the lines of the Council's recommendations,

Without desiring to exclude any other friendly arrangement, remains of opinion that this dispute ought to be settled by the parties upon the basis of the solutions which the Council has recommended to their acceptance, maintains its resolutions of September 19th, 1927, and March, 1928.

And urges the Governments of Hungary and Roumania to bring this long dispute to a close by reciprocal concessions.

Count Apponyi then set forth the doubts and objections which prevented him from purely and simply accepting the resolution. These doubts and objections bear, in particular, on the role of the Council in this affair, on the meaning and scope of the Council proposals of September 19th, 1927 on the difficulties of an arrangements by means of conciliation between the parties.

He stated that the role of the Council did not seem to him to have been fulfilled by the recommendation containing this resolution since it left in abeyance what was, in his opinion, a definite obligation imposed by a Treaty of Peace, that is, the appointment by the Council of deputy-judges so as to enable the Mixed Arbitral Tribunal to continue its work.

The Roumanian representative said that the reply to the objections which had once again been raised by Count Apponyi was contained in previous statements.

The Rapporteur, Sir Austen Chamberlain, said that he would abstain from replying to Count Apponyi so as not to reopen the debate.

M. Titulesco remarked that as a result of the resolution adopted by the Council, the question was now no longer before it and had been left to the goodwill of the parties. He read a proposal which the Roumanian Government intended to make to the Hungarian Government.

This proposal provides that as soon as the Hungarian Government had notified the Roumanian Government of its acceptance, both Governments would ask the Council to appoint one of its Members from among those who had been specially interested in this question. The Member appointed would enquire, on the basis of the Council recommendations of July 5th, 1923, September 17th, 1927 and March 9th, 1928, whether, within the limits of the Roumanian Agrarian Law for Transylvania, there were any liquidations which had been prohibited by Article 250 of the Treaty of Trianon, and would if necessary fix *ex aequo et bono* the amount of compensation due to those nationals whose requests had been recognised as well-founded on the basis indicated above.

The possible sums to be allotted to certain of the claimants would be paid to them by the Hungarian Government, and the deduction of those sums would be made from the reparations due to Roumania under the Treaty of Trianon.

Count Apponyi, while leaving it to his Government to give a definite and detailed reply to the Roumanian proposals, said that it would be impartially examined by Hungary in the sincere desire to find a solution. He then drew attention to certain difficulties and dangers presented in his opinion by this proposal and which might make it impossible to reach an agreement.

To conclude, he declared that, should the result of the negotiations be negative, he would maintain before the Council, to its full extent, his request that neutral persons should be appointed from whom the substitute judge might be chosen for the Mixed Arbitral Tribunal.

The President of the Council pointed out that, since the resolution submitted by the Rapporteur had been adopted by the Council, the question of the Hungarian optants was closed so far as the Council was concerned. He added that he had granted the request of M. Titulesco to speak, though it was not included in the agenda, in order that he might inform the Council of the proposal that his Government intended to submit to the Hungarian Government for consideration; he had also granted Count Apponyi's request to speak and had then asked M. Titulesco not to speak a second time, since there was no reason for the Council to discuss the Roumanian proposal, the affair being closed as far as it was concerned.

This statement gave rise to correspondence between the President of the Council and the Hungarian and Roumanian representatives.

In a letter to the President, Count Apponyi expressed the opinion that the Council's decision would only take the question out of its hands provided that an agreement were successfully reached between the parties or that the substitute judges were appointed. He recalled his statement to the Council that he reserved for his Government the right to bring up again its request with regard to these appointments, should the negotiations not succeed.

M. Titulesco stated that not merely were the declarations in Count Apponyi's letter contradicted by the report, by the resolution of the Council and by the whole discussion in the Council and could not in any way alter the Council's decision to regard the question as closed so far as it was concerned, but also that these unilateral declarations on Count Apponyi's letter had already appeared in the minutes.

It would be seen from the minutes that the President's reply had been called forth by these unilateral declarations.

The President of the Council acknowledged the receipt of the letters of the Hungarian and Roumanian representatives, which were communicated to the Members of the Council.

2. — THE POLISH-LITHUANIAN DISPUTE

At its March session the Council asked the Netherlands representative, M. Beelaerts van Blokland, to submit a report on the progress of the negotiations between the Polish and Lithuanian Governments and on the official communications made by the two parties.

In his report to the Council on June 6th M. Beelaerts van Blokland enumerated the documents concerning the Polish-Lithuanian Conference at Koenigsberg addressed to him by the Polish Government, noting that "unfortunately the negotiations recognised by the Council as indispensable for the establishment between the two countries of the good understanding upon which peace depends had not yet succeeded and were being protracted without any appreciable progress being made". He informed the Council that the Polish Government had made arrangements for the return of the persons expelled from Poland last October, and that four of the eleven persons had taken advantage of these arrangements. Finally, he recalled that, when declaring in its resolution of December 10th, 1927, that that resolution in no way affected the questions on which the two Governments had differences of opinion, the Council did not mean to say that one of the parties was free to take any measures likely to prejudice the progress of the negotiations, for the party which took such measures would be putting itself in the wrong not only at the Council table, but in the eyes of international opinion.

The Lithuanian representative, M. Voldemaras, drew attention to the fact that the report submitted by M. Beelaerts van Blokland was incomplete, as its

only contained information and documents from official sources, most of them communicated by the Polish Government. He added that the Lithuanian Government possessed a number of documents of great importance for the negotiations at present in course and would produce them at the proper time.

M. Voldemaras informed the Council that several persons had recently been arrested who belonged to armed bands operating on the Polish-Lithuanian frontier with a view to overthrowing the Lithuanian Government. The Polish representative, M. Zaleski, formally stated that no armed bands existed in Poland.

The British, French and German representatives expressed their regret that the negotiations had not led to appreciable or satisfactory results. Sir Austen Chamberlain said :

Six months have passed, and our Rapporteur is obliged to tell us that no appreciable progress has been made. Indeed, without specifically mentioning any incident in the last paragraph of his report, he refers to something which has taken place, and which is known to us all, which does not constitute progress in the direction which the Council desired, but an act, an irritating act—it would not be using exaggerated language to say an act of provocation—which is directly contrary to that which the Council desired and which it expected from both parties.

He appealed to the Lithuanian representative to show a greater spirit of conciliation during the negotiations :

The sympathy of us all goes out naturally to the smaller in any dispute between two nations. My own country has experienced this sometimes when involved in a dispute; other countries have experienced it also. To Lithuania, therefore, as the smaller of the two Powers separated by those differences, the sympathy of everyone is given freely and generously, but on one condition—that Lithuania does not use that weakness in order to pursue a course of provocation which no great nation faced by another great nation would dare to follow.

To conclude, he begged M. Voldemaras not to misinterpret the last words of the Council's resolution of December 10th, 1927 now that the Rapporteur had once more set forth clearly their meaning and their limitations, saying :

I feel sure that the Council will be profoundly disappointed if, when we meet three months hence, far greater progress cannot be recorded by the Rapporteur, and if the official documents circulated by the two parties do not show a greater readiness than I can find in those emanating from the Lithuanian Government up to the present time to bring about those peaceful conditions which it is the object of the Council to secure.

M. Paul-Boncour said that, in his opinion, the situation could not be prolonged without danger to peace and that it was clearly not fitting for the League and its executive organ, the Council, to remain powerless in the face of such a situation.

He asked the rapporteur if it would not be possible to fix a certain time limit for the negotiations, it being understood that if within a fixed period they had not succeeded, the Council would itself deal with the question not merely, as at that moment, in order to be informed of the progress of the negotiations, but in order to take steps with a view to a more rapid solution.

Dr. von Schubert noted that there were still great difficulties in the way of a rapid and complete solution of the problem, but he expressed the hope that something practical might be done and that a result might be obtained, even though only a partial one. Germany, he said, was specially interested in the removal, as soon as possible, of anything that might disturb peace in the relations between two of her neighbours.

M. Voldemaras said that he could not remain unmoved by the appeal made to him Sir Austin Chamberlain in the general interest of Europe. He recalled that

the Polish-Lithuanian question was not a new one and could hardly be settled in a few months. He added :

We ask you not to pass judgment without obtaining full information on the whole question. If this be the desire of the Council, it will be very simple, when the negotiations are sufficiently advanced, to realise the actual existing possibilities and to draw up a detailed report based solely on the information officially received from the two parties.

Replying to M. Paul-Boncour, the rapporteur said that it seemed difficult to gauge in advance the moment at which the negotiations would come to an end, adding :

At any rate, however, we can express the desire, and we have the right to expect, that appreciable progress should be made. Both parties must make it possible for us to note not only that an effort has been made but also that some result has been achieved by making it. At our next session, we must be in a position to note that a step forward has been taken.

The President then submitted a draft resolution emphasising the necessity of the negotiations making appreciable progress before the next session of the Council and inviting the Netherlands representative to submit a report in order that the Council might, if necessary, take up the question again.

M. Voldemaras thereupon submitted an amended text by which the Council recommended that the resolution of December 10th, 1927 should be carried out to the full extent and as shortly as possible. The two texts were put to the vote, the amended proposal being rejected except for the vote of the Lithuanian representative, the original proposal being unanimously accepted by all Members of the Council, with the exception of M. Voldemaras.

As both these resolutions required unanimity neither of them could be adopted.

The British representative then proposed that the Council should adopt a resolution to include in the agenda of its next session not only the question of the progress of negotiations but also that of the Polish-Lithuanian relations. For the adoption of this resolution a majority was necessary, bearing as it did upon a question of procedure. It was unanimously adopted by the Council, the Lithuanian representative having adhered to the proposal.

3. — ALBANIAN PROPERTY AND THE ALBANIAN MINORITY IN GREECE

On April 10th the Albanian Government requested the Council, in virtue of Article II of the Covenant, to examine the question of Albanian property and the situation of the Albanian minority in Greece. This question was, accordingly, placed on the agenda of the June session.

On June 5th the Council heard statements by the representatives of the parties, M. Mehdi Frasheri for Albania and M. Politis for Greece. The Albanian representative said that his Government had decided to submit the question to the Council because direct negotiations with the Greek Government had not led to any result. He then dealt with the question of Albanian property and the situation of the Albanian minority.

He stated that the application of the agrarian law in Greece had led to the confiscation, more or less disguised, of Albanian properties, despite the fact that in virtue of its international obligations the Greek Government was not entitled to proceed to expropriation and requisition of foreign property without apparent reason and without a just preliminary indemnity. He pointed out that for landowners of certain nationalities, the Greek Government had consented to mitigate the provisions of the agrarian law; and proposed that to settle the question a Mixed Commission should be formed under the presidency of a neutral.

The Albanian representative then described the situation of the Albanian minority in Greece to which, he alleged, exceptional measures were applied, resulting in vexations, restrictions and injustice. He added that if this situation were not remedied the Albanians would shortly be forced to leave Greece.

The Greek representative said that his Government was convinced that the Albanian request could not be received, was inadmissible and entirely out of order. There was no tension between Greece and Albania; the Greek Government had the very sincere intention to maintain the best of relations with Albania and the strictest bonds of friendship. It had constantly given proofs of its goodwill towards its neighbour and, as a matter of fact, negotiations were being conducted between the two Governments on the questions which Albania had now submitted to the Council in virtue of an unfair application of Article 11 of the Covenant.

M. Politis explained that the expropriation of Albanian lands had taken place under an agrarian law which the influx of refugees had rendered necessary and had affected all landed proprietors without distinction of class or nationality. In the interest of the maintenance of neighbourly relations the Greek Government, however, was ready to examine to what extent it could grant certain concessions to the Albanian landowners. It would, nevertheless, always refuse to recognise that there existed a legal obligation for it freely to grant Albanian nationals a more favourable treatment than the national treatment and still less the special advantages which, for exceptional reasons, had been agreed to in the case of certain foreign landowners.

To refuse, gentlemen, to accede to the demands of a foreign Government claiming privileged treatment without compensation for its nationals is the absolute right of any State which has its dignity at heart. This can in no way be considered as an act which might disturb the peace or good understanding existing between the countries concerned, nor is it an act which would warrant recourse to the Council of the League of Nations.

As regards the situation of the Albanian minority, M. Politis pointed out that the complaints brought forward by Albania were already to be found in protests from private persons which had been examined and rejected, or which were under examination by Committees of Three of the Council. He emphasised that, in his opinion, the Albanian Government had no right to interfere in a question of this kind, recalling that, to avoid any interference on the part of one power in the internal affairs of another power, the Minority Treaties had reserved to Members of the Council alone the right to bring before the Council a question concerning a minority. He submitted that the step taken by the Albanian Government was contrary to the procedure drawn up by the League and the practice adopted by the Council as regards the protection of minorities and that Article 11 of the Covenant was not applicable to this case.

He concluded with the following general observations :

I have followed with continued interest the development of the minorities question since the re-establishment of peace, and I must confess that I feel much apprehension. This system was established to correct to a certain extent certain ethnological situations of difficulty. A loyal effort to live together on the part of different people has been observed. Their union was directed by reason; I am alarmed to note, however, that this loyalty and this union, the result of reason, are little by little being changed in certain countries into a struggle which is aggravating the disease it was designed to cure. Minorities are being ceaselessly submitted to the action of subversive propaganda. Their grievances are kept continuously awake and philanthropists more clumsy than ill-intentioned are constantly urging them to agitate and are rejoicing at the increase in the number of petitions from private persons submitted to the Council.

..... I venture to ask you to pay very serious attention to this state of affairs. The present situation cannot continue to develop in the direction which it has taken without causing the gravest danger to the peace of the world. Just as

I am of opinion that the Council should formally insist on the execution of the obligations assumed by States possessing minorities, so do I also think it necessary that it should remind minorities, whenever the occasion arises, that they should strictly fulfil their duties, and it should discourage any attempt, direct or indirect, to create disaffection, enmity or hostility between the minorities and their national Government.

Resolution of the Council. — The Committee of the Council (the British, Japanese and Polish representatives) set up to study the question submitted on June 9th a report which the Council adopted.

As regards the question of the property of Albanian nationals in Greece, the Council considered that direct negotiation between the parties, conducted in a spirit of conciliation, would seem to constitute the most suitable means of reaching a solution. It accordingly expressed the wish that the parties might reach a friendly solution.

The Council came to the conclusion that it should abstain from taking into consideration the question of the Albanian minorities in Greece. It emphasised that certain complaints brought forward by the Albanian Government had already been examined or were being examined in accordance with the ordinary procedure for petitions submitted to the League of Nations.

The reasons why the Council decided to abstain from acceding to the request of the Albanian Government were stated as follows in the report :

We are unanimous in considering that the system of the protection of minorities instituted by the treaties, while having as its principal object the protection of the minority itself, is also intended not only to prevent that questions concerning the protection of minorities should acquire the character of a dispute between nations but to ensure that States with a minority within their borders should be protected from the danger of interference by other Powers in their internal affairs.

The authors of the Minorities Treaties had this danger clearly in view. They gave to members of the Council the right to call the Council's attention to any infraction or any danger of infraction of the provisions of the Minorities Treaties.

This, however, does not prevent, under the rules in force, a State not represented on the Council from presenting a petition on the subject of the treatment of a minority.

The protection of minorities is an international affair, but one of the essential objects of the system established by the treaties and of the procedure laid down by the Council is that, whilst bearing this international character, a case of the protection of minorities should not become a dispute between neighbouring States. Once the matter is before the Council, it becomes an affair between the Council and the State to which the minority belongs nationally, not a question between that State and the State with which the minority is racially connected.

One of the main objects of the system of the protection of minorities would be frustrated, and an important purpose of the Minorities Treaties themselves would be defeated, if the Council consented to accept as normal an appeal based on Article 11 in lieu of the minority procedure.

Article 11 should only be invoked in grave cases which produce a feeling that facts exist which might effectively menace the maintenance of peace between the nations. In normal cases, on the other hand, an appeal to Article 11 would create the very dangers which the Minorities Treaties were intended to avert.

The representatives of the parties accepted the report.

The Albanian representative expressed the hope that the competent organs would carefully consider the question of the Albanian minority. As regards the question of property, he stated that his Government would willingly lend itself to the negotiations proposed by the Council.

The Greek representative said that his Government would respond to the appeal of the Council as regards the question of Albanian property. He added, nevertheless, that his Government could not abandon the legal view by which it maintained that, in accordance with present international law, no State had any

obligation to grant to foreigners in connection with such a question better treatment than they granted to its nationals by the terms of a general law. He expressed his satisfaction that the Council had confirmed in its report the legal practice followed by the League in regard to the whole question of minorities, adding that his Government would never agree to any open or disguised intervention on the part of the Albanian Government in the internal affairs of Greece.

To conclude, he expressed the hope that once this question had been settled the list of cases in which recourse had been had to the Council from one side or another would be closed and that relations of confident friendship and practical cooperation might be established between Greece and Albania.

The German representative, Dr. Von Schubert, agreed with the solution recommended by the Committee of Three.

While the report emphasises, on the one hand, that recourse to Article 11 as a substitute for the application of the minorities procedure should not become the general rule, it states, on the other hand, that in grave cases Article 11 can be applied to questions of minorities. The question of principle has, therefore, in my view, been satisfactorily settled.

In this connection he submitted certain observations concerning the general remarks made by the Greek representative on June 5th.

I must confess that these remarks surprise me somewhat. They might almost give the impression that the Council's duty at the moment is less to protect minorities than to oppose any tendency to safeguard the rights of these minorities. I note with satisfaction that such a view has not been expressed in the report before us. If it had been otherwise, I could not have accepted the report, since I cannot admit that such a conception is correct. Even though emphasis has been laid on several occasions—and once more in the report—on the fact that the problem of minorities is an international one, it is obvious that this should not mean that the importance of the rights of minorities are lessened, but, on the contrary, it should throw into sharp relief the serious and sacred character of those rights.

This is no question of simple contractual stipulations between two States, stipulations which may be modified when the two parties so wish. It is a question of an international institution of the highest character. Nobody will deny that this institution may, like all human institutions, one day encounter difficulties, and I should be the last person to defend the tendencies that would make the rights of minorities the basis for all kinds of pettiness, which, moreover, has never, within my knowledge, occurred. I do not, therefore, see any serious danger from this source. On the other hand, there would be a serious danger, if the idea of which I have just spoken were to spread. If the rights of minorities are applied by all concerned in the spirit which established those rights, we may be sure that, far from setting up barriers between the States concerned, those rights may well constitute a bond between them.

The British representative recalled that the supervision of the Minority Treaties and the consideration of petitions made in pursuance of them was one of the most important, but at the same time one of the most delicate tasks of the Council.

Just because these questions are so delicate and may so profoundly affect international relations I think it is—as noted in our report—of the greatest importance that, in normal cases, the normal procedure should be followed and that only in cases of real and profound gravity should we have recourse to Article 11 of the Covenant.

4. — REQUEST OF THE MIXED COMMISSION FOR THE EXCHANGE OF GREEK AND TURKISH POPULATIONS ⁽¹⁾

The Greek and Turkish Governments, having consented to the question raised by the Mixed Commission for the Exchange of Greek and Turkish populations

(1) See chapter on the Permanent Court.

concerning the interpretation of the Greco-Turkish Agreement of 1st December, 1926, being submitted to the Court for an advisory opinion, the Council decided on June 5th to comply with the request of the Mixed Commission of February 4th.

On this occasion the Greek and Turkish representatives said that their Governments were prepared to waive their right to appoint judges *ad hoc* when this matter was dealt with by the Court.

* * *

The Council appointed M. Manuel Rivas Vicuna (Chilean) to succeed M. K. M. Widding as Member of the Mixed Commission for the Exchange of Greek and Turkish Populations.

5. — REPORT OF THE STRAITS COMMISSION

The third report of the Straits Commission was noted by the Council on June 5th ⁽¹⁾.

The Council authorised the Secretary-General in future to communicate the reports of the Commission not only to the Members of the Council and Powers signatory to the Convention, but also to the Members of the League and any technical organisation of the League which might be interested in the information contained in the report.

It further decided that the reports should not be included in the agenda unless one of the countries to which they were communicated wished to raise a question in regard to them.

X. — Social and Humanitarian Questions.

1. — TRAFFIC IN OPIUM ⁽²⁾

The question of the traffic in opium and other narcotics was discussed by the Council on June 8th. The Netherlands representative informed the Council that his Government had ratified the Opium Convention of 1925, the Canadian representative intimating that Canada had approved the ratification which would shortly be deposited ⁽³⁾. The British representative observed that when the Canadian ratification was actually received the Convention would come into force.

On the recommendation of the Advisory Committee on Traffic in Opium, the Council instructed the Secretary-General to send a reminder to Governments which had not furnished their annual reports on the trade in opium and other drugs in their territories. It decided to draw the attention of all Governments, Members of the League or parties to the Hague Convention to the necessity for the adoption of measures such as the withdrawal of the license from firms engaged in the illicit traffic, strict control of the export and transit traffic, immediate communication and investigation of seizures, severe penalties for traffickers etc., and to forward to them for examination a standard code for the administrative control of narcotic drugs drawn up by the Advisory Committee.

It was decided to recommend that morphine esters such as benzoyl morphine and similar products should be placed under the same control as morphine as regards manufacture, import and export.

As regards benzoyl-morphine, the Italian representative, M. Scialoja, suggested that, in addition to the reference made by the Rapporteur to the provisions of Article 10 of the Geneva Convention which had not yet come into force, it would

(1) Rapporteur : the Chinese Representative.

(2) Rapporteur : the Canadian Representative.

(3) The Canadian ratification was deposited on June 27th

be desirable to quote also Article XIV § (d) or the Hague Convention of 1912, the aim of which was in general the same as that of Article 10 of the Geneva Convention.

This Article reads :

The Contracting Powers shall apply the laws and regulations respecting the manufacture, import, sale or export of morphine, cocaine and their respective salts :

d) To all new derivatives of morphine, of cocaine, or of their respective salts, and to every other alkaloid of opium, which may be shown by scientific research, generally recognised, to be liable to similar abuse and productive of like ill-effects.

2. — TRAFFIC IN WOMEN

The report of the Traffic in Women Committee on its seventh session was considered at the Council on June 5th.

As regards the question of the continuation of the expert enquiry into the traffic in women, the Council decided to await the report of the Committee as to the nature and scope of further investigation before coming to any conclusion.

The Council also endorsed the proposals of the Committee regarding studies to be made by the Secretariat on laws and regulations on the traffic on countries where licensed houses have been abolished and of the laws and penalties relating to *souteneurs i.e.*, persons living on the immoral earnings of women.

Obscene Publications. — By article 16 of the Convention for the suppression of obscene publications (Geneva, September 12th, 1923) the Council is called upon to consider the desirability of summoning a conference at the end of each period of five years to discuss the revision of the Convention. This point had been referred to the Traffic in Women Committee, which had reached the conclusion that the time had not yet come for a further conference. The Council endorsed this view and noted that the Committee proposed to place this question on the agenda of its next session and to consider the best means of giving effect to the intentions of the framers of the Convention.

3. — CHILD WELFARE

The Council considered the report of the Child Welfare Committee on its fourth session and, on the proposal of the Canadian representative, requested the Secretary General to communicate it to Governments, calling special attention to the resolutions on the legal age of marriage and on the cinematograph.

It noted the proposal of the Child Welfare Committee that the five thousand dollars offered in 1925 by the American Social Hygiene Association should be employed in studying the problem of children whose environment is bad or who are exposed to moral and social dangers.

4. — EXTENSION TO OTHER REFUGEES OF MEASURES TAKEN TO ASSIST RUSSIANS AND ARMENIANS

The report of the League High Commissioner on the possibility of applying to Assyrian, Assyro-Chaldean and Turkish refugees the measures taken to assist Armenians and Russians was discussed by the Council on June 7th.

(1) Rapporteur : the British Representative.

The information received showed that there were no fewer than 15,000 Assyrians and Assyro-Chaldeans in Southern Russia who were unable to establish themselves and wished for passports and employment elsewhere. In Iraq and Syria there were respectively 12,000 and 1,500 Assyrians mostly agricultural workers, who wished to retain their nationality and to be settled as colonists in Syria and Lebanon and Iraq under the direct protection of the Mandatory Powers concerned. A certain number of refugees of Turkish nationality, prescribed by their Government, were living in various countries of Europe.

The Council decided to invite the fifty Governments which had adopted the arrangements made in favour of Armenian and Russian refugees to extend them to the abovementioned categories. It, moreover, invited the Intergovernmental Conference on the Legal Status of Russian and Armenian Refugees, meeting on June 28th, to consider the possibility of making appropriate recommendations concerning the issue of passports to Assyrian and Assyro-Chaldean and Turkish refugees and for the regulation of their legal status.

XI. — Other Questions.

1. — THE NEW LEAGUE BUILDINGS

The Special Committee dealing with the question of the new League buildings was unable to submit a report on the revised design of the architects to the June session of the Council.

The plans provisionally adopted by the Special Committee and by the Council in March were prepared before any definite specifications were available for the new library to be built and endowed by the gift of Mr. Rockefeller, Junior. These specifications were drawn up by a Committee of Experts immediately after the March session of the Council, but unforeseen difficulties arose which prevented the architects from terminating the work.

2. — ALLOCATION OF EXPENSES

On June 9th the Council noted the report of the Committee on the allocation of expenses.

It agreed with the Committee that the scale at present in force should not be revised before 1930.

XII. — Forthcoming Events.

- July 16th : Sub-Committee on Arts and Letters, Geneva.
 - July 25th : Plenary Committee on Intellectual Co-operation and Governing
— Body of the Institute on Intellectual Co-operation, Geneva.
 - July 31st : Supervisory Committee, Paris.
 - August 20th : Commission on Small Pox and Vaccination, Geneva.
 - August 30th : Financial Committee, Geneva.
-

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