LEAGUE OF NATIONS

Official Journal

RECORDS

OF THE

TWELFTH ORDINARY SESSION

OF THE

ASSEMBLY

GENEVA, 1931.

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Official Journal

SPECIAL SUPPLEMENT No. 93

RECORDS

OF THE

TWELFTH ORDINARY SESSION

OF THE

ASSEMBLY

PLENARY MEETINGS

TEXT OF THE DEBATES

GENEVA, 1931

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LETTER OF CONVOCATION.

ADDRESSED BY THE SECRETARY-GENERAL TO ALL THE MEMBERS OF THE LEAGUE OF NATIONS, ON BEHALF OF MR. HENDERSON, ACTING-PRESIDENT OF THE COUNCIL.

I have the honour, in accordance with Rules 1 and 3 of the Rules of Procedure of the Assembly of the League of Nations, to summon the Assembly to convene at Geneva at 10.30 a.m. on Monday, September 7th, 1931.

(Signed) A. HENDERSON.

AGENDA

OF THE

TWELFTH ORDINARY SESSION OF THE ASSEMBLY

ADOPTED BY THE ASSEMBLY ON SEPTEMBER 7TH, 1931.

Election of the Committee to report on the Credentials of the Delegates.

Election of the President.

Examination and Adoption of the Agenda.

Nomination of Committees and Election of the Chairmen of the Committees.

Election of Six Vice-Presidents.

Report on the Work of the League since the Eleventh Session of the Assembly.

Election of Three Non-permanent Members of the Council.

FIRST COMMITTEE

Amendment of the Covenant of the League of Nations with a View to bringing it into Harmony with the Pact of Paris.

Progressive Codification of International Law.

Proposal of the Government of Finland to confer on the Permanent Court of International Justice Jurisdiction as a Tribunal of Appeal in respect of Arbitral Tribunals established by States.

Preparatory Procedure to be followed in the Case of General Conventions to be negotiated under the Auspices of the League of Nations.

Nationality of Women: Report of the Secretary-General.

SECOND COMMITTEE

Work of the Health Organisation.

Work of the Organisation for Communications and Transit.

Financial Work of the League of Nations.

Economic Work of the League of Nations.

Draft Convention for the Regulation of Whale Fishing.

THIRD COMMITTEE

Work of the Special Committee for the Drawing-up of a Draft General Convention to strengthen the Means of preventing War.

FOURTH COMMITTEE

Organisation of the Secretariat, of the International Labour Office and of the Registry of the Permanent Court of International Justice:

(a) Report of the Committee appointed to give Further Consideration to Certain Questions relating to the Organisation of the Secretariat, of the International Labour Office and of the Registry of the Permanent Court of International Justice;

(b) Questions adjourned by the Last Assembly:

(1) Salaries of Counsellors;

(2) Septennial Leave.

Budget for 1932, including the Budgets of the International Labour Organisation and of the Permanent Court of International Justice; Audited Accounts for the Twelfth Financial Period (1930); Reports of the Supervisory Commission; Report of the Administrative Board of the Staff Pensions Fund.

Election of Members of the Supervisory Commission.

FIFTH COMMITTEE

Work of the Advisory Committee on the Traffic in Opium and Other dangerous Drugs.

Work of the Committee on Traffic in Women and Children.

Work of the Child Welfare Committee.

Penal Administration: Report by the Secretary-General.

SIXTH COMMITTEE

Work of the Commission of Enquiry for European Union.

Slavery:

(a) Annual Report by the Council;

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Intellectual Co-operation;

(a) Work of the International Committee on Intellectual Co-operation;

(b) Work of the International Educational Cinematographic Institute at Rome.

Nansen International Office for Refugees.

In the course of the session the following items were added to the agenda:

Invitation to Mexico to become a Member of the League of Nations.

Reduction of Armaments.

Protection of Minorities.

Mandates.

Situation as regards the Entry into force of the Protocol of September 14th, 1929, concerning the Revision of the Statute of the Permanent Court of International Justice.

Appointment of a Special Committee to study the Existing System of Elections to the Council.

Co-operation of Women and of the Press in the Organisation of Peace.

Installation of an Aerodrome near the Seat of the League of Nations.

LIST OF MEMBERS

OF THE

DELEGATIONS AT THE TWELFTH ORDINARY SESSION OF THE ASSEMBLY

ABYSSINIA

His Excellency Count Lagarde, Duke d'Entotto (Minister Plenipotentiary, Diplomatic Abyssinian Representative accredited to the League of Nations, High Counsellor).

Special Delegation :

His Excellency the Badjironde Zelleka Aguedéou (Minister for Finance, Envoy Extraordinary and Minister Plenipotentiary in Great Britain and France).

ALBANIA

His Excellency M. Djemil Dino (Envoy Extraordinary and Minister Plenipotentiary).

M. Lec Kurti (Resident Minister, Permanent Delegate accredited to the League of Nations).

AUSTRALIA

Mr. James R. Collins, C.M.G., C.B.E. (Official Secretary and Financial Adviser in London).

Substitutes :

Mr. Raymond G. Watt (General Secretary, Australian League of Nations Union, Lecturer in International Politics, University Extension Board, Sydney).

Dr. Ethel Osborne, M.Sc., M.B., B.S., D.Ph. (Industrial Health Consultant).

Secretary :

Major O. C. W. Fuhrman, O.B.E.

Assistant Secretary :

Miss N. V. K. Brady.

AUSTRIA

His Excellency Dr. Johann Schober[1] (Federal Vice-Chancellor of the Austrian Republic, Minister for Foreign Affairs).

His Excellency M. Albert Mensdorff-Pouilly-Dietrichstein (former Ambassador).

His Excellency M. Emerich Pflügl (Envoy Extraordinary and Minister Plenipotentiary, Permanent Austrian Representative accredited to the League of Nations).

[1] During his stay at Geneva, M. Schober acted as President of the delegation.

AUSTRIA *(contd.)*

His Excellency Dr. Max Hoffinger (Envoy Extraordinary and Minister Plenipotentiary accredited to the Swiss Confederation).

Substitutes :

Dr. Otto Juch (Head of Section, former Minister for Finance).

Dr. Richard Schüller (Head of Section, Professor at the University of Vienna, Vice-President of the Economic Committee of the League of Nations).

M. Théodore Hornbostel (Counsellor of Legation).

Expert :

Mme. L. Matsch-Hendrick.

Expert and Secretary :

Dr. Franz Matsch (Senior Ministerial Commissioner).

BELGIUM

His Excellency M. Paul Hymans (Minister for Foreign Affairs).

Viscount P. Poullet (Minister of State, former Prime Minister, Professor at the University of Louvain).

Count Carton de Wiart (Minister of State, former Prime Minister).

M. Paul E. Janson[1] (Minister of State).

Substitutes :

Baron Edouard Descamps-David (Vice-President of the Senate).

Baron Moncheur (Honorary Ambassador).

M. F. van Langenhove (Secretary-General of the Ministry for Foreign Affairs).

M. J. Mélot (Envoy Extraordinary and Minister Plenipotentiary).

M. Henri Rolin (Legal Adviser at the Ministry for Foreign Affairs).

M. O. Louwers (Colonial Adviser at the Ministry for Foreign Affairs).

M. M. Suetens (Director of Commercial Agreements at the Ministry for Foreign Affairs).

[1] During M. Hymans' stay at Geneva, M. Janson acted as substitute delegate.

BELGIUM *(contd.)*

M. L. Hennebicq (former President of the Brussels Corporation of Barristers).

M. M. Bourquin (Professor at the Institut universitaire des Hautes études internationales).

Secretary-General:

M. J. Mélot (Envoy Extraordinary and Minister Plenipotentiary).

Secretary:

M. Nicaise.

Attachées:

Mlle. Feron.

Mlle. Goldschmidt.

BOLIVIA

His Excellency M. Adolfe Costa du Rels (Minister Plenipotentiary, former Minister for Finance, Permanent Delegate accredited to the League of Nations).

BRITISH EMPIRE

The Right Honourable the Viscount Cecil of Chelwood, K.C.

The Right Honourable the Earl of Lytton, G.C.S.I., G.C.I.E.

The Viscount Astor.

Substitutes:

The Honourable Mrs. Alfred Lyttelton, G.B.E.
Sir Arthur Salter, K.C.B.

Economic Adviser:

Sir Sydney Chapman, K.C.B. (Board of Trade).

Secretary-General:

The Honourable Alexander Cadogan, C.M.G.

Secretaries:

Mr. E. H. Carr, C.B.E.

Mr. L. Robertson-Fullarton.

Mr. W. G. Hayter.

Mr. P. E. Lewis.

Experts:

Vice-Admiral F. C. Dreyer, C.B., C.B.E. (Admiralty).

Commander B. L. Johnston, R.N. (Admiralty).

Group Captain J. T. Babington, D.S.O. (Air Ministry).

Sir E. J. Harding, K.C.M.G., C.B. (Dominions Office).

Mr. P. A. Clutterbuck, M.C. (Dominions Office).

Mr. W. E. Beckett, C.M.G. (Second Legal Adviser at the Foreign Office).

Sir George Buchanan, C.B., M.D. (Ministry of Health).

Mr. G. C. North, M.C. (Ministry of Health).

Mr. O. F. Dowson, O.B.E. (Assistant Legal Adviser at the Home Office).

Mr. A. Paterson (Prison Commission, Home Office).

Mr. R. G. Somervell (Ministry of Labour).

BRITISH EMPIRE *(contd.)*

Mr. R. J. Shackle (Board of Trade).

Mr. T. K. Bewley (Treasury).

Brigadier-General A. C. Temperley, C.B., C.M.G., D.S.O. (War Office).

Press Bureau:

Sir Arthur Willert, K.B.E.

Private Secretaries:

Mr. E. C. Henty (Private Secretary to Lord Cecil).

Miss Ffooks (Private Secretary to Viscount Astor).

Miss Freeland (Private Secretary to Mrs. Lyttelton).

Mr. R. Kelf-Cohen (Private Secretary to Sir Sydney Chapman).

BULGARIA

His Excellency M. Alexandre Malinoff (President of the Council of Ministers, Minister for Foreign Affairs and Religion).

His Excellency M. Alexandre Guirguinoff (Minister for Finance).

M. Vladimir Molloff (Member of the Chamber of Deputies, former Minister for Finance).

Substitute:

M. Dimitri Mikoff (Chargé d'Affaires in Switzerland. Permanent Bulgarian Representative accredited to the League of Nations).

Experts:

M. Boris Ivanoff (Secretary-General of the Ministry for Finance).

M. Nicolas Stoyanoff (Director of the Public Debt).

M. Dimitri Chichmanoff (Head of the Bulgarian Commissariat for Reparations).

M. Djoudjeff (Member of the Greco-Bulgarian Intermigration Commission).

CANADA

The Honourable Hugh Guthrie, P.C., K.C., M.P. (Minister for Justice, Attorney-General).

The Honourable C. P. Beaubien, K.C., LL.L. (Senator).

Mrs. Henry Pemberton Plumptre (Member of the Board of Education, Toronto).

Substitutes:

The Honourable Philippe Roy, P.C., M.D. (Minister in France).

The Honourable Martin Burrell, P.C., LL.D. (Parliamentary Librarian).

Mr. Walter A. Riddell, M.A., Ph.D. (Dominion of Canada Advisory Officer accredited to the League of Nations).

Secretary-General:

Mr. N. A. Robertson.

Secretaries:

Mr. P. E. Renaud.

Miss M. M. Clark.

Miss M. E. Bridgman.

Miss M. F. Andrews.

CHILE

His Excellency M. Enrique Villegas (Ambassador in London, former Prime Minister, former Minister for Foreign Affairs).

His Excellency M. Luis V. de Porto-Seguro (Envoy Extraordinary and Minister Plenipotentiary in Berlin).

His Excellency M. Jorge Valdés-Mendeville (Envoy Extraordinary and Minister Plenipotentiary at Brussels and Berne).

Substitute and Secretary-General:

M. Enrique Gajardo (Secretary of the Permanent Delegation accredited to the League of Nations).

Expert:

Mme. Marte Vergara.

CHINA

His Excellency Dr. Sao-Ke Alfred Sze (Envoy Extraordinary and Minister Plenipotentiary in London).

His Excellency M. Wang Chia Chen (Vice-Minister for Foreign Affairs).

His Excellency Dr Woo Kaiseng (Envoy Extraordinary and Minister Plenipotentiary at Berne).

Counsellors:

Dr. W. W. Willoughby (formerly Adviser to the President of the Republic of China).

M. Lingoh Wang (Chargé d'Affaires at Madrid).

Secretary-General:

Dr. Hoo Chi-Tsai (Director of Department at the Ministry for Foreign Affairs).

Substitutes:

M. Lone Liang (Chargé d'Affaires at Berlin).

M. Dekien Tung (Chargé d'Affaires at Vienna).

M. Y. S. Ziar (formerly President of the Court of Criminal Appeals at Shanghai).

Assistant Delegates:

M. H. Sze Ping (First Secretary at the Legation in London).

M. Low Kwang Lai (Head of Section at the Ministry for Foreign Affairs).

M. Tswen-Ling Tsui (Assistant Head of Section at the Ministry for Foreign Affairs).

Assistant Secretary-General and Expert:

M. Chen Ting (First Secretary of Legation).

Experts:

M. C. N. Lou (Second Secretary of Legation).

M. R. Fang (Secretary of Legation).

M. Willer Chai (Secretary of Legation).

M. H. C. Sung (Attaché to Legation).

Secretaries:

M. Roland Ouang (Attaché at the Legation at Berne).

M. Tsao Shu-Ming (Chancellor of Legation).

M. Woo Hwang Han (Chancellor of Legation).

COLOMBIA

His Excellency Dr. Antonio José Restrepo (Permanent Delegate accredited to the League of Nations).

Dr. Eduardo Santos (former Minister for Foreign Affairs).

Dr. Alfonso Lopez (Envoy Extraordinary and Minister Plenipotentiary in London).

Expert and Secretary:

Dr. Calixto Torres-Umaña (Permanent Counsellor at the Colombian Delegation accredited to the League of Nations).

CUBA

His Excellency M. Orestes Ferrara (former President of the Chamber of Representatives, Ambassador at Washington).

His Excellency M. Aristides de Agüero y Bethancourt (Envoy Extraordinary and Minister Plenipotentiary at Berlin).

His Excellency M. Guillermo de Blanck (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

Substitutes:

His Excellency M. Carlos de Armenteros (Envoy Extraordinary and Minister Plenipotentiary at Berne).

His Excellency M. J. A. Izquierdo (Envoy Extraordinary and Minister Plenipotentiary at Rome).

M. Ramiro Hernández Portela (Counsellor of Legation in Paris).

Secretaries:

M. J. de la Luz León (Consul at Geneva).

M. Jorge Izquierdo.

CZECHOSLOVAKIA

His Excellency M. Eduard Beneš (Minister for Foreign Affairs).

M. Kornel Stodola (Senator).

M. Leo Winter (Member of the Chamber of Deputies, former Minister for Social Insurance).

Substitutes:

M. Zdeněk Fierlinger (Envoy Extraordinary and Minister Plenipotentiary at Berne, Permanent Delegate accredited to the League of Nations).

M. František Svetlík (Member of the Chamber of Deputies).

Mme. Františka Plamínková (Senator).

M. Wolfgang Zierhut (Member and Vice-President of the Chamber of Deputies).

Experts:

M. Jan Hájek (Head of Division at the Ministry for Foreign Affairs).

M. Josef Chmelař (Counsellor at the Ministry for Foreign Affairs).

Private Secretary to M. Beneš:

M. Vladimir Kučera (" Chef du Cabinet " to the Minister for Foreign Affairs).

CZECHOSLOVAKIA *(contd.)*

Secretary-General :

M. Arnošt Heidrich (Head of the Czechoslovak League of Nations Office).

Secretaries :

M. Karel Trpák (Secretary at the Legation in Berne).

M. Jaromír Špaček (Secretary at the Ministry for Foreign Affairs).

M. Bohuslav Večerka (Secretary at the Ministry for Foreign Affairs).

DENMARK

Dr. Peter Munch (Minister for Foreign Affairs).

Dr. Laust Moltesen (former Minister for Foreign Affairs, Member of the Chamber of Deputies).

M. F. J. Borgbjerg (Minister for Public Education, Member of the Chamber of Deputies).

His Excellency M. Eric de Scavenius[1] (former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary).

Substitutes :

The Rev. Th. Povlsen (former Minister for Religion, Member of the Chamber of Deputies).

M. Holger Andersen (Member of the Chamber of Deputies).

M. Henrik de Kauffmann (Envoy Extraordinary and Minister Plenipotentiary).

M. W. Borberg (Permanent Danish Delegate accredited to the League of Nations).

Mlle. Henni Forchhammer (Vice-President of the Danish National Council of Women and Honorary Vice-President of the International Council of Women).

Experts :

M. Helge Wamberg (Counsellor at the Legation in Paris).

M. Holger Bech (Secretary at the Ministry for Foreign Affairs).

Secretary :

M. Holger Bech (Secretary at the Ministry for Foreign Affairs).

DOMINICAN REPUBLIC

His Excellency M. Elias Brache, Jr. (former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary in Spain).

M. Enrique Deschamps (Permanent Delegate accredited to the League of Nations).

ESTONIA

His Excellency M. Jaan Tõnisson (Minister for Foreign Affairs, Member of the Chamber of Deputies, former Head of State).

M. Ch. R. Pusta (Envoy Extraordinary and Minister Plenipotentiary in Paris, former Minister for Foreign Affairs).

M. Auguste Schmidt (Envoy Extraordinary and Minister Plenipotentiary in Rome and Berne, Permanent Delegate accredited to the League of Nations).

[1] During Dr. Munch's stay at Geneva, M. de Scavenius acted as substitute delegate.

ESTONIA *(contd.)*

Secretary :

M. J. Kõdar (Secretary of the Permanent Delegation accredited to the League of Nations).

FINLAND

His Excellency Baron A. S. Yrjö-Koskinen (Minister for Foreign Affairs).

His Excellency M. Rafael W. Erich (Envoy Extraordinary and Minister Plenipotentiary at Stockholm, former Prime Minister).

His Excellency Dr. Rudolf Holsti (Envoy Extraordinary and Minister Plenipotentiary at Berne, Permanent Delegate accredited to the League of Nations, former Minister for Foreign Affairs).

Substitutes :

Dr. Eemil Hynninen (Former Minister for Communications, Director-General of the Central Federation of Agricultural Co-operatives).

M. Armas Yöntilä (Counsellor at the Legation in Berlin).

M. Kaarlo Ensio P. Hiitonen (Head of the League of Nations Office at the Ministry for Foreign Affairs).

M. Evald Gyllenbögel (Counsellor at the Legation in Berne and at the Permanent Delegation accredited to the League of Nations).

M. Paul Hjelt (Secretary at the Permanent Delegation accredited to the League of Nations).

Secretary-General :

M. Evald Gyllenbögel (Counsellor at the Legation in Berne and at the Permanent Delegation accredited to the League of Nations).

Secretaries :

M. Paul Hjelt (Secretary at the Permanent Delegation accredited to the League of Nations).

M. Elemér Nordberg.

FRANCE

His Excellency M. Aristide Briand (Member of the Chamber of Deputies, Minister for Foreign Affairs).

M. Pierre-Etienne Flandin (Member of the Chamber of Deputies, Minister for Finance).

M. Louis Rollin (Member of the Chamber of Deputies, Minister for Commerce and Industry).

Substitutes :

M. Pierre Cathala (Member of the Chamber of Deputies, Under Secretary of State at the Ministry for the Interior).

M. Maurice Petsche (Member of the Chamber of Deputies, Under-Secretary of State at the Ministry for Public Education and Fine Arts).

FRANCE *(contd.)*

M. Claude Gignoux (Member of the Chamber of Deputies, Under-Secretary of State in the Prime Minister's Department and for National Economy).

Assistant Delegates :

M. Léon Jouhaux (Secretary-General of the General Labour Confederation).

M. René Cassin (Professor at the Faculty of Law in Paris, Honorary President of the National Union of Mutilated and Former Combatants).

M. René Massigli (Minister Plenipotentiary, Head of the French League of Nations Office).

M. Jules Gautier (Honorary President of Section in the Council of State).

M. Basdevant (Legal Adviser at the Ministry for Foreign Affairs).

M. Cahen-Salvador (State Councillor, Secretary-General of the National Economic Council).

Secretary-General :

M. René Massigli (Minister Plenipotentiary, Head of the French League of Nations Office).

Assistant Secretary-General :

M. Georges Dulong (Secretary to Embassy, Head of Section at the French League of Nations Office).

Experts :

M. Léger (Minister Plenipotentiary, Director of Political and Commercial Affairs, " Chef du Cabinet " to the Minister for Foreign Affairs).

M. Peycelon (Director of the Official Publications of the French Republic).

M. Elbel (Director at the Ministry for Commerce and Industry).

M. Réveillaud (Honorary President of the Council of the Seine Prefecture).

M. de Chalendar (Finance Inspector, Member of the Financial Committee of the League of Nations).

M. Louis Aubert (Agrégé de l'Université).

M. Hesnard (Director of the French Institute at Berlin).

M. Dayras (Finance Inspector, entrusted with the Direction of the Technical Services at the Ministry for Finance).

M. Amé-Leroy (Consul-General at Geneva).

M. Dulong (Secretary to Embassy (first class), Head of Section at the French League of Nations Office).

M. Bourgois (Consul, French Delegate on the League of Nations Advisory Committee for the Traffic in Opium and other Dangerous Drugs and on the Traffic in Women and Children and Child Welfare Committees).

M. Arnal (Consul, first class).

M. Jérôme Lévy (former Deputy Secretary-General of the French Delegation to the International Economic Conference).

FRANCE *(contd.)*

Military Advisers :

Captain Deleuze (Naval Delegate on the Permanent Advisory Commission for Military, Naval and Air Questions).

Lieutenant-Colonel Lucien (Assistant Military Delegate on the Permanent Advisory Commission for Military, Naval and Air Questions).

Experts :

M. Jacques Fouques-Duparc (Secretary to Embassy).

M. Jean Paul-Boncour (Secretary to Embassy).

M. Henri Coursier (Consul, second class).

M. Jehan Martin (Assistant " Chef de Cabinet " to the Minister for Finance).

Secretaries :

Captain Vautrin.

M. François Seydoux (Secretary to Embassy).

M. de Panafieu (Attaché to Embassy).

M. Jean Mézière (" Rédacteur " at the French League of Nations Office).

GERMANY

Dr. Julius Curtius (Minister for Foreign Affairs).

Johann-Heinrich Graf von Bernstorff (former Ambassador).

Dr. Friedrich Gaus (Director at the Ministry for Foreign Affairs).

Substitutes :

Dr. Otto Goeppert (Envoy Extraordinary and Minister Plenipotentiary).

M. Gerhard von Mutius (Envoy Extraordinary and Minister Plenipotentiary).

Ernst Freiherr von Weizsäcker (Envoy Extraordinary and Minister Plenipotentiary).

Secretary-General :

M. von Kamphoevener (Councillor).

Experts :

Frau Dr. von Zahn-Harnack.

Fräulein Dr. Pünder.

Dr. Melchior.

Professor Dr. Mendelssohn-Bartholdy.

M. Lammers.

Dr. Ruppel (former Ministerial Director).

Dr. Posse (Ministerial Director).

Dr. Zechlin (Director of the Press Office of the Reich).

Dr. Imhoff (Ministerial Councillor).

Dr. Frohwein (Councillor).

M. Walter (Ministerial Councillor).

M. Reinebeck (Councillor, " Chef du cabinet " to the Minister for Foreign Affairs).

Dr. Voelckers (Consul-General).

Dr. Roediger (Counsellor of Legation).

Dr. Heide (Ministerial Councillor).

Dr. Kroll (Consul).

Generalleutnant von Blomberg.

Vizeadmiral Freiherr von Freyberg-Eisenberg-Allmendingen.

Oberst Schönheinz.

Secretary :

Dr. Haas (Secretary of Legation).

GREECE

His Excellency M. E. Vénisélos (President of the Council of Ministers).

His Excellency M. A. Michalakopoulos (Vice-President of the Council of Ministers, Minister for Foreign Affairs).

His Excellency M. Nicolas Politis (former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary in Paris).

His Excellency M. A. Papadatos[1] (Under-Secretary of State in the Prime Minister's Department).

Substitutes :

His Excellency M. N. Mavroudis (Envoy Extraordinary and Minister Plenipotentiary, Director-General of the Ministry for Foreign Affairs).

M. R. Raphael (Permanent Delegate accredited to the League of Nations).

Experts :

M. G. Mélas (Director of Political Affairs at the Ministry for Foreign Affairs).

M. G. Drossopoulos (Director of the Public Debt at the Ministry for Finance).

Secretary-General :

M. B. P. Papadakis (Head of the League of Nations Office at the Ministry for Foreign Affairs).

Secretaries :

M. G. Coustas (Head of Section at the Ministry for Foreign Affairs).

M. A. Contoumas (Secretary at the Permanent Greek Delegation accredited to the League of Nations).

M. P. Pipinelis (Secretary at the Permanent Greek Delegation accredited to the League of Nations).

M. Ch. Xanthopoulos-Palamas (Secretary of the League of Nations Office at the Ministry for Foreign Affairs).

M. J. Papayannis (Secretary at the Permanent Greek Delegation accredited to the League of Nations).

GUATEMALA

His Excellency M. José Matos (former Minister for Foreign Affairs, Permanent Delegate accredited to the League of Nations).

HAITI

His Excellency M. Constantin Mayard (Envoy Extraordinary and Minister Plenipotentiary at Paris).

His Excellency M. Dantès Bellegarde (Envoy Extraordinary and Minister Plenipotentiary at Washington).

HUNGARY

His Excellency Count Albert Apponyi (former Minister).

His Excellency General Gabriel Tánczos (former Minister).

[1] During the stay of M. Vénisélos at Geneva, M. Papadatos acted as substitute delegate.

HUNGARY *(contd.)*

His Excellency Baron Joseph Szterényi (former Minister).

Substitutes :

Countess Albert Apponyi.

His Excellency M. A. de Nickl (Envoy Extraordinary and Minister Plenipotentiary).

M. Jean Pelényi (Resident Minister, Head of the Hungarian Delegation accredited to the League of Nations).

Baron Gabriel Apor (Counsellor of Legation, Director of the Political Section at the Ministry for Foreign Affairs).

M. Georges Ottlik (Publicist, Director of the "Year-Book of the League of Nations").

Experts :

Colonel Siegler (Ministry for National Defence).

M. Nicolas de Kozma (Ministerial Counsellor, President and Director of the Hungarian Telegraphic Agency).

M. Etienne de Winchkler (Assistant Head of the Economic Section at the Ministry for Foreign Affairs).

M. Zoltán Baranyai (Counsellor of Legation).

M. Francis Deák (Assistant Professor of International Law at Columbia University, New York).

Secretary-General :

M. Zoltán Baranyai (Counsellor of Legation).

INDIA

Sir Brojendra L. Mitter, Kt. (Law Member of the Governor-General's Executive Council).

Khan Bahadur Diwan Abdul Hamid, C.I.E., O.B.E. (Diwan, Kapurthala State).

Sir Denys Bray, K.C.S.I., K.C.I.E., C.B.E. (Member of the Council of India).

Substitutes :

Sir Jehangir Cooverjee Coyajee, Kt. (Professor at Presidency College, Calcutta).

Rao Bahadur Sir Annepu Parashuramadas Patro, Kt. (former Minister for Education, Excise, Public Works and Registration, Madras).

Dr. Lodhi Karim Hyder (Professor, Muslim University, Aligarh).

Secretary-General :

Mr. G. Graham Dixon (India Office).

Secretaries :

Mr. W. B. Goodchild (India Office).

M. L. E. Le Burn (India Office).

Private Secretary to Khan Bahadur Diwan Abdul Hamid :

Khan Bahadur Sardar Habibullah Khan (Member of the Punjab Legislative Council).

IRISH FREE STATE

Mr. Patrick McGilligan (Minister for Foreign Affairs, Minister for Industry and Commerce).

Mr. Daniel A. Binchy (Envoy Extraordinary and Minister Plenipotentiary in Berlin).

Mr. Sean Lester (Permanent Delegate accredited to the League of Nations).

IRISH FREE STATE *(contd.)*

Substitutes :

Mr. Sean Murphy (Assistant Secretary of the Department for Foreign Affairs).

Mr. John J. Hearne (Legal Adviser at the Department for Foreign Affairs).

Mr. Sean Leydon (Head of Section at the Ministry for Finance).

Secretary-General :

Mr. F. T. Cremins (Head of Section at the Department for Foreign Affairs).

Secretaries :

Mr. T. J. Coyne (Secretary of the Permanent Delegation accredited to the League of Nations).

Mr. F. H. Boland (Member of Section at the Department for Foreign Affairs).

Miss S. Murphy.

Miss M. Mooney.

ITALY

His Excellency M. Dino Grandi (Minister for Foreign Affairs).

His Excellency M. Giuseppe Bottai (Minister of Corporations).

His Excellency Professor Vittorio Scialoja (Minister of State, Senator).

Substitutes :

His Excellency M. Giuseppe de Michelis (Ambassador, Senator).

General Alberto de Marinis Stendardo di Ricigliano (Senator).

His Excellency M. Edmondo Rossoni (Minister of State, Member of the Chamber of Deputies).

Assistant Delegates :

His Excellency M. Emilio Bodrero (Vice-President of the Chamber of Deputies).

M. Stefano Cavazzoni (Senator).

His Excellency M. Massimo Pilotti (First President of the Court of Appeal, Legal Adviser at the Ministry for Foreign Affairs).

Baron Alessandro Sardi di Revisondoli (Member of the Chamber of Deputies).

M. Cesare Tumedei (Member of the Chamber of Deputies).

Professor Amedeo Giannini (Counsellor of State, Honorary Minister Plenipotentiary, Professor at the University of Rome).

Count Emilio Pagliano (Minister Plenipotentiary, Director-General at the Ministry for Foreign Affairs).

M. Augusto Biancheri Chiappori (Minister Plenipotentiary).

Professor Giuseppe Gallavresi.

Secretary-General :

M. Augusto Rosso (Minister Plenipotentiary, Head of the League of Nations Section at the Ministry for Foreign Affairs).

Experts :

M. Gino Buti (Minister Plenipotentiary).

M. Eugenio Anzilotti (Director-General at the Ministry of Corporations).

ITALY *(contd.)*

Captain Fabrizio Ruspoli.

Captain Paolo Maroni.

M. Ernesto Santoro (Head of Section at the Ministry of Corporations).

Lieutenant-Colonel Emilio Giglioli (General Staff).

Lieutenant-Colonel Vittorio Marchesi (General Staff).

Press Officer :

M. Guido Rocco (Counsellor of Legation).

Secretaries :

M. Leonardo Vitetti (First Secretary of Legation).

M. Massimo Magistrati (Secretary of Legation).

Count Tristam Alvise Cippico (Vice-Consul).

M. Francesco Lo Faro.

Count Giovanni Revedin di San Martino.

M. Andrea Ferrero (Consular Attaché).

Private Secretaries :

M. Alberto Nonis (First Secretary of Legation, Private Secretary to M. Grandi).

Baron Giuseppe Valignani (Private Secretary to M. Bottai).

M. Giovanni Mantica (Private Secretary to M. Scialoja).

Interpreter :

Mme. Olivia Agresti-Rossetti.

JAPAN

His Excellency M. Kenkichi Yoshizawa (Ambassador in France, Japanese Representative on the Council of the League of Nations).

His Excellency M. Naotaké Sato (Ambassador in Belgium).

His Excellency Viscount Kintomo Mushakoji (Envoy Extraordinary and Minister Plenipotentiary in Sweden, Denmark, Finland and Norway).

Substitutes :

His Excellency M. Nobutaro Kawashima (Envoy Extraordinary and Minister Plenipotentiary in Greece).

His Excellency M. Setsuzo Sawada (Minister Plenipotentiary, Director of the Japanese League of Nations Office).

M. Nobumi Ito (Counsellor of Embassy).

Secretary-General :

His Excellency M. Setsuzo Sawada (Minister Plenipotentiary, Director of the Japanese League of Nations Office).

Secretaries :

M. Tamao Sakamoto (Secretary to Embassy).

M. Shun-ichi Matsumoto (Secretary to Embassy).

M. Shin-ichi Shibusawa (Secretary to Embassy).

Viscount Seiichi Motono (Secretary to Embassy).

M. Shiko Kusama (Secretary at the Japanese League of Nations Office).

M. Shintaro Sato (Attaché).

JAPAN *(contd.)*

M. Toshikazu Kase (Attaché).

M. Yutaka Konagaya (Attaché).

M. Shiguéru Yossano (Attaché).

M. Yuzo Isono (Attaché).

Private Secretaries :

M. Shun-ichi Matsumoto (Secretary to Embassy, Private Secretary to M. Yoshizawa).

Viscount Seiichi Motono (Secretary to Embassy, Private Secretary to M. Sato).

M. Yutaka Konagaya (Private Secretary to M. Mushakoji).

LATVIA

His Excellency M. Karlis Ulmanis (Prime Minister, Minister for Foreign Affairs).

His Excellency M. Jules Feldmans (Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

M. Wilhelms Munter (Director of the Legal and Administrative Department at the Ministry for Foreign Affairs).

Substitute :

M. Ludwig Ekis (Counsellor of Legation, Head of the Western Section at the Ministry for Foreign Affairs).

Secretary :

M. Wilhelm Kalnin (Secretary of the Permanent Delegation accredited to the League of Nations).

LIBERIA

His Excellency Dr. Antoine Sottile (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

The Honourable Louis Arthur Grimes (Attorney-General of Liberia).

The Honourable Frederick E. R. Johnson (Chief Justice of Liberia).

LITHUANIA

His Excellency Dr. Dovas Zaunius[1] (Minister for Foreign Affairs).

His Excellency M. Petras Klimas (Envoy Extraordinary and Minister Plenipotentiary in Paris).

His Excellency M. Venceslas Sidzikauskas (Envoy Extraordinary and Minister Plenipotentiary in Berlin).

Mme. Sofija Čiurlionis (University Professor).

Substitute and Secretary-General :

Dr. Kazys Graužinis (" Chef du Cabinet " to the Minister for Foreign Affairs).

LUXEMBURG

His Excellency M. Joseph Bech (Minister of State, Prime Minister, Minister for Foreign Affairs).

[1] During his stay at Geneva, M. Zaunius acted as first delegate.

LUXEMBURG *(contd.)*

His Excellency M. Emile Reuter (Honorary Minister of State, President of the Chamber of Deputies).

M. Gaston Diderich (Member of the Chamber of Deputies, Burgomaster of the City of Luxemburg).

Substitutes :

M. Charles Vermaire (Consul at Geneva).

M. Albert Wehrer (Doctor of Law, Governmental Adviser).

MEXICO

His Excellency M. Genaro Estrada (Secretary of State for Foreign Affairs).

His Excellency M. Emilio Portes Gil (Envoy Extraordinary and Minister Plenipotentiary in France, former President of the Republic).

M. Fernando Gonzalez Roa (Delegate on various international committees).

Substitutes :

M. Eduardo Suarez (Head of the Legal Department at the Ministry for Foreign Affairs).

M. Manuel Gomez Morin (former Under-Secretary for Finance).

His Excellency M. Alfonso Reyes (Ambassador in Brazil).

Secretary-General :

M. Salvador Martinez de Alva (Director of the Mexican Office at Geneva).

Secretary *par interim :*

M. Alfredo Martinez Baca.

NICARAGUA

M. Tomás Francisco Medina (Permanent Delegate accredited to the League of Nations).

NETHERLANDS

His Excellency Jonkheer F. Beelaerts van Blokland (Minister for Foreign Affairs).

His Excellency Jonkheer J. Loudon (Envoy Extraordinary and Minister Plenipotentiary in Paris, former Minister for Foreign Affairs).

His Excellency M. H. Colijn (Minister of State, former Minister for Finance, Member of the Second Chamber of the States-General).

M. J. Limburg[1] (Member of the Council of State).

Substitutes :

M. L. J. A. Trip (President of the " Ondernemersraad " for the Netherlands Indies, former General Treasurer of the Ministry for Finance, former President of the Bank of Java).

M. J. P. A. François (Head of the League of Nations Section at the Ministry for Foreign Affairs, Extraordinary Professor at the School for Higher Commercial Studies at Rotterdam).

[1] During the stay of Jonkheer Beelaerts van Blokland at Geneva, M. Limburg acted as substitute delegate.

NETHERLANDS *(contd.)*

M. E. Moresco (former Vice-President of the Council of the Netherlands Indies).
Mme. L. C. Schönfeld-Polano (Director at the Ministry for Justice).

Substitute and Secretary:

Mme. C. A. Kluyver (First Secretary at the Ministry for Foreign Affairs).

Private Secretary to Jonkheer Beelaerts van Blokland:

Jonkheer M. W. van Weede (Attaché of Legation).

NEW ZEALAND

Sir Thomas Mason Wilford, K.C.M.G., K.C. (High Commissioner in London).

Substitutes and Secretaries:

Mr. C. Knowles.

Mr. C. B. Burdekin.

Assistant Secretary:

Miss E. M. Hannam.

NORWAY

M. Birger Braadland (Minister for Foreign Affairs).

M. C. J. Hambro (President of the Storting, President of the Committee for Foreign Affairs of the Storting).

M. Arnold Raestad (Doctor of Law, former Minister for Foreign Affairs).

Substitutes:

Dr. Christian L. Lange (Secretary-General of the Inter-Parliamentary Union).

M. Erik Colban (Envoy Extraordinary and Minister Plenipotentiary).

Mme. Ingeborg Aas (Doctor of Medicine).

M. Rolf Andvord (Head of Division at the Ministry for Foreign Affairs).

M. Hersleb Birkeland (Chargé d'Affaires at Berne, Permanent Delegate accredited to the League of Nations).

Press Service:

M. Jacob Vidnes (Director of the Press Bureau at the Ministry for Foreign Affairs).

Expert and Secretary:

M. Rolf Andersen (Secretary at the Ministry for Foreign Affairs).

PANAMA

His Excellency Dr. Horacio F. Alfaro (former Minister for Foreign Affairs, Presiding Commissioner, General and Special Claims Commissions between the United States and Mexico).

His Excellency Dr. Narciso Garay (Former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary in France and Great Britain).

Substitute and Secretary:

Dr. Francisco Villalaz (Chargé d'Affaires in Germany and Switzerland).

PARAGUAY

His Excellency Dr. Ramón V. Caballero de Bedoya (Envoy Extraordinary and Minister Plenipotentiary in France).

PERU

His Excellency M. Alfredo Gonzalez-Prada (Envoy Extraordinary and Minister Plenipotentiary in Great Britain).

Substitute:

M. José-María Barreto (Permanent Delegate accredited to the League of Nations).

PERSIA

His Highness Mirza Mohammad Ali Khan Foroughi (Minister for Foreign Affairs, former Prime Minister).

His Excellency Mirza Hussein Khan Alâ (Envoy Extraordinary and Minister Plenipotentiary in Paris, former Minister).

His Excellency Anouchirevan Khan Sépahbodi (Envoy Extraordinary and Minister Plenipotentiary at Berne, Permanent Delegate accredited to the League of Nations).

Substitutes:

Colonel Ali Khan Riazi (Military Attaché in Paris).

Dr. Ahmad Khan Matine-Daftary (Doctor of Law).

Expert:

Colonel Ali Khan Riazi (Military Delegate on the Permanent Advisory Commission for Military, Naval and Air Questions).

Secretary-General:

M. A. K. Motamédy (Bachelor of Law, First Secretary of Legation).

Secretaries:

M. N. Entézam-Weziry (Bachelor of Law, First Secretary of Legation).

M. Fazlollah Nabil (First Secretary at the Legation in Paris).

Attachés:

M. Abdol-Hossein Sardari (Bachelor of Law, Second Secretary of Legation).

M. Hussein Khan Sahèbe-Djème (Third Secretary of Legation).

Mme. A. H. Hékimi (Attachée at the Permanent Delegation accredited to the League of Nations).

POLAND

His Excellency M. Auguste Zaleski (Minister for Foreign Affairs).

His Excellency M. François Sokal (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

His Excellency M. Joseph Targowski (former Minister Plenipotentiary, Senator).

Substitutes:

His Excellency M. Witold Chodzko (former Minister for Health, Director of the State School of Hygiene at Warsaw).

POLAND *(contd.)*

His Excellency M. Jean de Modzelewski (Envoy Extraordinary and Minister Plenipotentiary at Berne).

His Excellency M. Marjan Szumlakowski (Envoy Extraordinary and Minister Plenipotentiary, Director of the Bureau of the Minister for Foreign Affairs).

His Excellency M. Anatol Muhlstein (Envoy Extraordinary and Minister Plenipotentiary, Counsellor at the Embassy in Paris).

M. Edouard Raczynski (Head of Division at the Ministry for Foreign Affairs).

M. Antoni Roman (Head of the Economic Bureau at the Ministry for Foreign Affairs).

Mme. Anna Szelagowska (President of the International Section of the Women's Association for Social Service in Poland).

Secretary-General:

M. Thadée Gwiazdowski (Counsellor of Legation at the Permanent Delegation accredited to the League of Nations).

Legal Adviser:

M. Szymon Rundstein (Legal Adviser to the Ministry for Foreign Affairs).

Experts:

M. Titus Komarnicki (Doctor of Law, Counsellor of Legation, Director of the Disarmament Bureau at the Ministry for Foreign Affairs).

M. Paul Morstin (Counsellor of Legation at the Permanent Delegation accredited to the League of Nations).

M. Ladislas Kulski (Doctor of Law, Secretary at the Ministry for Foreign Affairs).

M. Władysław Josef Zaleski (Doctor of Law, Secretary at the Ministry for Foreign Affairs).

Press Bureau:

M. Emile Ruecker (Secretary at the Ministry for Foreign Affairs).

Secretary:

M. Charles Kraczkiewicz (Secretary to the Minister for Foreign Affairs).

PORTUGAL

His Excellency Dr. Augusto de Vasconcellos (former Prime Minister, former Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary, Director-General of the Portuguese Service accredited to the League of Nations).

His Excellency Dr. José Capelo Franco Frazão, Count de Penha Garcia (former Minister for Finance, former President of the Chamber of Deputies, Member of the Permanent Court of Arbitration).

His Excellency Dr. Vasco de Quevedo (Envoy Extraordinary and Minister Plenipotentiary at Berne and accredited to the League of Nations).

Expert:

Dr. José Lobo d'Avila Lima (Professor at the Universities of Coimbra and Lisbon, Legal Adviser at the Ministry for Foreign Affairs).

PORTUGAL *(contd.)*

Secretary-General:

Dr. Alexandre Magno Ferraz de Andrade (First Secretary of Legation, Head of the Portuguese Service accredited to the League of Nations).

Secretaries:

M. Henrique Rezende Dias de Oliveira (Attaché at the Legation in Paris, Secretary to His Excellency the Minister for Foreign Affairs).

M. Jorge Bahia (Attaché of Legation at the Portuguese Service accredited to the League of Nations).

ROUMANIA

His Excellency M. Démètre J. Ghika (Minister for Foreign Affairs).

His Excellency M. Nicolas Titulesco (Envoy Extraordinary and Minister Plenipotentiary in London, former Minister for Foreign Affairs).

His Excellency M. Constantin Antoniade (Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations).

Substitutes:

Mlle. Hélène Vacaresco (Member of the Roumanian Academy).

His Excellency M. Alexandre Zeuceano (Minister Plenipotentiary).

His Excellency M. Savel Radulesco (Minister Plenipotentiary, Director of the Economic Division at the Ministry for Foreign Affairs).

M. V. V. Pella (University Professor).

Experts:

His Excellency M. Eugène Neculcea (Minister Plenipotentiary).

Mme. Alexandrine Cantacuzène (President of the Roumanian National Council of Women, Vice-President of the International Council of Women).

M. Raoul Bossy (Counsellor of Legation, Director of the Bureau of the Minister for Foreign Affairs).

M. Alexandre Cretziano (Counsellor of Legation, Assistant Political Director at the Ministry for Foreign Affairs).

M. Victor Statesco (Economic Adviser to the Legations at Berne and Geneva).

Colonel J. Stcicesco (Royal Aide-de-Camp).

Major C. Teodorini (General Staff).

Secretary-General:

M. Edmond Ciuntu (First Secretary of Legation).

Secretary:

M. Démètre Buzdugan (First Secretary of Legation in London).

SALVADOR

His Excellency Dr. Reyes Guerra.

SIAM

His Serene Highness Prince Damras (Envoy Extraordinary and Minister Plenipotentiary in London, Permanent Representative accredited to the League of Nations).

SIAM *(contd.)*

His Excellency Phya Abhibal Rajamaitri (Envoy Extraordinary and Minister Plenipotentiary in Rome).

Secretaries :

Luang Visutra Virajdes (Second Secretary of Legation in Paris).

Luang Siriraj Maitri (Third Secretary of Legation in London).

Luang Ladakavad (Attaché to the Legation in Rome).

M. Subhavarn Varasiri (Attaché to the Legation in London).

SPAIN

His Excellency M. Alejandro Lerroux (Minister for Foreign Affairs).

His Excellency M. Salvador de Madariaga (Ambassador at Washington, Member of the Cortes).

M. Amadeo Hurtado y Miró (Member of the Cortes).

M. Leopoldo Palacios-Morini[1] (former Under-Secretary at the Ministry for Finance, Professor at the Central University).

Substitutes :

M. Francisco Bernís Carrasco (Secretary-General of the Upper Financial Council).

M. Julio Casares (Member of the Spanish Academy, Head of Section at the Ministry for Foreign Affairs).

Mlle. Clara Campoamor (Member of the Cortes).

Assistant Delegates :

M. Julio López Oliván (Minister Plenipotentiary, Head of the Political Section at the Ministry for Foreign Affairs).

M. Carlos Esplá (Member of the Cortes, former Civil Governor).

Experts :

Military Questions :

General Juan García Benitez.

Colonel José Rodriguez Ramirez (General Staff).

Naval Questions :

Admiral Joaquin Montagut.

Air Questions :

Lieutenant-General Jorge Soriano.

Health Questions :

Dr. Marcelino Pascua (Director-General of Health).

Legal Questions :

M. Manuel Martinez Pedroso (Professor at the University of Seville).

Secretary-General :

M. Julio López Oliván (Minister Plenipotentiary, Head of the Political Section at the Ministry for Foreign Affairs).

[1] During M. Lerroux's stay at Geneva, M. Palacios acted as substitute delegate.

SPAIN *(contd.)*

Secretaries :

M. Juan Arenzana y Chinchilla (Consul at Geneva).

M. Carlos Arcos y Cuadra (Secretary of Embassy).

M. Fernando Ramirez de Villaurrutia (Secretary of Embassy).

M. Felix de Iturriaga (Secretary of Embassy).

M. Ignacio Oyarzabal (Secretary of Embassy).

M. Alberto de la Torre (Chancellor of the Embassy in Paris).

M. Enrique Sarmehtero (Head Clerk at the Ministry for Foreign Affairs).

M. Luis Sanchez y Sans (Head Clerk at the Ministry for Foreign Affairs).

SWEDEN

His Excellency Baron S. G. F. T. Ramel (Minister for Foreign Affairs).

Professor B. Oesten Undén (Chancellor of the University of Upsala, former Minister for Foreign Affairs).

M. A. F. Vennersten (President of the First Chamber of the Riksdag, former Minister for Finance).

M. R. J. Sandler[1] (Member of the First Chamber of the Riksdag, former Minister).

Substitutes :

M. K. I. Westman (Envoy Extraordinary and Minister Plenipotentiary at Berne).

M. O. E. F. Järté (Member of the Second Chamber of the Riksdag).

M. E. C. Boheman (Director of Political Affairs at the Ministry for Foreign Affairs).

Mlle. Kerstin Hesselgren (Head Inspector of Labour, Member of the First Chamber of the Riksdag).

Secretaries :

M. C. O. Johansson (Press Service, First Secretary at the Ministry for Foreign Affairs).

M. P. G. A. Wijkman (First Secretary at the Ministry for Foreign Affairs).

M. S. J. Söderblom (Second Secretary at the Ministry for Foreign Affairs).

SWITZERLAND

His Excellency M. Giuseppe Motta (Federal Councillor, Head of the Political Department).

M. Gottfried Keller (Member of the Council of States).

M. Max Huber (Former President of the Permanent Court of International Justice).

Substitutes :

Professor William Rappard (Director of the Institute for Higher International Studies).

M. Roger Dollfus (Member of the National Council).

M. Walter Stucki (Director of the Commercial Division).

[1] During the stay of Baron Ramel at Geneva, M. Sandler acted as substitute delegate.

SWITZERLAND *(contd.)*

Expert and Secretary :

M. Camille Gorgé (Head of Section at the Political Department, first class).

Assistant Secretary :

M. Philippe Zutter (Lawyer, second class, at the Political Department).

UNION OF SOUTH AFRICA

Advocate C. T. te Water (High Commissioner in London).

Mr. D. J. de Villiers (Envoy Extraordinary and Minister Plenipotentiary at The Hague).

Substitute :

Major F. F. Pienaar, D.T.D., O.B.E. (Permanent Representative accredited to the League of Nations).

Secretary-General :

Mr. H. T. Andrews.

Secretaries :

Mr. F. Duplessis.

Mr. W. C. Naudé.

URUGUAY

His Excellency M. Antonio Bachini (Envoy Extraordinary and Minister Plenipotentiary in Great Britain).

His Excellency M. Pedro Cosio (Envoy Extraordinary and Minister Plenipotentiary in Germany).

Dr. Lorenzo Vicens Thievent (Director of the State Mortgage Bank, former Minister for the Interior).

Substitutes :

His Excellency Dr. Enrique E. Buero (Envoy Extraordinary and Minister Plenipotentiary in Belgium and the Netherlands).

His Excellency Dr. Alfredo de Castro (Envoy Extraordinary and Minister Plenipotentiary in Switzerland).

Dr. Enrique C. Armand Ugón (Judge for Commercial Questions at Montevideo).

Secretary-General :

M. Adolfo Sienra (Secretary of Legation in Paris).

Assistant Secretary :

M. Juan Carlos Risso-Sienra (Secretary of Legation in Berne).

VENEZUELA

His Excellency M. Cesar Zumeta (Venezuelan Representative on the Council of the League of Nations).

His Excellency Dr. Diogenes Escalante (Envoy Extraordinary and Minister Plenipotentiary in Great Britain).

His Excellency Dr. C. Parra-Pérez (Envoy Extraordinary and Minister Plenipotentiary in Italy).

Secretaries :

Dr. Carlos Alamo Ibarra (Director of the Consular and Financial Services at the Ministry for Foreign Affairs).

Dr. Arturo Uzlar Pietri (Attaché at the Legation in France).

YUGOSLAVIA

His Excellency M. Voïslav Marinkovitch (Minister for Foreign Affairs).

His Excellency M. Jélimir Majouranitch (Doctor of Law, Minister unattached).

His Excellency M. Iliya Choumenkovitch (Envoy Extraordinary and Minister Plenipotentiary, Permanent Delegate accredited to the League of Nations).

Substitutes :

His Excellency M. Constantin Fotitch (Envoy Extraordinary and Minister Plenipotentiary, Deputy Minister for Foreign Affairs).

M. André Gosar (former Minister for Social Insurance, Professor at the University of Belgrade).

Dr. Milan Todorovitch (Professor at the University of Belgrade, Technical Adviser at the Ministry for Foreign Affairs).

Secretary-General :

Dr. Ivo Andritch (Secretary of the Permanent Delegation accredited to the League of Nations).

Secretaries :

Dr. Stoyan Gavrilovitch (Secretary at the Ministry for Foreign Affairs).

Dr. Slavko Raïkovitch (Attaché at the Ministry for Foreign Affairs).

Private Secretary to M. Marinkovitch :

M. Kosta Pavlovitch (Attaché at the Ministry for Foreign Affairs).

PRESIDENT AND VICE-PRESIDENTS OF THE ASSEMBLY

President :

His Excellency M. Nicolas TITULESCO (Roumania).

Vice-Presidents elected by the Assembly :

M. BRIAND (France).
Viscount CECIL OF CHELWOOD (British Empire).
M. YOSHIZAWA (Japan).
M. CURTIUS (Germany).
Count APPONYI (Hungary).
L. RESTREPO (Colombia).

Vice-Presidents ex officio *as Chairmen of Committees :*

M. SCIALOJA (Italy).
M. JANSON (Belgium).
M. MUNCH (Denmark).
M. POLITIS (Greece).
M. ALÁ (Persia).
M. MOTTA (Switzerland).

The Secretary-General of the League of Nations :

The Hon. Sir James Eric DRUMMOND.

The President and the twelve Vice-Presidents constituted, with Sir Eric Drummond, Secretary-General of the League of Nations, the General Committee of the Assembly.

In addition, in accordance with a decision taken by the Assembly at its first meeting, the Chairman of the Agenda Committee, Dr. L. K. HYDER (India), was appointed a member of the General Committee of the Assembly.

SWITZERLAND *(contd.)*

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TEXT OF THE DEBATES

FIRST PLENARY MEETING

Monday, September 7th, 1931, at 10.30 a.m.

CONTENTS :

1. Opening of the Assembly.
2. Election of the Committee to report on the Credentials of the Delegates.
3. Opening Speech by M. Lerroux, President in Office of the Council.
4. Credentials of Delegates.
Report of the Committee on Credentials.
5. Election of the President of the Twelfth Ordinary Session of the Assembly.
6. Presidential Address.
7. Agenda : Examination and Adoption.
8. Constitution of the Committees.
9. Agenda Committee ; Appointment.
10. Appointment of the Chairman of the Agenda Committee as a Member of the General Committee of the Assembly.
11. Agenda : Distribution of Items among the Committees.
12. Organisation of the Sessions of the Assembly.
Report of the Committee of Five.
13. Election of the Non-Permanent Members of the Council.
14. Procedure for the Election of the Chairmen of Committees.
Communication by the President.
15. Entry of Mexico into the League of Nations.
Draft Resolution proposed by the Delegations of Germany, the British Empire, Spain, France, Italy and Japan.
16. Expression of Sympathy with Reference to the Catastrophe in China.
Draft Resolution proposed by the British Delegation.

1. — OPENING OF THE ASSEMBLY.

M. Lerroux, delegate of Spain, President in Office of the Council, took the chair.

The Chairman :

Translation : Ladies and gentlemen — In my capacity as President in Office of the Council of the League of Nations, I have the honour to declare open the twelfth ordinary session of the Assembly of the League of Nations.

2. — ELECTION OF THE COMMITTEE TO REPORT ON THE CREDENTIALS OF THE DELEGATES.

The Chairman :

Translation : The first item on the agenda is the election of the Committee to report on the credentials of the delegates.

According to the Rules of Procedure of the Assembly, this Committee should be elected by secret ballot. Since the Rules of Procedure were adopted, there have been frequent exceptions to this rule. In view of the precedents and the practice established by my predecessors, the Assembly will not, I think, object to my attempting to help it to reach a decision on this matter, without in any way presuming to influence its choice.

I feel that I shall only be forestalling the Assembly's wishes in submitting a list consisting of eight names, as follows :

Mr. de Villiers (Union of South Africa),
M. Molloff (Bulgaria),
Dr. Woo Kaiseng (China),
M. de Agüero y Bethancourt (Cuba),
Baron Szterényi (Hungary),
M. Raestad (Norway),
M. Gonzalez-Prada (Peru),
Khan Sépahbody (Persia).

Members of the Assembly who may desire to put forward other proposals are invited to do so.

As no objection to my proposal has been raised, I think I may conclude that the Assembly has decided that the Committee on Credentials shall consist of the delegates whose names I have just read.

The list proposed by the Chairman was adopted.

The Chairman:

Translation: My intention in proposing that the Assembly should proceed immediately to constitute the Committee on Credentials was to expedite the proceedings and to allow this Committee to perform its work under the best possible conditions.

The members of the Committee on Credentials will therefore be good enough to meet immediately in a room which has been placed at their disposal, in order that they may submit their report at the earliest possible moment.

3. — SPEECH BY M. LERROUX, PRESIDENT IN OFFICE OF THE COUNCIL.

The Chairman:

Translation: It is a great honour for me, taking part as I am for the first time in your work, to welcome, as President in Office of the Council of the League of Nations, the delegates who have come from every part of the world to take part in the deliberations of the Assembly. I shall not attempt to particularise all the work that has been done by the League during the year in the various fields in which it has been active. This year, as always, you will find very full and detailed information in the report of the Council and the Secretary-General. I should like, however, to make a few general remarks on the work that has been done.

Let me first of all congratulate the League on the completion of the Preparatory Commission's work, which has enabled the Disarmament Conference to be convened. It has taken no less than ten years of investigation and study, of tentative efforts in various directions, of innumerable meetings and of vehement discussions, to bring us to this result, which, after all, is no more than a starting-point. The League has collected the material. We are ready to begin, and we must do constructive work if we are to satisfy the ardent desire of public opinion. Let us all, therefore, wish success to this first Disarmament Conference, which should lead to results that will form a valuable contribution to the maintenance of peace in the world.

The Assembly has always attached great importance to the development of arbitration and the strengthening of security. Since your last session, the number of States recognising the compulsory jurisdiction of the Permanent Court of International Justice has risen to thirty-seven, including almost all the countries of Europe, my own among them. During this past year, the number of States acceding to the General Act for the Pacific Settlement of International Disputes drawn up and adopted by the Assembly of 1929 has increased to sixteen. In this steady stream of accessions to the institutions and the engagements of the League we cannot but see a mark of the intention of Governments to bring their difficulties before the League and submit them to its methods of settlement. It was during the past year that the Convention for the Development of the Means of preventing War, which you will be called upon to examine, was drawn up; it is designed to assist the Council in applying one of the most important articles of the Covenant — Article 11 — that article which has several times enabled the League to ward off threatened conflicts and to settle the matters out of which they might have arisen.

I do not hesitate to give credit to the League as a whole for the activities — indeed, the very existence — of the Commission of Enquiry for European Union, the creation of which was authorised last year by a unanimous vote of the Assembly. I regard this as an important contribution to the maintenance of world peace. During the coming weeks, you will have to decide upon the constitution of this Commission, its organisation, its field of activity and its methods of work. At the same time I should like to emphasise the beneficent influence exerted upon international relations by these periodical meetings of some thirty States, most of them represented by their Foreign Ministers, including those of two countries which are not Members of the League — Turkey and the Union of Soviet Socialist Republics. Having myself been present last May at the proceedings of the European Commission and the Council of the League, I was able to observe how direct contact between responsible statesmen, and discussions conducted in a frank and liberal spirit at meetings of these two bodies, could influence both Governments and public opinion itself in delicate and difficult circumstances.

During the first year of its existence, the European Commission has concerned itself chiefly with one of the partial and regional aspects of the general economic crisis — the special crisis through which agriculture is passing in the countries of Central and Eastern Europe. It has endeavoured to improve the situation by finding means of encouraging the sale of grain and by organising credit so as to reduce the burdens upon agricultural production in those countries. In a few months, with the assistance of the technical organisations of the League, it has succeeded in establishing a Convention for the creation of an international agricultural mortgage credit company, which will probably begin operations early next year.

The Commission has sought to do more than this. Being called upon to face the problem of the general direction of tariff policy in Europe, it has adopted in outline a wide programme which has been worked out by committees of experts. Their conclusions will be laid before you, together with those of the Conference with a View to Concerted Economic Action.

As you see, a large part of the League's work in the economic and financial sphere since your last session has been devoted to Europe. But it would be a mistake to suppose that the League has failed in its duty of universality. First of all, we may do justice to the various League bodies by pointing out that, in their endeavours to improve the organisation and economic relations of the European countries — a desirable achievement in itself, and profitable, moreover, to the whole world if carried through on the right lines — those bodies have never lost sight of the possible effects of their decisions or recommendations on the other States Members of the League.

Furthermore, there have been numerous demonstrations of the League's activity outside Europe. To mention only the most important of these, we have, in Central and South America, the enquiry into infant mortality in the Argentine, Brazil, Chile and Uruguay; the participation in the Serological Congress at Montevideo; the assistance given to Bolivia in reorganising her health services; the establishment, in response to an offer from the Brazilian Government, of an international leprosy research centre in Brazil.

In the course of the tour which he made this year in various Latin-American countries at the invitation of their Governments, our Secretary-General saw convincing evidence of the devotion of those countries to the League, the importance they attach to its work and their anxiety to co-operate in it more closely, while the Secretary-General's presence enabled the countries he visited to gain a closer view and a clearer realisation of the institution to which they belong. That is the value of these journeys and meetings, which the Assembly has always advocated; they serve to draw closer the ties that unite all the Members of the League to its centre. Let us hope that in the near future the co-operation of Central and South America will extend to those other countries whose delegates we should like to see among us.

Turning to the Far East, I might mention the Leprosy Commission which met at Bangkok; the malaria research in Melanesia; the work on the subject of opium-smoking; the Indian tour of the Director of the Economic and Financial Section, who was invited by the Government of India to give his opinion on the creation of an organisation for the study of economic questions; and the establishment, at the Chinese Government's request, of co-operation over a wide field between China and our various technical organisations — the Health Organisation, the Communications and Transit Organisation, the Economic and Financial Organisation and the Committee on Intellectual Co-operation. I am sure that the Assembly will unanimously wish to offer its heartiest congratulations to the Chinese Government on its efforts to reorganise China, and will express the hope that this co-operation may lead to good results both for China and for the League.

The agreements relating to maritime signals and the lighting of coasts adopted by a Maritime Conference — the first of its kind to be summoned by the League — in which the United States of America, Brazil and Mexico took part, are of a universal nature. The same is true of the Convention for the Unification of Laws on Bills of Exchange and Cheques; the work on economic statistics and veterinary questions; the proceedings of the International Committee on Intellectual Co-operation; the enquiries into the economic depression, the agricultural crisis and the gold problem; and the Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs.

I should like to say a few words about this last Convention. It originated with the Assembly, which in 1929 laid down the principle of the limitation of manufacture. The task entrusted to the Conference which met on May 27th last was an enormous one. The Conference had been convened to limit manufacture; it was called upon to frame a system whereby no more drugs should be produced than are required for legitimate world consumption. It is no exaggeration to say that the Conference, at which upwards of fifty countries were represented — including the United States of America, Brazil, the Hejaz, Mexico, Turkey and the Union of Soviet Socialist Republics — successfully overcame practically all the difficulties with which it was faced. It established a definite rule for determining world requirements of drugs; it established a system of supervision covering all drugs; it made the Convention applicable to a far larger number of drugs than the 1925 Convention; it even extended the system to all derivatives of opium and of the coca leaf that might be discovered at any future time, deciding that such derivatives should be deemed harmful failing proof to the contrary. That Conference, presided over in so masterly a fashion by M. Louis de Brouckère, whom I would take this opportunity of thanking formally, enabled the League of Nations to achieve one of the most successful results it has ever obtained in the humanitarian and moral sphere.

There has thus been no falling off in the League's work, as regards either quantity or quality. All the various League bodies have been working at full capacity, and although the individual results, considered separately, may sometimes appear rather slight in comparison with the comprehensive mission of the League, all those results, taken together and considered dispassionately, undoubtedly constitute a considerable advance towards the final goal of international co-ordination, that goal being the co-ordination of effort and the simplification of current rules and practices in the general interests of all the nations. The League, as I just now endeavoured to show, has consistently extended its activities and made known its methods in the different continents.

How, indeed, could it be otherwise, when there exists a worldwide depression surely unparalleled in world history in its extent and intensity, weighing down the economic life of every country, of powerful countries and of weak alike, sparing none and threatening all with grave political and social disorders? Anxiety is all-pervading, and the uncertainty of what the morrow may bring forth makes itself poignantly felt in many countries of Europe, Asia and America.

The adjournment of reparations payments and war debts on the proposal of President Hoover, the London Conferences, the conversations held in Paris, Berlin and Rome between German, American, British, French and Italian statesman, the action of the Bank for International Settlements, the work of the Basle Committee of Experts, are all so many tokens of a desire for recovery, of a readiness to co-operate. That desire, that determination, must become even more pronounced and all-embracing, for the decisions taken hitherto seem calculated to result in purely temporary assistance confined to certain countries. No occasion could be more propitious for this purpose than the meeting of this Assembly. There will be exchanges of views and discussions at the present session which will pave the way for conversations and future decisions.

Let the Governments represented here make it plain to the world that they understand their duties in the matter of mutual support and co-operation and that they are prepared to assume the necessary responsibilities. It rests with them, acting in the spirit of the Covenant, to arrest the wave of pessimism, to ensure co-ordination of efforts in the financial, economic and political domain; to restore tranquillity and bring about a revival of confidence. I call upon you, gentlemen, to co-operate in that task.

(The Assembly adjourned at 11 a.m. and resumed at 11.25 a.m.)

4. — CREDENTIALS OF DELEGATES: REPORT OF THE COMMITTEE ON CREDENTIALS.

The Chairman:

Translation: The next item on the agenda is the report of the Committee on Credentials.

I call upon the Chairman of the Committee on Credentials, M. de Agüero y Bethancourt, delegate of Cuba, to read his report.

M. de Agüero y Bethancourt (Cuba), Chairman and Rapporteur of the Committee on Credentials:

Translation: Mr. Chairman, ladies and gentlemen — The Committee appointed by the Assembly to report on the credentials of delegates met to-day

at 10.45 a.m. in the President's office. I was elected Chairman, and was entrusted with the duty of drawing up the report.

The Committee examined the documents transmitted to it by the Secretary-General and found that the following States are represented by delegates who are in possession either of letters of credentials from heads of States, letters from Ministers for Foreign Affairs, or telegrams from the same sources, or letters from permanent representatives accredited to the League of Nations:

Abyssinia, Albania, Australia, Austria, Belgium, Bolivia, British Empire, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Roumania, Siam, Spain, Sweden, Switzerland, Union of South Africa, Uruguay, Venezuela, Yugoslavia.

The Committee considers that the representatives of these States Members are duly accredited.

The following States Members have not as yet accredited delegates to the Assembly:

The Argentine Republic, Honduras, Nicaragua, Salvador.

The Committee is glad to note that the majority of delegations are accredited by full powers granted by the heads of States.

The Chairman:

Translation: I beg to thank the Chairman of the Committee on Credentials for his report.

Has anyone any observations to make on the conclusions of the report?

The conclusions of the report were adopted.

5. — ELECTION OF THE PRESIDENT OF THE TWELFTH ORDINARY SESSION OF THE ASSEMBLY.

The Chairman:

Translation: The next item on the agenda is the election of the President of the twelfth ordinary session of the Assembly.

In conformity with the Rules of Procedure, voting will be by secret ballot.

May I call upon M. Motta, first delegate of Switzerland, and M. Hymans, first delegate of Belgium, as former Presidents of the Assembly, to be good enough to act as tellers?

(The votes of the delegations were taken in turn by secret ballot.)

The Chairman:

Translation: In the first place, I wish to thank the tellers for their kind assistance.

The result of the voting is as follows:

Number of States voting	50
Blank voting paper	1
Valid votes	49
Absolute majority	25

The following were the votes obtained:

M. Titulesco (first delegate of Roumania)	25 votes
Count Apponyi (first delegate of Hungary)	21 votes
M. Vennersten (delegate of Sweden)	2 votes
M. Costa du Rels (delegate of Bolivia)	1 vote

I have the honour, therefore, in accordance with the Rules of Procedure, to announce that M. TITULESCO, delegate of Roumania, is elected President of the Assembly.

It is with the deepest satisfaction that I congratulate M. Titulesco on his election. He has already been President of the Assembly and is one of the most faithful and devoted workers for the League of Nations.

I call upon M. Titulesco to take the chair as President of the Assembly.

(M. Titulesco took the Presidential Chair.)

6. — PRESIDENTIAL ADDRESS.

The President:

Translation: — I accept with feelings of deep gratitude, which it is beyond my power to express in words, the great honour that you have done my country and myself in calling upon me once again to preside over the work of this eminent Assembly and in breaking for once with the tradition that the President shall not be eligible for re-election. I shall endeavour to give proof of my gratitude by adhering to the methods we employed last year and trying to improve them as far as possible, so that, with your help, our work may attain its true purpose, its real objective — efficacy.

Effective work, to be judged, not by the effort made, but by the results achieved, is more than ever essential for the League.

The world is passing through a terrible crisis — a lack of confidence which began in the sphere of finance and threatens to invade every domain. On all hands we hear that the flame of confidence is burning low, is all but spent; and we, all of us assembled here, should be failing in our duty did we not prove to the nations by rapid, visible and concrete acts that, here in Geneva at all events, the sacred fire is not in danger of extinction; that, though the flames are not yet strong enough to quicken with their warmth, they can at least illuminate the world and guide it.

In very truth, they do illuminate and guide it. It is only at the first glance that the League appears as a body of men who meet and deliberate here at the Assembly or in the Council or in the Committees.

In reality, the League stands for a spirit and a method, a habit of thought and a habit of action, an impulse of the heart making for comprehension, and an intellectual discipline making for closer contact. The League is primarily and essentially an attitude of mind, which we can only acquire by assiduously taking our share in the work here at Geneva; but, having acquired that spirit, we carry with us wherever we go an imprint, we hold a real and potent treasure.

We do not claim at Geneva to have the monopoly of the means for preserving peace and drawing the nations together. To deny, however, that the results obtained in the sphere of international understanding without the direct participation of the League are none the less the fruit of its spirit and the outcome of its methods, would be manifestly unfair; to ignore that self-evident fact would be sheer ingratitude.

Far from considering that the results obtained in the field of international co-operation without the direct participation of the League could detract in any way from its merits, I claim those results as our own, and enter them boldly as profits in the League's moral balance-sheet.

If, then, the League's action is so potent even when invisible, how much more should that be the case when the eyes of the world are focused upon

it ? Mankind, I know, has always longed for miracles, and our present hardships have only strengthened that natural tendency. With limited means at our disposal, and such a state of mind to cope with, we are faced with a serious situation, which must be met with courage and a clear view of the issues. Let us admit frankly that Geneva is not the land of miracles, but let us prove by our acts that nowhere can goodwill and a spirit of decision produce better results than here within the framework of the League.

Ours is a hard and thankless task, but a task that we cannot shirk. We are the depositaries of the most precious of treasures. In our hands lies the supreme hope of the world, perhaps its last hope. Who among us, for the mere satisfaction of some private interest, however legitimate, would dare violate the sacred trust confided to him ? Let us never, then, in all our discussions, great or small, forget what hangs upon our disagreement or upon any confession of impotence.

We are passing through a difficult period. This clearly is the transition from one form of collective life to another; many of the old truths have died, and the new truths are not yet sufficiently clear to have emerged as motive forces.

That being so, we cannot cling blindly to obsolete formulas. Nor must we, trusting blindly in the future, plunge headlong into the unknown. As things are, it behoves us to hold fast to what has been tested by experience, and to prepare, carefully and patiently, those future positions which we shall not occupy until the time comes, knowing exactly where we stand.

Confidence, caution, action, sacrifice — those are the watchwords of to-day. Reinforce confidence with action, temper action with prudence, never refrain from acting because action involves sacrifice — only thus can the danger be averted, only thus can we play a conscious part in an evolution of which neither the meaning nor the extent can be determined with any degree of accuracy.

Duty calls. It calls for acts of heroism — a heroism without attraction, which offers no immediate reward, which engenders misunderstanding and hostile criticism, the silent, anonymous heroism of the trenches. On this occasion, however, we are fighting for peace, for the nations no longer face one other in fratricidal strife ; they are fighting, for the first time, side by side against an adverse fate, which only full co-operation can hope to circumvent.

Can we be pessimists in face of such a spectacle? Never more than since the world entered upon this crisis, has solidarity among the nations been more strikingly attested. Enter our material losses on the debit side, but enter on the credit side this comforting assurance — suffering is forging the bonds of true brotherhood between the nations.

This is no shipwreck of the world ! This is the workshop in which a new world is being built. Each man must do his duty, we must all work together. Who then could be doubtful of success?

No matter if we are not here to see the work completed. No matter if the first efforts are forgotten. No matter if we prove to have been the Unknown Soldiers in the victory of peace. We have been believers when we might have lost faith, and that is the only merit that counts for the men of Geneva ; that is their sole claim to glory.

I would thank now our Chairman, who, as President of the Council, welcomed me to the Presidency of the Assembly and, in conclusion, utter the two words which justify my election to that office : " To work ! "

(The Assembly adjourned at 12.10 p.m. and resumed at 12.20 p.m.)

7. — AGENDA : EXAMINATION AND ADOPTION.

The President :

Translation : Acting in accordance with precedent, I have just approved a note circulated to the delegations, which will give them an idea of the proposals I should like to submit in regard to the various items on the agenda of the present session.

As all the Members of the Assembly have the note before them, I shall ask them to vote on the first question on the list — namely, the adoption of the agenda for the present session.

In order to save time — unless any delegation wishes for a vote — I propose that the Assembly adopt *en bloc* the questions appearing on the agenda — that is, the questions contained in document A.2(1), Items 1 to 22.

To these must be added the supplementary list of questions circulated in accordance with paragraph 3 of Rule 4 of the Rules of Procedure of the Assembly. There is only one question of this kind in document A.2(1) : the Draft Convention for the Regulation of Whale Fishing.

If there is no objection, I shall consider the agenda of the twelfth ordinary session of the Assembly adopted.

The agenda was adopted (Annex 1).

The President :

Translation : The President of the Council has just sent me the following letter, dated September 5th :

" I have the honour to inform you that the Council, at its meeting of Friday, September 4th, requested that the following question should be included in the agenda of the twelfth session of the Assembly :

" The installation of an aerodrome near the seat of the League of Nations.

(Signed) A. LERROUX,
President in Office of the Council. "

I do not think the Assembly will have any objection to including the question in the agenda, this being quite in accordance with the practice followed at previous sessions.

If there is no objection, that course will be adopted.

Adopted.

The President :

Translation : The Chairman of the Commission of Enquiry for European Union has written to me enclosing the report of the Co-ordination Sub-Committee, together with reports framed by the various other Committees entrusted with certain work by the Commission of Enquiry for European Union.

The letter from the Chairman of the Commission of Enquiry, and the accompanying documents will

be circulated to the delegations and will supplement the other documents received from the Commission which are already before the Assembly and which come under Item 11 of the agenda. I do not think that members of the Assembly will have any objection to my submitting later proposals as to the action to be taken with regard to this communication from the Chairman of the Commission of Enquiry.

This proposal was adopted.

8. — CONSTITUTION OF THE COMMITTEES.

The President:

Translation: The next item on the agenda is the Constitution of Committees.

The Assembly will probably wish to follow the procedure adopted at previous sessions, and to set up six Committees — the first to deal with constitutional and legal questions, the second with the work of the technical organisations, the third with the reduction of armaments, the fourth with the organisation of the Secretariat and the League's finances, the fifth with social and humanitarian questions, and the sixth with political questions.

In pursuance of the practice followed at previous sessions, I would suggest that the Assembly should arrange for the meetings of the Committees to alternate as follows: the First, Second and Sixth Committees would meet at the same time, and so would the Third, Fourth and Fifth Committees.

If there is no objection, I shall consider these proposals adopted.

The proposals were adopted.

The delegations will doubtless have been good enough to send to the Secretariat by now the forms on which they have entered the names of their delegates and substitute delegates for each Committee. I would ask delegations which have not yet sent in their lists to do so as soon as possible.

The Committees will meet here, in this hall, this afternoon to elect their Chairmen.

9. — AGENDA COMMITTEE: APPOINTMENT.

The President:

Translation: The next item on the agenda is the constitution of the Agenda Committee. Following the practice of previous Assemblies, I propose that a small Committee of seven members be set up to examine the procedure to the followed as regards the inclusion in the agenda of any new questions that may arise during the session.

If the Assembly is agreed and no other names are put forward for this Committee, I shall venture, following the example of my predecessors, to propose a list of names as follows:

M. BELLEGARDE (Haiti), Chairman,
Dr. GAUS (Germany),
M. MASSIGLI, (France),
Dr. HYDER (India),
The Honourable C. P. BEAUBIEN (Canada),
M. SATO (Japan),
Baron SZTERÉNYI (Hungary).

If no one has any objection, I shall consider the list adopted.

Adopted.

10. — APPOINTMENT OF THE CHAIRMAN OF THE AGENDA COMMITTEE AS A MEMBER OF THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President:

Translation: At its last five sessions, the Assembly decided that the Chairman of the Agenda Committee should sit as a member of the General Committee of the Assembly, together with the Chairmen of the six Committees.

I would ask the Assembly if it agrees, in accordance with precedent, that the Chairman of the Agenda Committee shall sit as a member of the General Committee of the present Assembly.

The President's proposal was adopted.

The President:

Translation: I request the Agenda Committee immediately to elect its Chairman, so that he may take part in the work of the General Committee of the Assembly.

11. — AGENDA: DISTRIBUTION OF ITEMS AMONG THE COMMITTEES.

The President:

Translation: Following the practice of previous sessions, I venture to submit to the Assembly suggestions for the distribution among the Committees of the various items on the agenda as adopted.

I propose that the items be distributed as follows:

First Committee: Items 4, 5, 6, 7 and 15.

Second Committee: Items 16, 17 and 18, and also the supplementary question: the draft Convention for the Regulation of Whale Fishing.

Third Committee: Item 12.

The parts of the Transit Organisation's report concerning communications affecting the working of the League in times of emergency should also be referred to the Third Committee. Among these questions should be included one I have just mentioned which was referred to the Assembly by the Council — the installation of an aerodrome near the seat of the League of Nations.

Fourth Committee: Items 8, 9 and 22.

Fifth Committee: Items 10, 19 and 20.

Sixth Committee: Items 11, 13, 14 and 21.

As regards item 11, I would point out that the covering letter from the Chairman of the Commission of Enquiry for European Union and the accompanying documents will be referred to the Sixth Committee.

As regards item 13 — the Nansen International Office for Refugees — I should mention that the part of the Supervisory Commission's report (document A.5.1931) which concerns the budget of the Office will also be referred to the Sixth Committee. Financial questions relating to the Nansen International Office for Refugees must, under the terms of Article 16, paragraph 5, and Article 16(*c*), paragraph 1(*a*), of the Financial Regulations of the League of Nations, be referred for preliminary examination to the Committee appointed to deal with the question as a whole.

The above proposals were adopted.

12. — ORGANISATION OF THE SESSIONS OF THE ASSEMBLY. REPORT OF THE COMMITTEE OF FIVE.

The President:

Translation: The Committee of Five which deals with arrangements for the organisation of the Assembly has sent me a report in the form of a letter, which will be printed in the *Assembly Journal* and circulated to the delegations in that way. The report contains certain suggestions for the organisation of the present session. In accordance with precedent, I propose that the Assembly decide to refer it for examination to the General Committee of the Assembly, which will, when constituted, receive the proposals of the Committee of Five and subsequently inform the Assembly of the action which it thought might be taken on these suggestions.

If no one has any observation to make, I shall regard this proposal as adopted.

The proposal was adopted.

13. — ELECTION OF THE NON-PERMANENT MEMBERS OF THE COUNCIL.

The President:

Translation: One of the items on the agenda of the present session is the election of three non-permanent Members of the Council. I thought the delegations might like to know at once the date on which that election will be held.

After consulting the rules and precedents governing the matter, I would suggest that the Assembly should hold the election on the afternoon of Monday, September 14th.

The President's proposal was adopted.

14. — PROCEDURE FOR THE ELECTION OF THE CHAIRMEN OF COMMITTEES: COMMUNICATION BY THE PRESIDENT.

The President:

Translation: I wish to remind the delegations of the programme of work for this afternoon. Beginning at 3.30 p.m. the Committees will meet one after another, at intervals of twenty minutes, in this hall, in order to elect their Chairmen as follows:

First Committee at 3.30 p.m.
Second Committee at 3.50 p.m.
Third Committee at 4.10 p.m.
Fourth Committee at 4.30 p.m.
Fifth Committee at 4.50 p.m.
Sixth Committee at 5.10 p.m.
Agenda Committee at 5.30 p.m.

15. — ENTRY OF MEXICO INTO THE LEAGUE OF NATIONS: DRAFT RESOLUTION PROPOSED BY THE DELEGATIONS OF GERMANY, THE BRITISH EMPIRE, SPAIN, FRANCE, ITALY AND JAPAN.

The President:

Translation: The delegations of Germany, the British Empire, Spain, France, Italy and Japan have just handed to me a draft resolution which reads as follows:

"The German, British, Spanish, French, Italian and Japanese delegations,

"Considering that Mexico is not mentioned in the Annex to the Covenant enumerating the countries invited to accede thereto;

"Considering that the League should now in all justice repair this omission which is wholly contrary to its true spirit:

"Propose to the Assembly that Mexico be invited to accede to the Covenant and to lend its valuable support to the League as though it had been invited from the outset."

The Assembly thus has before it a proposal on which it will be asked to a decision, in the form of a resolution or a recommendation.

In conformity with the usual custom and with the Rules of Procedure, this proposal will be distributed to the delegations, and I shall ask the Assembly, at to-morrow morning's meeting, to decide what action is to be taken on the proposal.

16. — EXPRESSION OF SYMPATHY WITH REFERENCE TO THE CATASTROPHE IN CHINA: DRAFT RESOLUTION PROPOSED BY THE BRITISH DELEGATION.

The President:

Translation: I have before me a proposal submitted by the British delegation which reads as follows:

"The Assembly,

"Having heard with the deepest sorrow the account of the terrible disasters that have overtaken certain provinces of China:

"Appeals to all men and women of goodwill throughout the world to show by action their sympathy for those who are the victims of this appalling catastrophe."

In conformity with the usual custom and with the Rules of Procedure, the above proposal will be distributed to the delegations, and I shall ask the Assembly, at to-morrow morning's meeting, to decide what action is to be taken on the proposal.

The Assembly rose at 1 p.m.

SECOND PLENARY MEETING

Tuesday, September 8th, 1931, at 10.30 a.m.

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17. ANNOUNCEMENT OF THE CHAIRMEN OF COMMITTEES.

18. ELECTION OF THE SIX VICE-PRESIDENTS OF THE ASSEMBLY.

19. ENTRY OF MEXICO INTO THE LEAGUE OF NATIONS.
Adoption of the Draft Resolution proposed by the Delegations of Germany, the British Empire, Spain, France, Italy and Japan.

20. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY.
Opening of the Discussion.
Speech by M. Grandi (Italy).

President: M. TITULESCO.

17. — ANNOUNCEMENT OF THE CHAIRMEN OF COMMITTEES.

The President:

Translation: In the first place, I have to inform the Assembly of the result of the voting which took place yesterday for the election of the Chairmen of the six Committees of the Assembly.

Committee	*Chairman*
First	M. SCIALOJA (Italy),
Second	M. JANSON (Belgium),
Third	M. MUNCH (Denmark),
Fourth	M. POLITIS (Greece),
Fifth	M. ALÂ (Persia),
Sixth	M. MOTTA (Switzerland).

The Agenda Committee has elected as its Chairman M. BELLEGARDE (Haiti).

18. — ELECTION OF THE SIX VICE-PRESIDENTS OF THE ASSEMBLY.

The President:

Translation: The next item on the agenda is the election of the six Vice-Presidents of the Assembly.

Under Rule 21, paragraph 3, of the Rules of Procedure, this election takes place by secret ballot. I wish to remind delegates that voting papers should include only the names of six members and that no country should be mentioned.

I call upon M. Scialoja, delegate of Italy and Chairman of the First Committee, and M. Munch, delegate of Denmark and Chairman of the Third Committee, to be good enough to act as tellers.

(The votes of the delegations were taken in turn by secret ballot.)

The President:

Translation: The result of the ballot is as follows:

Number of States voting	48
Blank voting paper	1
Voting papers valid	47
Majority required	24

The analysis of voting is as follows:

	Votes
M. Briand (France)	44
Viscount Cecil of Chelwood (British Empire)	43
M. Yoshizawa (Japan)	43
Dr. Curtius (Germany)	42
Count Apponyi (Hungary)	39
M. Restrepo (Colombia)	32

In accordance with the Rules of Procedure, therefore, I have the honour to declare the following delegates Vice-Presidents of the Assembly: M. BRIAND, Viscount CECIL OF CHELWOOD, M. YOSHIZAWA, Dr. CURTIUS, Count APPONYI and M. RESTREPO.

The General Committee of the Assembly, therefore, is now constituted as follows:

The six Chairmen of Committees:
M. SCIALOJA (Italy),
M. JANSON (Belgium),
M. MUNCH (Denmark),
M. POLITIS (Greece),
M. ALÂ (Persia),
M. MOTTA (Switzerland),

together with the six Vice-Presidents who have just been elected:
M. BRIAND,
Viscount CECIL OF CHELWOOD,
M. YOSHIZAWA,
Dr. CURTIUS,
Count APPONYI,
M. RESTREPO,

and the Chairman of the Agenda Committee:
M. BELLEGARDE.

19. — ENTRY OF MEXICO INTO THE LEAGUE OF NATIONS: ADOPTION OF THE DRAFT RESOLUTION PROPOSED BY THE DELEGATIONS OF GERMANY, THE BRITISH EMPIRE, SPAIN, FRANCE, ITALY AND JAPAN.

The President:

Translation: The Assembly will remember that a draft resolution has been submitted by the British, French, German, Italian, Japanese and Spanish delegations concerning the entry of Mexico

into the League. The text of that draft resolution reads as follows:

"The German, British, Spanish, French Italian and Japanese delegations,

"Considering that Mexico is not mentioned in the Annex to the Covenant enumerating the countries invited to accede thereto;

"Considering, that the League should now in all justice repair this omission, which is wholly contrary to its true spirit;

"Propose to the Assembly that Mexico be invited to accede to the Covenant and to lend its valuable support to the League as though it had been invited from the outset."

As you will note, this is a proposal that may be incorporated in a resolution or a recommendation, as you may decide. But, first, we must determine the procedure to be followed. The first question to be considered is whether the Assembly is to refer this proposal to the Agenda Committee or whether, under Rule 4, paragraph 4, and Rule 14, paragraph 2, of the Rules of Procedure, it prefers to deal with it immediately.

In accordance with precedent, I shall interpret the silence of the Assembly on this point of preliminary procedure as a sign that it does not desire to refer the matter to a Committee and that, consequently, the Assembly has decided by the requisite majority to place the question on its agenda and deal with it immediately.

The President's proposal was adopted.

The President:

Translation: I open the discussion on that proposal by calling upon the first speaker on the list, Dr. Curtius, first delegate of Germany.

Dr. Curtius (Germany):

Translation: As the representative of Germany a country which has long been bound to Mexico by ties of constant and sincere friendship, I had great pleasure in subscribing to the proposal regarding the invitation to Mexico.

Its population and the extent of its territory give Mexico an important place among the States of the world. Not only the States which form part of the sphere of Spanish culture, but all the States Members of the League will set the greatest value on the active participation of Mexico in the work of the League. We are all aware that the League's activity will increase in importance as it tends to become universal in scope, and a great step towards this universality would be taken if Mexico were to become a Member of the League.

For reasons into which I need not enter here, Mexico has long remained aloof from the League. It was therefore with universal satisfaction that the news was received at the beginning of last year that the newly elected President of the Republic, His Excellency General Ortiz Rubio, had declared, shortly before taking up his high office, that he was in favour of the early entry of Mexico into the League. We shall all be ready to congratulate him and his country, and the League also, when his Government actually presents itself as a Member of the League.

The President:

Translation: Viscount Cecil, first delegate of the British Empire, will address the Assembly.

Viscount Cecil (British Empire):

I have the greatest possible pleasure in supporting this motion which has been made by my friend Dr. Curtius for an invitation to be extended to the State of Mexico to apply for membership of the League of Nations. I do so for many reasons, but for two in particular.

In the first place, this proposal is the correction of an omission that was made at Paris when the formation of the League was being considered. That omission has lasted much too long, and I am not sure that I ought not to acknowledge that I was in part, I suppose, responsible for it. It therefore gives me particular pleasure at this moment to take part in remedying an omission which never should have been made.

The second and more important reason is that we all, I think, desire to have the collaboration of Mexico in our consultations and deliberations. Mexico is one of the most ancient and one of the most influential of the States of the American continent. It has a great position and a history showing remarkable energy and self-reliance in its people. I am quite certain that we shall find its collaboration and assistance of great value to us at Geneva.

I agree entirely with Dr. Curtius that, the more universal the League becomes, the more one of its most fundamental characteristics is realised. Perhaps I may be allowed to add that in my view membership of the League by each State is not only valuable for the League but is valuable for the State itself. It brings more vividly perhaps before its people the knowledge of the interdependence of all States in the modern world, and makes them realise that, in working for the prosperity and peace of the world, they are working also for the prosperity and peace of their own country.

I have great pleasure in seconding the proposal now before us.

The President:

Translation: M. de Madariaga, delegate of Spain, will address the Assembly.

M. de Madariaga (Spain):

Translation: I am here, by an act of noble self-abnegation on the part of the first delegate of Spain, to support the motion submitted to the Assembly. Such a motion is bound to be an extremely attractive one to the Spanish Minister for Foreign Affairs, since it is designed to facilitate the entry into the League of a country which is connected with Spain, not only by historical ties, but by ties of blood. Spain has realised intensely, almost as intensely as Mexico herself, the reason — what our great Cervantes would have called "the reason of unreason" — which has kept Mexico aloof from our discussions for this long period.

After the noble and admirable words of Viscount Cecil, that pillar of the League and of the universal spirit that rules its activities, I need not dwell upon the retrospective aspect of the question.

Mexico to-day occupies a pre-eminent position on the American continent. All the American countries of the same race and language regard her as one of the leading nations of that continent. I have realised, in the official post I have taken up at Washington, where the present Mexican ambassador is the doyen of the Diplomatic Corps, that the great North-American Republic maintains with Mexico relations of the most cordial intimacy and co-operates with her to an unexampled degree.

Moreover, however enviable the continental position of Mexico, there is no doubt that she herself does not find it adequate to enable her to fulfil her destiny as a nation of the modern world. Just as men do not come to a full realisation of their individuality until, to use a sublime

expression of Pascal's "they try to understand the universe", so nations cannot come to a complete understanding of their national individuality until they rise to a comprehension of universality. It is this same noble aspiration after universality that, despite all, endears to us the old eighteenth-century imperialism, the worst aspects of which are now happily vanishing.

Nations that are not strong enough for imperialism and those which, though strong, aim at a higher form of development have found, since the creation of the League of Nations, a blameless way to achieve universality. The League can do Mexico the great service of helping her to a complete understanding of her national spirit.

On the other hand, as Lord Cecil has already said, Mexico can help the League by contributing a sturdy spirit of liberty in her political conceptions, a deep-seated tradition and, above all, a unique sense of brotherhood between races, which may be of the utmost service to the League and stimulate its development.

It is the bounden duty of the League to attain, as soon as possible, the universality that is at the very root of its being, that is really the standard and model which inspired its conception. The League must be able to inscribe upon its portals and to use as a motto for its action this sentence adapted from the old classic: "I am the conscious and organised world, and no nation can be foreign to me."

The President:

Translation: M. Briand, first delegate of France, will address the Assembly.

M. Briand (France):

Translation: I wish to say in a few words how happy France is to be able to associate herself with the present gesture towards that great nation, Mexico. It was a great pleasure to me to subscribe to the proposal now before the Assembly — a proposal destined to make good an omission of which we were all conscious and which we all deplored.

At last it is possible to put right a misunderstanding, an unfortunate mistake; and we shall see among us the representatives of that great nation. They will come to share in our work and to contribute a valuable co-operation which we all desire.

It will be a happy occasion, and I wish to say on behalf of my country that France will joyfully welcome the day when Mexico comes to take her share in our work, thus bringing us a step nearer to what is the highest ideal of our League, universality.

The President:

Translation: M. Grandi, first delegate of Italy, will address the Assembly.

M. Grandi (Italy):

Translation: I gladly associate myself with the declarations made by previous speakers who have already spoken. Italy also will be delighted to see a great nation like Mexico taking part in the work of the League of Nations.

The President.

Translation: M. Yoshizawa, first delegate of Japan, will address the Assembly.

M. Yoshizawa (Japan):

Translation: The Japanese delegation was anxious to join with those who proposed the draft resolution inviting Mexico to accede to the Covenant of the League.

We have always been ardent advocates of the principle of universality, which is to combine within the League representatives of all civilisations and of all continents, with their varied types of national genius.

That is why we are so anxious that Mexico should bring to the universal work of the League the valuable contribution of her own individual civilisation.

The President.

Translation: M. Gonzalez-Prada, delegate of Peru, will address the Assembly.

M. Gonzalez-Prada (Peru):

Translation: This is the first occasion on which I have had the honour of addressing you from this platform, having been chosen by the delegations of the Latin-American States to express the satisfaction that those countries have felt on learning that Mexico is shortly to become a Member of the League of Nations.

The draft resolution submitted to us, inviting Mexico to accede to the Covenant and to lend her valuable support to this Assembly is a further step forward towards world unanimity, which must remain one of our most cherished aims.

I have great pleasure in fulfilling the honourable duty entrusted to me by my Latin-American colleagues and declare our profound satisfaction at the prospect of seeing in the near future the representatives of Mexico here among us, sharing in our work.

The President:

Translation: The Hon. Hugh Guthrie, first delegate of Canada, will address the Assembly.

The Hon. Hugh Guthrie (Canada): The delegation from the Dominion of Canada desires most heartily to endorse the resolution which proposes an invitation to our sister State on the North American continent to accede to the Covenant and become a Member of the League of Nations.

Canada has, in the past, had many relationships with its sister State of Mexico. They have all been most pleasant and satisfactory. A considerable international trade is done between the two countries, and I believe always upon a satisfactory basis. It will be a matter of great satisfaction to the Dominion of Canada to know that this invitation to Mexico has gone forth, and a greater satisfaction to know that it has been accepted and that Mexico has become a Member of the League.

The President:

Translation: M. de Quevedo, delegate of Portugal, will address the Assembly.

M. de Quevedo (Portugal):

Translation: The accession of the Republic of the United States of Mexico to the League of Nations will be hailed as a most welcome event by all the States Members of the League. Mexico, one of the great nations of Spanish America, one of the outstanding products in the historic achievement of the Latin-Iberian race, ranks also as one of the greatest nations of the New World. Mexico's greatness lies in her ancient culture, her creative instinct, the valour of her men and the fruitful output of her liberal institutions.

As representative of one of the countries of the Iberian Peninsula, in which the origins of Latin-American culture must be sought, I sincerely rejoice to learn of the probable entry into the League of the great Mexican people, a people who will lend to us the invaluable support of their experience and place upon our work the fruitful imprint of their genius.

I welcome the accession of the United States of Mexico with all the friendliness and enthusiasm of a kinsman and a friend.

The President:

Translation: M. Restrepo, first delegate of Colombia, will address the Assembly.

M. Restrepo (Colombia):

Translation: I gladly avail myself of this opportunity of paying a tribute to that great country, Mexico, an old friend of Colombia, the country which I have the honour to represent at the Assembly of the League of Nations. Ever since the establishment of our independence at the beginning of the last century, we have been on terms of close friendship with Mexico. We Colombians admire the great qualities of the Mexican people, their indomitable courage, their energy, their wisdom, for all of us in Latin America experience great difficulties owing to the fact that the Iberian race came and settled among native races, races so very different in character. Such difficulties still face Governments which have learnt wisdom, Governments as firmly established as those of the older European countries.

One criticism sometimes levelled against us is that we are always having revolutions. The causes of that situation deserve to be closely examined. The reason why it is so difficult for us to establish any permanent system of order is to be found precisely in that mixture of races — native races on the one hand, and, on the other, the Iberian race — which has settled among them.

Mexico boasts of her ancient Aztec stock and prides herself on continuing the native Governments based on her traditions. It is believed that the old Asiatic races reached the New World through the Behring Straits, though another learned theory is that America peopled the rest of the world. That is a moot point, but those scholars who have studied Mexico most thoroughly affirm that her ancient monuments bear witness to a civilisation the origins of which are lost in the beginnings of time. In Yucatan, in the mountains of Mexico, on the high tablelands, in the city of Mexico itself, those mighty monuments are found, silent witnesses of a glorious past.

We in Colombia count it an honour to be descendants of the Spanish, for with us the white race predominates. In Mexico, on the other hand, in addition to several millions of Spanish there are thirteen millions of Indians who speak nothing but their own native tongue. Be that as it may, Mexico is a powerful country, an immense country, organised in the form of a federation which is an honour to the Latin-American race.

The delegates of all the nations assembled here are not, I think, aware of the reason for the invitation now being extended to Mexico to enter the League. Is it possible that so manifestly powerful a nation was once forgotten? This is the moment to explain why Mexico has not been represented here since the foundation of the League. As representative of Colombia, I was one of the founders of this great institution. Not long ago, Costa Rica applied for admission to the League, and the delegates here wondered then why Costa Rica had not received an invitation as the South American States had done. I should like to tell you something about how Mexico and Costa Rica came to be left out, when the great Powers signatories to the Treaty of Peace extended their invitation to the South American countries.

For the first time in history, as you will recall, all the South American States were convened to attend the Second Peace Conference held at The Hague in 1907 under the auspices of the Czar of Russia. After that, some time elapsed. Then, on the signature of the Treaty of Peace, we were all invited again, with the exception of Mexico and the Republic of Costa Rica. What was the reason for leaving out one North American country and one country of Central America? It was because President Wilson, a great American leader, and a great man, to whom I pay a tribute whenever I utter his name, preached a doctrine which rather implied intervention as regards the Governments south of the United States, from the Colorado River to Chile. He held the view that, in the interests of pacification in South America, we should refuse to recognise Governments which were the outcome of revolutionary movements, of *coups d'état*, of *cuartelazos*, or military plots.

Costa Rica applied for admission, but Mexico, in the pride and dignity of her race, would not apply. Since then, more stable government has been established under General Ortiz Rubio, to whom Dr. Curtius referred, and at the present time calm reigns in Mexico. Like every other country, she has to contend with economic and financial difficulties; but the country is none the less rich, a country of gold and silver mines, a country with its national heroes like every other nation — heroes such as that Spaniard who burnt his ships when he reached the Mexican shores and cried to his soldiers: "Victory or death!" The Emperor Guatemoc was taken prisoner by that same Spaniard, and Roman history alone offers examples comparable to that episode. Guatemoc was burnt alive, like Saint Laurence, according to Christian tradition, and with him his secretary, a man of poorer fibre than himself. When he began to tremble and to cry out, the Emperor turned to him and said; "Enough! Do you imagine that I myself am lying on a bed of roses?" Such was his nobility of character, such the influence of his personality.

Colombia, like all the countries represented on the League, will welcome Mexico as a fellow Member when the moment comes for her to send her representatives to this Assembly.

The President:

Translation: All those delegates who have spoken have declared themselves in favour of the proposal now under consideration.

I think, then, the time has come to suggest that the Assembly should modify the terms of the text and convert it into a resolution.

I would propose the following wording:

The Assembly,

Considering that Mexico is not mentioned in the Annex to the Covenant enumerating the countries invited to accede thereto;

Considering that the League should now in all justice repair this omission, which is wholly contrary to its true spirit;

Decides that Mexico be invited to accede to the Covenant and to lend its valuable support to the League as though it had been invited from the outset.

Asks the Secretary-General to give effect to the present decision.

If no one has any observations to make, I shall assume that the Assembly agrees to the proposal being converted into a resolution.

Agreed.

The President:

Translation: We still have to settle a point of procedure.

The Assembly can refer the resolution I have just read to a Committee for preliminary examination, or it can adopt it at once. If no one has any observations to make, I shall take it that the Assembly desires to accept the resolution immediately and unanimously.

The draft resolution was unanimously adopted.

The President:

Translation: May I be allowed, as President of this Assembly and as a Roumanian, to express my delight at the prospect that Mexico may soon take her place among us, side by side with the kindred races which form part of that great family, the League of Nations!

20.—REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY: OPENING OF THE DISCUSSION.

The President:

Translation: The next item on the agenda is the opening of the general discussion on the report on the work of the League of Nations since the eleventh session of the Assembly (Annexes 2 and 2 (*a*), Documents A 6 and A 6 (*a*), 1931.)[1]

M. Grandi, first delegate of Italy, will address the Assembly.

M. Grandi (Italy):

Translation: This is the first occasion on which I have had the honour of addressing the Assembly of the League of Nations, but it is not the first time that I have collaborated with you, here and elsewhere. My many years of direct and indirect co-operation in the work of the League and my unfailing confidence in the efficacy of that co-operation will, I hope, be held to absolve me from the duty of making declarations of a general character.

Italy's policy, moreover, has been explained on various occasions from this platform, so that I should only be reiterating ideas and principles with which you are already acquainted. I should simply be going over ground already covered by the Head of the Government in my country and reviewed here before you with admirable clarity by those in charge of the Italian delegation at previous sessions of the Assembly.

To-day I propose to confine myself to certain considerations connected with the report on the work of the League since the last session of the Assembly and, in particular, to the problems described in the report as constituting the main aspect of that work: I refer to the preparations for the Disarmament Conference and the enquiry into the means of remedying the existing economic depression.

My determination to confine myself to those particular points is due partly to my desire to keep within the limits of the report and partly also to my conception of what the League's work should be. For, in my view, the League should keep before it the realities of international relations and not be afraid to emerge from its study of ideas. The policy of States should be the root and origin of its activities, while it should not be allowed to spend itself in the enunciation of principles any more than in evolving its own constitutional law. In other words, the League should engage in practical work, co-ordinated with that done by each country, adapted to the problems with which we are faced and designed to convince the nations of the sincerity and efficacy of our efforts.

About the constitutional development of the League I should like to say a few words here. I do so because one of the questions in our agenda is directly connected with this aspect of the League's work. I refer to the amendment of the Covenant in order to bring it into harmony with the Pact of Paris of 1928. That question will be examined by the First Committee, and the Italian representative on that body is one of the original authors of the Covenant. Italy, I need hardly remind you, associated herself with the British proposal for the co-ordination of those two instruments. It is only from a general standpoint, therefore, and in connection with what might be called the League's constitutional policy, that I shall take the opportunity afforded by the inclusion of this item in the agenda to express my views on the subject of possible amendments to the Covenant.

I am frankly conservative in this matter. Our association of States is still in its infancy, and the tests to which it is being put are not perhaps the severest that it will have to face. It certainly answers a real need for international co-operation, a need felt by the peoples now more intensely than ever before, and we are entitled to survey with confidence its future, the work that it may be expected to accomplish and its prospects of success.

Nevertheless, we cannot shut our eyes to the fact that this association is of recent origin, that the significance of its legal institutions has not yet become part of the national conscience, that its international functions have not yet developed to the fullest extent envisaged in the simple but stupendous plan embodied in the Covenant.

Let us not forget that the Covenant has only been in existence for a few years. Only now, perhaps, in the light of events, are we beginning to appreciate its scope, to understand its spirit and to estimate it at its true value. It is an instrument of which full use has not yet been made, which has scarcely begun to be employed in certain essential departments, such as disarmament. That alone should be enough to counsel prudence.

It seems to me, however, that another aspect of the problem is chiefly deserving of our attention. We must consolidate the actual basis on which our association rests. I do not mean to imply that there is any lack of confidence in the League. May I, however, point out that, if we want international relations to become an organic part of the League system, the contractual principles on which that system is based must not be continually subject to revision. If these institutions are to be a living force in the conscience of our peoples, our undertakings must not be brought up for daily discussions, and we must avoid setting up new structures which might lead to the idea that the institutions of the League of Nations are

[1] For reasons of economy, the list of ratifications of agreements and conventions concluded under the auspices of the League which was an annex to the Supplementary Report on the Work of the League since the eleventh session of the Assembly is not this year published as an annex to the *Assembly records*. It will be found in the January number of the *Official Journal* (1932).

simply an unsatisfactory means of organising the legal side of international relations and that that could be done better in other ways.

We can hardly be accused of having already gone too far, but the practically universal accession to the Optional Clause of the Statute of the Permanent Court, the increasing number of accessions to the General Act of Arbitration, the framing of the Convention to strengthen the Means of preventing War, and, lastly, the proposals for bringing the Covenant into harmony with the Paris Pact, undoubtedly constitute a programme which may be regarded as adequately supplementing the Covenant.

If the Covenant is to be retained in its entirety, and is itself to retain its nicely balanced proportions, the obligations arising out of it must be applied in full, so that the relations between the constituent elements of what has been termed the international organisation of peace may be scrupulously respected.

Those elements are clearly indicated in the Covenant — the peaceful settlement of international disputes, disarmament and security. The Covenant even fixes the relations between them inasmuch as it declares the peaceful settlement of international disputes and disarmament to be the real basis and token of security and peace.

I have no intention of theorising on the structure of the Covenant; but, to illustrate my remarks, I might mention certain ideas which the Italian delegation has repeatedly put forward here. These may perhaps be pertinent now, when we are preparing for the Disarmament Conference — that is, on the eve of complex negotiations which cannot begin in the necessary atmosphere of clarity, and under favourable conditions unless, from the outset, each one of us frankly states his country's policy.

Since we regard the problem of disarmament as an integral part of the League system, that system must obviously be our starting-point. One principle stands out clearly from the stipulations of the Covenant, — namely, that peace can rest only on the security of nations, and security can be found only in the harmonious evolution of two factors: the peaceful settlement of disputes and a general reduction of armaments.

Disarmament and arbitration, the rejection of all solutions based on force, and the relative equalising of the military strength of States at the lowest possible level — that is not just a theory or dogmatic assertion. It lies at the root of the system which the League Covenant has evolved with a view to the reduction of armaments; it corresponds essentially to real and pressing demands. Indeed, there is no problem of security distinct from disarmament and arbitration.

If, in international relations, solutions could not be reached by the use of force, if there were no excess of armaments, the problem of security would not even arise. It has arisen because the legal organisation of the association of nations which we have been laboriously constructing during the last few years still leaves the door open to the race for armaments, a factor that undermines its structure and jeopardises its efficacy. It is not merely because the excess of armaments has the effect of blunting the sense of justice among the nations, but because no nation can hope to live in peace and security under a system of international justice which, however perfect in theory, is in practice menaced by the pressure that armaments may bring to bear on inter-State relations.

To realise this, we need only survey the period preceding the war, which was marked by two characteristic and simultaneous phenomena — on the one hand, the first concrete manifestations of the principle of conciliation and arbitration, with the creation of the first arbitral tribunal at The Hague, and the conclusion of various treaties based on that same principle; on the other, the race for armaments. In other words, an increase in the number of international acts designed to secure peace and a simultaneous increase of armaments, which was bound sooner or later to lead to war.

When we look back on those tragic happenings, we can hardly be surprised that our nations, which have barely emerged from a war the consequences of which are still crippling them, should refuse to regard international justice as an adequate safeguard for the future.

Nor can we be surprised if the nations ask that international justice shall be safeguarded from the dangers attendant upon a policy of armaments. The Covenant imposes upon us the duty of disarming, but the Covenant does not possess the only claim to our consideration; there exist other claims, vaster still, still deeper and more vital, which we are bound to consider.

For the last twenty years, Europe has been in a permanent state of unrest. Wars and revolutions have succeeded one another, the deaths must be reckoned in millions, national systems of economy have been overturned and the working classes are without employment.

Our civilisation has from time to time been saved in different directions by the genius of a few men, and by the power of resistance and the spirit of sacrifice of the peoples; but the time has come to make a collective and concrete effort in the defence of our common heritage.

Recently, there have been ever clearer and more visible signs that isolated efforts are no longer adequate. No country, however powerful and vast, however well equipped and wisely organised, but feels the menace to its own organisation in the form of possible sudden external events. The consciousness of the solidarity of nations has become more definite, and courageous spokesmen have not been lacking. President Hoover's proposal and the felicitous action of the American Government are a case in point, and no member of this Assembly, I think, will have forgotten the cordial reception given in every country to the American proposal, despite the heavy sacrifices it entails on either side.

We have had further proof during the last few months of the need for closer co-operation between nations, and — what is more important — there has been co-operation even between the nations which only a short time ago were in armed conflict with one another. They have settled their differences and decided to co-operate in the defence of our common civilisation which means so much to us all.

Fresh possibilities have been opened up by the negotiations between those countries, possibilities which do not differ in any respect from those envisaged by the League. All these means lead to the same common goal. In any case, work is being done, ideas are being clarified and — let us be frank — the interests served by international solidarity are being proclaimed and defined. Our

business now is to organise, to safeguard and to clear the way, and that we cannot do so long as our efforts at collective organisation are paralysed by the race for armaments.

In this connection, one of the most delicate questions of international policy — the financial obligations arising out of the war — is not without some bearing on the disarmament problem. There is, of course, no diplomatic connection between disarmament, reparations and debts; but nobody will deny the moral connection between them.

Before nations sacrifice their rights, they must be persuaded of the usefulness of the sacrifices demanded of them, and it is difficult to see the usefulness of any fresh settlement of the financial obligations arising out of the war, as long as the race for armaments continues.

We cannot deny the justice of an observation put forward more than once — the sacrifices made must not, by permitting the increase of armaments, be allowed to aggravate the present state of insecurity, which, more than anything, is militating against a general economic recovery, and is one of the fundamental causes, if not the main cause, of the present unsettled situation.

One other observation is relevant in connection with this general economic problem. All countries are suffering as the result of the continual increase in Customs barriers, a protectionist policy which means that the economic development of the various countries is proceeding on individual lines, and prevents the sound development of the process of integration which alone can secure effective economic collaboration between States. One of the immediate causes of the retention and strengthening of these Customs barriers, which have the effect of dividing the world into often extremely small commercial units, and which have had, and still have, the effect of dispersing the efforts of the nations, is the general state of political insecurity which drives nations to organise a system of economic security and to snatch at all costs at some independent means of defence for possible use against dangers that may threaten them from without.

I am well aware that the protectionist fever from which the world is suffering to-day has other more general causes; but, in Europe, undoubtedly one of those causes is an obscure sentiment of danger — possibly a vague and distant danger — which we must do our best to allay. What the countries of Europe want is tranquillity. Let the more powerful States give the less powerful ones a feeling of general security, and let that feeling of general security rest, not only on their avowed will to peace, but on a definite and equitable adjustment of the relations between them, and we shall see the disappearance — as if by magic — of all the special political reasons for what I might describe as economic armaments. Let us lay down our arms, and we shall see the reduction of those barriers, sometimes ridiculously high, which separate the economic systems of our nations.

In my Government's view, therefore, disarmament is the starting-point of many things — the putting into execution of the system of security and peace created by the Covenant, the establishment of greater confidence between States, and the re-establishment of laws of economic integration which have suffered such ruthless violation.

That is the most urgent item in the League's programme; that is the task most closely in keeping with the League's essential purpose.

The Disarmament Conference has been convened and will begin work on February 2nd. My observations may therefore appear superfluous; indeed, I hope that they will prove so. Naturally, they do not refer to the convening of the Conference, but to the policy that may be adopted by the Governments represented there, to the ideas they may bring to it, and to the methods they intend to follow. Now is the time for courage, moderation and above all, common sense. Each one of us must realise the difficulties of the others, must state his own requirements frankly, limiting them to what is really essential, and must reduce his armaments to the lowest point consistent with national safety, and the enforcement by common action of international obligations, within the meaning of Article 8 of the Covenant.

I am, however, inclined to think that, during the actual period of preparation for the Disarmament Conference, States which have definitely undertaken to participate in the Conference might adopt provisional measures. The Council of the League, as you know, suggested preliminary discussions. Acting on that recommendation, we might do really useful work by adopting practical measures without delay. My own feeling is that we ought to try immediately to arrive at a really effective armaments truce, at least for the period of the Conference, and I should like to ask you seriously to consider my suggestion.

A general and immediate agreement between States to suspend the execution of programmes for fresh armaments would not only set our peoples an example of goodwill, but would create a psychological and political atmosphere of greater calm and confidence, which would do more than any declaration of principles to further the work of the Conference and lead to tangible results.

In this connection I may inform you that His Majesty the King of Italy has just signed the General Act for the Pacific Settlement of International Disputes, and I have received from my Government instructions with a view to the accession of Italy to the General Convention to strengthen the Means of preventing War, should that Convention be approved by the Assembly.

I have already had occasion to explain to the Council the importance attached by Italy to the General Act, an instrument which we regard as a welcome addition to the technical machinery of international justice.

Our present duty is to create the conditions for the functioning of international justice. I have no wish unduly to stress my point of view, nor was it my desire, in directing your attention to the disarmament problem, to exclude other questions which call for consideration, or to pass over the fact that disarmament is only one element in the much more complex problem of the international situation. It does, however, seem to me to be the most urgent problem, and a problem which must be settled before we can hope to solve the others.

I do not propose now to go into the economic questions affecting international relations at this difficult period of the life of the peoples. The Italian delegation will certainly have occasion, in the course of our proceedings, to explain its attitude towards these questions, the technical nature of which necessitates careful and detailed study.

I should like, however, to give you a few explanations with regard to one of the questions to which I have referred — the financial obligations arising out of the war.

If that matter were to come up for discussion again, it would, of course, have to be the subject of negotiations between the States directly affected by it. As things are, we do not know if or when such negotiations may commence. In any case, the possibility of a fresh examination of the problem of debts and reparations depends largely on what happens during the next few months, when we shall have an opportunity of judging the effects of the Hoover plan.

Italy sincerely hopes that those effects will prove to be favourable, firmly convinced as she is that an equitable adjustment of debts and reparations would be of advantage to all countries, not only to debtor and creditor countries.

That is the view that has always been held by the Italian Government, and is still held by it. The problem is, of course, infinitely more complicated than appears at first sight, since it presents other than strictly economic aspects — not because it is a special kind of problem in itself, but because no international problem is exclusively political or economic.

It is, in fact, impossible to draw hard and fast lines between the interests of the States, for those interests are interdependent. The important point is to solve political problems in the spirit of co-operation in which it is desired and in which it is necessary to solve the economic problems. Political peace and economic peace must coincide, mutual confidence being a necessary condition for both. It is when a general atmosphere of co-operation has been created that particular differences between States can be most easily adjusted.

There are important precedents in our recent history that may serve as examples — for the European States, of course. I need only recall the fact that the Locarno Agreements, by inaugurating an era of closer confidence in the relations between certain European Powers, have helped to create the objective conditions which made it possible to deal with the problem of German reparations on the lines known to you, from the Dawes Plan to the Young Plan.

I quite realise that these questions do not come directly within the framework of the League's work. The very fact that certain States with important specific interests in connection with the financial obligations arising out of the war are not Members of the League precludes the possibility of thus including those questions in its work. Could they be solved, however, we should find new and broader bases of agreement, which is the aim of us all. The League can help by working still more energetically in the interests of moral reconciliation, a crying need, not in Europe alone, but all over the world.

The further we get away from the great war, the more keenly do we realise the terrible wounds which it inflicted on all countries without distinction—wounds which we should find it impossible to heal were it not for the fact that the spirit of sacrifice which the war brought out in all the belligerent countries itself engendered powers of resistance which have enabled countries to defend their civilisation—reserves which encourage them to face the future with greater confidence.

We are all counting upon that spirit now, and Europe can count on the spirit of the Italian people. Still, as I said, individual national action is not enough, while the creation of exclusive groups might injure, rather than further, the cause of co-operation, security and peace.

As a matter of fact, since the war, European policy has been distracted by the conflict between two great forces which it has not yet been possible to adjust : on the one hand, the collective movement towards establishing a regime of more systematic and stable co-operation than any which has existed before, and, on the other, the tendency of particular States to form themselves into independent groups for the defence of their national interests — in our opinion, a very doubtful solution of the problem of international co-operation.

A collective effort on the part of European and non-European nations, whether Members of the League or not, is necessary to correct these conflicting tendencies, and to discourage the idea of creating exclusive groups in Europe. Such groups are not, in our opinion, in accordance with the conception embodied in the Covenant of regional understandings for securing the maintenance of peace. On the contrary, they have the effect of creating divisions highly prejudicial to the peace and tranquillity of nations. It is a mistake to think that it represents a first stage towards the formation of a larger group. The formation of *blocs*, in the form either of military alliances or agreements for the furtherance of particular interests or special regimes, inevitably leads to the creation of other *blocs*. This automatically entails the establishment of powerful associations of interests which tend to form separate centres of action and watch one another.

If we desire to establish a real system of peace, it must be based on real international interests. That is a delicate problem of adjustment as between the particular interests of individual States and the organic system of international co-operation. The Covenant provides us with a happy solution of the problem, and we ought not only to respect that solution but to deduce from it general rules of conduct applicable in our international relations.

We all form one single group, and our dearest hope is to see it expand rather than disintegrate. We trust that the League of Nations may become a true reflection of the solidarity of nations, of all States, great and small, European and non-European, all helping to further their common civilisation, a civilisation which it is our duty not only to protect, but to strengthen and extend.

For that reason we welcome the co-operation of States non-Members of the League. It seems to me that we should be placing too narrow an interpretation upon our interests if we sought to confine to Member States the advantages that may ensue from the League's work. We ought to give the States which do not yet belong to the League every facility for co-operating with it within the general framework of its principles. Even in places where no echo of the League's voice is heard, its spirit may still penetrate — the

spirit of co-operation and peace. The world has never needed it so much as now, for if we have not yet seen the worst of the economic depression, we may expect to do so soon.

As our distinguished President has so eloquently said this morning, we must seize on the spontaneous sentiments of solidarity to which the crisis has given birth, not only to meet the stern needs of the times, but as the basis of a greater and more durable institution for the future.

The Assembly rose at 1.10 p.m.

THIRD PLENARY MEETING

Tuesday, September 8th, 1931, at 4 p.m.

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21. — EXPRESSION OF SYMPATHY WITH REFERENCE TO THE CATASTROPHE IN CHINA: ADOPTION OF THE DRAFT RESOLUTION PROPOSED BY THE BRITISH DELEGATION.

The President:

Translation: The first item on the agenda is the draft resolution submitted by the British delegation conveying an expression of sympathy to the Chinese Government.

The text is as follows:

The Assembly,

Having heard with the deepest sorrow the account of the terrible disasters that have overtaken certain provinces of China,

Appeals to all men and women of goodwill throughout the world to show by action their sympathy for those who are the victims of this appalling catastrophe.

Unhappily, there are precedents for the submission of such a resolution. Last year, your President received a draft resolution expressing sympathy with the Dominican Republic, which had just suffered terribly from an earthquake. This year, another Member of the League, one of the oldest and most faithful Members, is enduring an equally terrible calamity.

The Assembly will not, I think, desire to change the procedure it adopted at its eleventh session in expressing its sympathy for a Member State. I therefore propose that we should begin at once the discussion of the draft resolution before us.

Agreed.

The President:

Translation: Viscount Cecil, the first delegate of the British Empire, will address the Assembly.

Viscount Cecil (British Empire):

The motion of which the British delegation has given notice will, I am sure, commend itself to all the members of the Assembly without any exception, and I do not therefore need to occupy your time for more than a very few minutes in order to recommend the resolution to your favourable consideration. It calls the attention of the Assembly to events in China, to the floods there, which I think are really without parallel in the history of that country, or perhaps in the history of any other country. I am informed that right along the valley of the great river Yangtse for more than a thousand miles, and for a breadth of fifty miles, the whole area is flooded. That is a prodigious stretch of country, as large, I understand, as Scotland.

It is stated that several million human beings have perished in the floods; some authorities have put the figure as high as ten millions. It is estimated that something like thirty million persons are homeless as a consequence of the floods. Human bodies are floating about in the flooded area; it has been impossible even to bury them. Crops have been destroyed and relief is urgently needed in order to enable the unhappy survivors to live until the next harvest.

It is said that it is only a matter of organisation, no doubt of considerable organisation, to convey food, clothing and medical stores to the parts of the country which are affected. Unfortunately, the hospitals in the large towns there — for example in Hankow — have all been flooded out, so that the need from a health point of view is very extreme. Those of us who live in countries which have not endured such an affliction must not forget that it is only too likely that great epidemics of disease will follow these floods, and that they may spread far and wide over the surface of the earth; this, therefore, is a matter of great international importance, apart from the sense of fellowship and friendship in which we live and work here in order to promote that sense among the nations of the world.

I do not know, and therefore I have not mentioned the matter in my draft resolution,

whether there is any way in which the League of Nations can be of service in this matter; but I am quite certain that the Secretariat and the Council will be only too ready to afford, in this connection, any assistance which the Government of China may require and for which it may ask.

It would be an impertinence and it would be futile to add, by any phrases of mine, or by any attempt at rhetoric, to the claim which the bare facts of this disaster must make on every one of us. I trust we shall adopt this resolution and that it may be fruitful in helping the very hard-pressed and terribly tried provinces of China to which I have referred.

The President:

Translation: Dr. Sze, first delegate of China, will address the Assembly.

Dr. Sze (China):

I arise at once to express the appreciation of the Chinese delegation of the motion proposed by Viscount Cecil of Chelwood, chief of the delegation of the British Empire. I can assure you that, when the news of this proposal of sympathy and help reaches China, the hearts of my people will be stirred by the sympathy thus shown to them in their great trouble.

It does, indeed, appear that the calamity resulting from the floods in China is a vast one. Many millions of people in the neighbourhood of Hankow and elsewhere have had their homes destroyed and been rendered destitute. This is a disaster which could not have been reasonably foreseen and provided against. The records show that never before had the Yangtse River risen so many feet — fifty-three and a-half at Hankow. The highest previous record had been fifty feet, which was about a century ago, and only once since then had it reached as high as forty-nine feet.

In addition to the loss of life and the destruction of the millions of homes, there is the fear that epidemics of disease may follow. It is thus evident that my people will welcome all the aid that can be extended to them from other countries. In this connection, my delegation would be ungrateful if it did not mention the assistance which the League of Nations is already giving to our Government and people. The National Health Administration at Nanking is in touch with the Health Organisation of the League and, through the League's Bureau at Singapore, with the health administrations of other Far-Eastern countries, with a view to securing co-ordinated action for combating possible epidemics, or for taking any other joint action which the emergency may require.

The Transit Organisation of the League, in application of a general scheme of collaboration with the Chinese Government, is proposing to despatch to China, as soon as practicable, highly qualified engineers experienced in the matter of hydraulic work for the prevention of floods. Further, the Chinese Government has recently requested the Secretary-General of the League to recommend the choice of an expert, if possible, experienced in relief work done in the past by the League in the Near East, in order to help the National Government of China in co-ordinating public and private efforts to cope with the situation occasioned by this appalling catastrophe.

You may be sure that the Chinese people will never forget any sympathy and aid that may be extended to them by the League in this their time of trial. I note with gratitude that already His Majesty the Emperor of Japan has made a most generous gift, that the Government of France has authorised the Government of Indo-China to extend medical and sanitary aid, and that other Governments and private organisations and individuals are taking steps to lend their assistance. My Government has lost no time in taking such action as has been within its power to furnish relief to the stricken areas, and the Chinese all over the world are raising what sums they can for the relief of their fellow-countrymen in China; but there will be need for all the help that can be furnished by all generously-minded people.

Once again my colleagues and I thank you from the bottom of our hearts for the action which this day has been proposed to this Assembly. In no other way can the attention of the world be so effectively directed to the dire situation in several of the provinces of China.

The President:

Translation: M. Yoshizawa, first delegate of Japan, will address the Assembly.

M. Yoshizawa (Japan):

Translation: The Japanese delegation associates itself, in sincerest sympathy, with the proposal submitted by the British delegation concerning the terrible calamities which have just overtaken China.

According to official information which we have received, the floods have attained unprecedented proportions. A large number of towns on the banks of the River Yangtse, and, in particular, the whole district of Hankow, are under water, and hundreds of thousands of inhabitants have fallen victims to this disaster.

The Japanese delegation is especially glad to give its support to the British proposal, because the Emperor, as soon as the sad news reached him, was graciously pleased to grant a sum of 100,000 yen for the relief of the sufferings of the neighbouring nation.

Furthermore, a special committee has been formed, on the initiative of certain distinguished persons, with a view to organising the work of relief and assistance to victims of the catastrophe.

It is therefore with great satisfaction that the Japanese delegation supports the proposed resolution. It sincerely hopes that all Members of the League will join in this demonstration of solidarity.

The President:

Translation: Sir Brojendra Mitter, first delegate of India, will address the Assembly.

Sir Brojendra Mitter (India):

It would have been taken amiss in my country had I allowed this occasion to pass in silence, for nowhere has China's calamity stirred deeper sympathy than in India. This is not merely due to the fact that China is our neighbour and a very friendly neighbour; India and China are linked together by material ties of a common civilisation. When one of these countries is overtaken by a disaster of the magnitude which Lord Cecil has described, it is only natural that the most poignant sympathy should be felt in the other country, because we are not merely stirred by humanitarian ideas, but also by the most personal feelings of sympathy. That sympathy springs from a friendship of common culture and common ideas. I do not want to take the time of the Assembly any further; I warmly support the resolution proposed by Lord Cecil.

The President:

Translation: Dr. Curtius, first delegate of Germany, will address the Assembly.

Dr. Curtius (Germany):

Translation: The sympathy of the whole world for the sufferings of the great Chinese people has found expression in the draft resolution before us and in the words we have just heard. As representative of a nation which itself is struggling against the greatest hardships, I cannot keep silence at such a time. It must not be said that we Germans, in our own misfortunes, have lost sight of the sufferings of others.

There is not much we can do to help, but we none the less feel the greatest sympathy for the victims of the catastrophe which has overtaken the Chinese people.

I therefore associate myself wholeheartedly with the words of the previous speakers, and I hope that the terrible disaster which has befallen the richest regions of China will cause us to explore and to utilise all the means in our power to give assistance to that country.

The President:

Translation: M. Beelaerts van Blokland, first delegate of the Netherlands, will address the Assembly.

M. Beelaerts van Blokland (Netherlands):

Translation: The populations of the Netherlands and of the Netherlands Indies are deeply affected by the news of the recent disaster which has befallen vast regions of China.

Our relations with China are of long standing, and we are proud of our friendship with that great people, our neighbour in the Far East, where I learnt to know its splendid qualities in the course of long residence in that part of the world.

I therefore support most heartily, on behalf of the Netherlands delegation, the draft resolution submitted by the British delegation.

The President:

Translation: M. Hymans, first delegate of Belgium, will address the Assembly.

M. Hymans (Belgium):

Translation: I should like to express from this platform my warm approval of the proposal before the Assembly.

China is passing through a period of terrible hardship and trial, and I am anxious to extend to it the heartfelt sympathy of my Government and my country.

The President:

Translation: M. Politis, first delegate of Greece, will address the Assembly.

M. Politis (Greece):

Translation: The Greek delegation wishes to give its warmest support to the generous proposal of the British delegation. It cannot forget that our country has already enjoyed more than once the benefits of the Health Organisation of the League. Greece remembers with gratitude that scarcely nine years ago, at the time of the great catastrophe in Asia Minor, when more than a million refugees poured into her territory, bringing with them the germs of diseases of all kinds, the League, through its Health Organisation, was of the greatest help to her. The specialists it sent to Greece were able to give the necessary guidance to our vaccination committee and our medical corps as a whole to enable them in a few weeks to organise the necessary relief. Greece remembers with the same gratitude the effective assistance she received from the League for the settlement of the refugees.

On the strength of this experience, Greece sincerely hopes that the Assembly will adopt the proposal of the British delegation, and that the help thus promised to China will arrive as promptly as the tragic hours through which she is passing demand.

The President:

Translation: M. de Quevedo, delegate of Portugal will address the Assembly.

M. de Quevedo (Portugal):

Translation: It is with feelings of grief and sorrow that I associate myself, on behalf of my country, with the tributes paid by the Assembly to the Chinese people at a time of suffering and distress. China, that great nation of the Far East, has been linked with Portugal by ties of close friendship dating from the distant and glorious days when my country undertook its first expeditions to the confines of Asia. The friendship between Portugal and China is therefore centuries old, and has never faltered throughout the course of history.

It is therefore an intimate feeling of sorrow and distress which prompts me to address a few words of deepest sympathy to the Chinese nation, our neighbour and friend, at this sad juncture, when one of her most important districts is stricken with disaster, desolation and mourning.

I desire to say that I give my full adhesion to the draft resolution proposed by Lord Cecil, which calls upon the world to give proof, by suitable action, of its sympathy with the victims of this terrible catastrophe.

The President:

Translation: M. de Agüero y Bethancourt, delegate of Cuba, will address the Assembly.

M. de Agüero y Bethancourt (Cuba):

Translation: The people of the Cuban Republic are deeply affected by the news of the disaster which has befallen the great Chinese nation.

My country is bound to China by ties of old and sincere friendship, and I have special instructions from my Government to declare here that the Republic of Cuba warmly associates itself with the draft resolution submitted by Lord Cecil.

The President:

Translation: M. Alâ, delegate of Persia, will address the Assembly.

M. Alâ (Persia):

Translation: As the representative of an Asiatic nation which has for centuries been a friend of China, a country with which Persia has from the earliest times had cultural relations, and for whose civilisation she has the greatest admiration, I desire to associate myself warmly with the draft resolution submitted to the Assembly. I should like to express my most heartfelt sympathy for the sufferings of that great country, and the disaster which has befallen a friendly nation.

I wish to assure M. Sze that the spirit of solidarity which unites all the Members of the League, and especially the Asiatic nations, cannot allow the Persians to remain insensible to the sufferings of their Chinese brethren.

As early as the thirteenth century, our poet Sati said that the sons of Adam all form part of one body and originate from the same substance, and that, when fate afflicts one member of that organism, all the other members inevitably suffer with it.

I hope and believe that my fellow countrymen will put this idea into action and will come to the help of China with all the means at their disposal.

The President :

Translation : Mlle. Campoamor, delegate of Spain, will address the Assembly.

Mlle. Campoamor (Spain) :

Translation : On behalf of the Spanish delegation and of my country, I beg to express my acceptance of the humane proposal of Great Britain, voicing as it does the spirit of fraternity that inspires this Assembly. My delegation not only approves the proposal, but has instructed me to declare that it will make its terms and its spirit known in Spain, which to-day is filled with an impassioned desire for human brotherhood. The feelings which inspired the British proposal will awaken an echo in the hearts of the Spanish people. The present troubles of China not only show us our duty to humanity, but revive many historic and traditional memories uniting us with that country in its hour of sorrow.

The President :

Translation : M. Garay, delegate of Panama, will address the Assembly.

M. Garay (Panama) :

Translation : On behalf of the delegations from Latin America, which have asked me to act as their spokesman, and on behalf of my own country, I desire to express the feelings of solidarity which prompt us to support the draft resolution proposed by the British delegation.

In all our Latin-American countries there are large Chinese communities, and we therefore have friendly and business relations with the great Chinese nation and its Government. Hence, we sympathise with all our heart in China's misfortune, and hope that the resolution the Assembly will pass may be fruitful in happy results for that country, which to-day is passing through a period of such deep distress.

The President :

Translation : From the speeches to which we have listened, I conclude that the whole Assembly accepts the British proposal, and, if no one has any objection, I shall interpret the silence of the Assembly as a sign that it intends to adopt this resolution unanimously, and thus give the Republic of China a token of its warm sympathy.

The draft resolution submitted by the British delegation was unanimously adopted.

The President :

Translation : I shall also request the representative of the Chinese Republic to be so good as to convey to his Government the sentiments which this Assembly has expressed by unanimously adopting this resolution.

There is no doubt that, in the presence of the sufferings of China, the whole world will promptly make the gesture for which these sufferings call.

22. — COMPOSITION OF THE AGENDA COMMITTEE.

The President :

Translation : Before passing to the next point on our agenda, I have a communication to make.

The delegation of Haiti has just informed me that M. Dantès Bellegarde, who appears on the list of delegates as first delegate of Haiti, will not be able to come to Geneva to take part in the work of the present session.

Yesterday morning, the Assembly, in anticipation of M. Bellegarde's arrival, appointed the delegate of Haiti, upon my suggestion, as a member of the Agenda Committee, and that Committee, at its meeting yesterday afternoon, elected M. Bellegarde its Chairman.

Since M. Bellegarde cannot take part in the work of the present session, the Assembly will have to appoint someone else to be a member of the Agenda Committee. I propose the first delegate of Haiti, who has taken M. Bellegarde's place, M. Constantin Mayard.

If my proposal is adopted by the Assembly, M. Mayard will take M. Bellegarde's place as a member of the Agenda Committee. That Committee, at its next meeting, will have to elect a Chairman in the place of M. Bellegarde. As soon as the Chairman of the Agenda Committee has been appointed, he will be asked to serve on the General Committee of the Assembly.

If no one has any objection, I shall consider this proposal adopted.

The proposal was adopted.

23. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY : CONTINUATION OF THE DISCUSSION.

The President :

Translation : The next item on the agenda is the continuation of the general discussion on the report on the work of the League since the eleventh session of the Assembly.

M. Beelaerts van Blokland, first delegate of the Netherlands, will address the Assembly.

M. Beelaerts van Blokland (Netherlands) :

Translation : The circumstances in which the present Assembly is meeting are far from encouraging. On all hands we are threatened with financial and economic disorder, depression and distress. There are some, even, who already see on the horizon the spectre of a new war, which only shows how far astray people can go when they wilfully shut their eyes to the common interests of humanity.

For is not war largely responsible for the chaos in which we are involved? Does not the period through which we are passing prove, if proof were necessary, that, in the international community, essentially interdependent as it now is, violence inevitably has the effect of dislocating the whole machinery of world organisation? Another war would most surely render the obstacles in the way of a return to prosperity insurmountable. The only ray of hope in this economic slough in which we are floundering is the certainty that the peoples are becoming more and more alive to the stupidity of war. They are beginning to realise that war, as a means of satisfying national aspirations, is outdated, and that the community of States has no choice but to co-operate or perish.

We are witnesses of a movement of increasing *rapprochement* between States in an endeavour to find some means of bringing about constructive co-operation. For the moment, contact is principally in the field in which there is greatest need of it, but which at the same time presents the greatest difficulties — the economic and financial field. Small wonder that the League's work feels the effects of that movement.

The Assembly and the Council, in so far as they were called upon to promote the necessary contacts, may appear now to be playing a relatively less important rôle than before. Only the superficial spectator, however, will be disturbed by that fact or will see in it a diminution of the part played by the League. The League is merely the external image, the form in which the union between States is continually evolving. Anything that promotes that evolution at the same time strengthens the League ; and, while there is reason to feel disappointment at the results achieved by some of the Conferences and Commissions which have met under the League's auspices, it would be a mistake to blame the League for lack of success.

The League's task is to encourage international activities, but that it can only do in so far as its Members allow it. If no progress has been made, the fault lies with the Governments responsible, not with the League.

Everyone is so much concerned with economic difficulties and efforts to find a solution for them that it is only natural that the organic problems with which we have been concerned here during the last few years should appear to have been relegated to the background. It would be unwise, however, to neglect those problems, since they remain supremely important from the standpoint of organisation.

Let us therefore continue to devote our attention to developing the means of preventing war, to bring into harmony the Paris Pact and the Covenant and to continuing the work for the progressive codification of international law. All these problems are important, and the Assembly will not have met in vain if it succeeds in facilitating the solution of any one of them.

The financial and economic difficulties, however, admit of no delay. The Assembly is confronted with what is now the most urgent task of all. By giving proof of the spirit of co-operation which should inspire us all, it will stimulate the efforts made on every hand, whether within the League or outside it, to bring order out of economic and financial chaos.

There are technical problems of the greatest difficulty involved which call for the co-operation of the most highly qualified experts of every country. But to carry through this work, as recent discussions in the Commission for European Union and its Sub-Committees have shown only too clearly, technique is not enough ; what is chiefly wanted is mutual confidence.

Confidence is like security ; constantly speaking about it is not the best way of achieving it. Nevertheless, an atmosphere of mutual confidence in which each tries to understand the difficulties of the others is an essential condition for the comprehension of economic problems and the only condition that can justify any hope of finding a solution for them.

That was the atmosphere that prevailed when the Oslo Convention was concluded, when the Scandinavian States, Belgium, Luxemburg and the Netherlands showed their desire to put into practice the principles underlying the economic action of the League and thus contribute their share towards the development of the international spirit.

Nor is it only in the economic domain that it becomes necessary to consider the needs and the feelings of other nations and the difficulties with which their Governments are faced. We all have our national interests, our legitimate national aspirations, but we must remember that other nations too have theirs, and that it is their right and their duty to consider them.

The question is, then, to reconcile these various aims. We cannot hope to do so unless we approach the problem in a spirit of equity — I might almost say of impartiality — and with the fixed intention of obtaining lasting results, lasting in that they give satisfaction, as far as possible, to all the parties concerned.

The present situation is serious, but it is not hopeless. The strength of the destructive forces must not be over-estimated. Former ages have had their economic crises and have surmounted them. Why should we not succeed to-day, at a time when the difficulties have, it is true, increased and a much larger section of the world is affected by the crisis, but when, on the other hand, the unprecedented technical equipment of the international community is at the disposal of those in search of a common solution ?

Public opinion is beginning to be aware of the solidarity of nations and to see that the prosperity of one State cannot be secured at the expense of other States.

It is not enough, however, for Governments to note with satisfaction the progress of public opinion. Traditions of narrow national egoism have a strong hold on the mind of the people, and nations are easily led astray by the age-old spirit of rivalry and domination. It is the duty of statesmen not to allow Governments to be carried away by passing currents of opinion, but to stand firm and to guide public opinion in the direction of organised peace. To risk a temporary loss of favour is better than to incur the condemnation of posterity.

In considering all the possible means of contributing towards the solution of these various difficulties, it is natural to think first and foremost of the Disarmament Conference convened for next year. The extent of the saving that could be brought about if the Conference reached an agreement on a tangible reduction of armaments is obvious, but the true importance of such a reduction lies elsewhere. There is no better way of promoting mutual confidence between States than by fulfilling the promise contained in Article 8 of the Covenant.

We must realise that the nations, disappointed at the slow rate of progress, are more than ever turning their attention towards this first Disarmament Conference. They are asking us for deeds at last, and without further delay.

The Netherlands Press has just got up a petition among its readers over 18 years of age in favour of international disarmament, to convince the coming Conference that the world is expecting results from its meeting. Nearly two and a-half millions — more than half the adult population of the Netherlands — have signed the petition. That result is remarkable, but, in other countries, I am sure, similar results could be obtained.

A voice is being raised throughout the world demanding something more than peace. It calls for the preservation of our civilisation, the preservation of the supreme heritage, material and spiritual, of mankind.

We cannot afford to ignore that voice, nor can we evade co-operation, which, in the evolution of the world, has become a vital condition of society.

The President :

Translation : M. Pusta, delegate of Estonia, will address the Assembly.

M. Pusta (Estonia) :

Translation : The Commission of Enquiry for European Union decided, at its meeting on September 5th last, that the special proposals by delegates to which the Drafting Committee of

the Commission of Enquiry was unable to give special attention would be communicated in full to the Assembly. Thus we have before us the proposal of M. Tônisson, first delegate of Estonia, inviting the Governments to promote by all suitable means — Press, education, propaganda, on the screen and by wireless — the broadcasting, among the general public, of the idea of European Union. I should like to support that proposal.

I agree with M. Tônisson that it is absolutely necessary to broadcast, among the general public, the idea of European Union, as in modern democratic States it is in the last resort the public that governs. I would even go so far as to ask the Assembly to supplement the proposal by a second resolution. The Commission of Enquiry for European Union would, in my opinion, be doing useful work wholly in keeping with its terms of reference if it decided to study the problem of the constitution of the European Union in the strict sense of the term. In other words, it should extend the terms of reference, not only of the Commission of Enquiry, which is far from having completed its work, but also of its Organisation Sub-Committee, by requesting it to do for European Union what it has just done for the Commission of Enquiry — namely, to study its organisation.

I am well aware that my proposal may appear somewhat bold; but I should nevertheless like to try and convince you that present circumstances are such as to permit — nay, to demand — the consideration of such an enquiry.

There are two kinds of arguments in support of this proposal — legal arguments and arguments based on fact. First, my proposal is legally justified as being entirely in conformity with the fundamental resolution adopted by the eleventh Assembly, which set up the Commission of Enquiry in 1930.

This resolution set up the Commission for the express purpose of studying the question of European Union and, according to the terms of paragraph 4, to "pursue the enquiry which has already been begun, and of which the French memorandum of May 17th, 1930, and the replies thereto constitute the first elements".

I venture to draw your special attention to this passage. You are aware that, in the documents described as forming the basis of our enquiry — the French memorandum and the twenty-six notes from Governments — an important place is accorded to questions connected with the constitution of the Union. Consequently, in recommending the Commission of Enquiry to pursue the examination initiated by the memorandum, the Assembly, I feel sure, *ipso facto* placed on the programme of the Commission the question of the methods of constituting and organising the future European Union.

We have not yet begun this work, and we must do so if we are to fulfil the requirements of the resolution of September 17th, 1930, which is our constitutional charter.

That is not the only argument in support of my proposal; it can also be justified by facts, and in two ways. It is, in my view, doubly important to proceed with this enquiry — in the first place, because public opinion is now inclined to regard the idea of Pan-Europa as having been abandoned by the Commission of Enquiry itself; and, secondly, because, under the stress of circumstances, our Commission has exceeded the strict limits of the enquiry as defined by the resolution of September 17th, 1930.

In view of the increasing difficulties presented by the economic depression, the Commission of Enquiry has left on one side the question of the constitution of the Union in order to concentrate on the most urgent items of the programme. We are in no way criticising this decision of the Commission. On the contrary, we should like it to devote more time to urgent problems which are of especial importance for Europe, such as agricultural credits and unemployment.

As it was quite rightly said in the last memorandum of the French Government, the main thing is to resist the temptation to a dispersal of effort, and to endeavour to co-ordinate effort, to concentrate on a certain number of definite questions and to work along these lines with energy and perseverance. Again, when these problems connected with the economic depression were studied, the Commission took certain decisions which may be regarded as rather different from the mass of the resolutions normally adopted. I would ask you to re-read and meditate upon resolution No. 2 adopted at the second session of the Commission, especially its final passage. As you know, it invites the authorised representatives of the European countries affected (grain-exporting countries of Central and Eastern Europe and European importing countries) to meet at an early date and make a common effort to find means of disposing of the grain surplus at present available.

The meeting was to be called on the sole initiative of the President of the Commission of Enquiry for European Union, and its conclusions were to be put into effect without further reference to the Commission. There is, I think, no need to emphasise the particular significance of this resolution as compared with the normal resolutions of the Commission, which are in the nature of invitations, recommendations or *vœux*, or which, when they do give rise to a decision, merely entail the setting up of a committee of experts — that is to say, the institution of an additional enquiry.

Resolution No. 2 provides, on the other hand, for a meeting convened on the sole initiative of the President of the Commission of Enquiry with a view to achieving rapid practical results without further reference to the Commission, and we can thus say that these are resolutions of a "customary" character which definitely lie outside the limits of the enquiry.

This resolution No. 2 might be compared with resolution No. 8 adopted at the same session, which is of the same nature inasmuch as it constitutes a real international instrument of peace, adopted and signed by the various Foreign Ministers.

Must we therefore conclude that resolutions of this "customary" character are to be condemned in future? Not at all. On the contrary, we are of opinion that they must be recognised as regular and are to be recommended, inasmuch as they prove that there already exists, in the form of the Commission of Enquiry, a European Union in embryo — that is to say, groups of representatives of the European Governments able to give definite undertakings on behalf of their Governments.

"Policy first", said M. Briand, using a formula which he afterwards interpreted to mean that the examination of economic questions and their solution should be carried out, not by experts, but by duly accredited delegates. In M. Briand's opinion, that is what constitutes the chief progress made by the European Union.

Do not let us destroy the effect of that progress, and, above all, do not let us appear to abandon it, since we are commending to public opinion the idea of European Union on which it is based.

I therefore propose that the Assembly should adopt among its resolutions one to the effect that its Commission of Enquiry for European Union should, on the basis of the Assembly resolution of September 17th, 1930, study the various possible methods of constituting and organising the future European Union.

I have the honour to submit the following draft resolution to the Assembly:

"The Commission of Enquiry for European Union is instructed to include forthwith and permanently in the programme of its work the question of the various possible methods for the constitution and organisation of European Union.

"The Secretariat of the League is instructed to facilitate the task of the Commission of Enquiry by bringing together and collating the existing technical literature on the subject."

The President:

Translation: We have before us a draft resolution submitted by the delegation of Estonia. In accordance with precedent, it will be printed and communicated to the delegations, and suggestions will subsequently be submitted as to the action to be taken upon it.

The continuation of the discussion was adjourned to the next meeting.

The Assembly rose at 5.45 p.m.

FOURTH PLENARY MEETING

Wednesday, September 9th, 1931, at 11 a.m.

CONTENTS:

24. FUTURE WORK OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION.
Draft Resolution proposed by the Estonian Delegation.
Reference to the Agenda Committee.

25. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY.
Continuation of the Discussion.
Speeches by Sir Brojendra Mitter (India), M. Yoshizawa (Japan), the Hon. Hugh Guthrie (Canada) and M. Ghika (Roumania).

President: M. TITULESCO.

24. — FUTURE WORK OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION: DRAFT RESOLUTION PROPOSED BY THE ESTONIAN DELEGATION: REFERENCE TO THE AGENDA COMMITTEE.

The President:

Translation: The Assembly will remember, at its meeting yesterday afternoon, a draft resolution was submitted by M. Pusta, delegate of Estonia, concerning the future work of the Commission of Enquiry for European Union. This draft resolution reads as follows:

"The Commission of Enquiry for European Union is instructed to include forthwith and permanently in the programme of its work the question of the various possible methods for the constitution and organisation of European Union.

"The Secretariat of the League is instructed to facilitate the task of the Commission of Enquiry by bringing together and collating the existing technical literature on the subject."

In accordance with precedent, I propose that the Assembly should submit this draft resolution for preliminary examination to the Agenda Committee, which will be asked to make suggestions as to the action to be taken with regard to it.

The President's proposal was adopted.

25. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY: CONTINUATION OF THE DISCUSSION.

The President:

Translation: The next item on the agenda is the continuation of the general discussion of the report on the work of the League of Nations since the last session of the Assembly.

Sir Brojendra Mitter, first delegate of India, will address the Assembly.

Sir Brojendra Mitter (India):

The members of the Indian delegation are convinced believers in the ideals of the League. They have been consistently loyal to those ideals and are keenly anxious for their progressive realisation. There are some who say that very little achievement can be claimed on the credit side of the League's account. I dispute that. What is it that the League is attempting to do? The war spirit, which dominated nations for centuries, cannot all at once be transformed, as by a magician's wand, into international goodwill. What the League can legitimately claim is the creation of the appropriate atmosphere. Simultaneously with the creation of that atmosphere, the League has started on a career of winning victories of peace by fighting ignorance, disease, economic maladjustment, and other maladies which afflict the body politic.

Looking at the agenda of the present session of the Assembly, we cannot fail to be struck by its variety and importance. I can assure the Assembly that the Indian delegation will endeavour to make its humble contribution towards the solution of the problems before us in a spirit of comradeship and goodwill towards all.

The problem which looms largest is, of course, the reduction of armaments. We hope that the Conference convened for next February will achieve definite results. We rely on the great Powers to instal trust in place of suspicion, and to establish their moral pre-eminence as they have already established their material pre-eminence. The resources, both moral and material, which are bound to be released by such a reduction of armaments will be available for prosecuting vigorously the activities on which the advancement of humanity to higher and still higher planes of existence depends.

The problem of the world slump is no less important than the problem of disarmament. On that subject, the Indian delegation had the privilege last year of moving a resolution in the Second Committee proposing an intensive and continuous study under the auspices of the League. We are glad to find the results of that enquiry before us. Nevertheless, since last year world depression has increased in intensity. While we fully appreciate the merits of the study which has been made, we propose this year to recommend not only a continuation of the study, but an investigation of the means of implementing the same.

While speaking on this topic, I might be permitted to express our high appreciation of the proposals recently made by the President of the United States of America. Here is a silver lining to the cloud which is hanging over the world. Here is the definitive new factor in the situation for which the world has been waiting. Let us see to it that we make the most of it without cavil or quibble and with every resource of self-help as a first step towards re-establishing the economic equilibrium of the world.

I have spoken so far of expectations · it is always more pleasant to speak of achievements. The co-operation between the League Health Organisation and India promises to bear good fruit in one important respect. India has been in close touch with the Far-Eastern Bureau at Singapore, and the interchange of views and the comparative study of the problems of tropical disease is being carried on in the true spirit of the League for the benefit of humanity. A new milestone was reached last year by the publication of the report of the Malaria Commission, which will be of considerable value to India and others intimately concerned, owing to the welcome suggestions which it contains. We are proud that the report bears eloquent testimony to the study of malaria which has been carried on in India and which has yielded important results.

The next topic on which I wish at this stage to make some observations is intellectual co-operation. In the whole range of questions coming before the Assembly, this subject arouses a peculiar enthusiasm in a delegate from India. The vast evolution of culture, education and philosophy in India qualifies us in a special measure to co-operate with other countries on this plane in the development of the international spirit. While we are ready to receive new ideas, we are equally ready to bring into the common pool the experience of centuries. The whole programme of intellectual co-operation makes a strong appeal to India, whether it is the development of inter-university relations, the international co-ordination of libraries and museums, or the translation of classics. I may refer to the activities of at least two Indian institutions in this direction, the Asiatic Society of Bengal and the Indian Museum in Calcutta. The former, by bringing out authorised versions of classics and supplying manuscripts to foreign learned societies, and the latter by exchanging specimens with sister bodies in Europe and America, are doing a signal se vice in the field of intellectual co-operation. It may not be out of place to mention the cosmopolitan institution established by India's poet, Rabindranath Tagore, at Bolpur, in Bengal, the main object of which is the synthesis of the culture of the East and the West.

India is also keenly interested in the activities of the League in the field of the unification of laws. We appreciate the League's efforts in the matter of the unification of the laws on bills of exchange, promissory notes and cheques. For our part, we have recently brought our law on the sale of goods into line with the law in England and America; the law of the Dominions is practically the same. Here, as in fact in other branches of commercial law, the lead of the League will be warmly appreciated in India.

There is one aspect of the work done by the League during the past year that we in India find particularly satisfying. It has often fallen to the lot of the Indian delegation to criticise the League on the ground that its activities have taken little account of the countries east of Suez. We note with pleasure the very substantial effort the League has made this year, and is continuing to make, to come to the rescue of that great country China in the midst of her troubles. We further note the proposal to establish an office of the League in India, which should do much to increase the knowledge of the activities of the League among our population of 350 million inhabitants. We also express our cordial appreciation of the visit to India under the auspices of the League, of that eminent economist, Sir Arthur Salter.

Nevertheless, before I resume my seat, there is a note of warning that I feel I must sound. Though it is true that this year the activities of the League have covered a larger area than before, its European activities would appear to us to have to some extent trespassed on the purely diplomatic field. In our view, the League machinery ought not to be employed for the purpose of arriving at regional agreements in the economic sphere. No doubt the urgency of the economic crisis accounts for this development, but we in Asia share in this crisis, and, to take an example, I do not think that the Agricultural Mortgage Credit Company should have been set up by means of League machinery in a form limited to European countries without Asiatic countries having an opportunity of putting forward their views at this Assembly.

I note the statement in a letter from the Chairman of the Sub-Committee of Economic Experts, printed at the head of the report of that Sub-Committee, to the effect that all members of the Sub-Committee are anxious that the economic *rapprochement*,

which they hope to establish between the countries of Europe, far from proving harmful to the economic relations existing between Europe and the other parts of the world, will, on the contrary, have the effect of intensifying those relations and rendering them closer and more beneficial to both sides. I hope this will indeed be the case; but, so long as Asiatic countries remain outside the scope of this *rapprochement*, so long must they look on with some anxiety.

The President:

Translation: M. Yoshizawa, first delegate of Japan, will address the Assembly.

M. Yoshizawa (Japan):

Translation: Among the important international questions which, since the constitution of the League, have called for its watchful attention and indefatigable efforts, the problem of the reduction of armaments undoubtedly occupies the first place. After unavoidably lengthy preparatory work, we are now in the happy position of being able to look forward to the coming conference for the reduction of armaments as the crowning of our efforts, and I must warmly congratulate the Preparatory Commission for the Conference, which has thus brilliantly achieved its task after heavy work extending over a period of five years.

Thanks to the Commission, we now have before us a draft Convention for the limitation and reduction of armaments, which may usefully be taken as a basis for the work of the Conference in 1932.

I need hardly say here that it is the earnest wish of the Japanese Government to consolidate world peace and to further the welfare of humanity by means of an equitable agreement on the reduction of armaments. My Government is willing to participate in the coming Conference and to do all in its power to contribute to its success. As everyone knows, the Japanese Government, acting always in the spirit underlying the work of disarmament, endeavoured to bring about a reduction in naval armaments at the successive Conferences held at Washington, Geneva and London, and the agreements concluded are being loyally carried out. In the field of land disarmament also, it has, on its own initiative, already effected considerable reductions. Indeed, whereas before the war there were in Japan twenty-one army divisions, apart from certain independent units, in 1922 the effectives of each division were greatly reduced and in 1925 four divisions were disbanded. Consequently, there are at present only seventeen divisions, with effectives representing not more than 65 per cent of the pre-war effectives, a figure which corresponds to 0.28 per cent of the population.

On the other hand, as our army did not participate in the operations on the European battlefields, its war material and air force are not adequate for the requirements of national defence, and my Government has therefore been obliged to readjust that state of affairs. While willing to do all in its power, in full agreement with the participating Governments, to make a success of the general Conference, the Japanese Government earnestly desires that the Powers whose situation is closely bound up with the national defence of Japan should make similar efforts for the conclusion and loyal execution of the Disarmament Convention.

In view of these considerations, the Japanese Government intends to put forward at the coming Conference such proposals as seem to it most equitable, in accordance with the spirit of Article 8 of the League Covenant, and having regard also to the present position of our armaments and our peculiar situation in the Far East.

It is particularly desirable that the Disarmament Conference should yield positive results at a time like the present, when the world is passing through a period of general economic depression of exceptional gravity. Opinions may differ as to the causes of that depression, but it can hardly be denied that one of its causes is to be found in the fact that numbers of countries have, in their over-anxiety to protect themselves economically, one after the other adopted a policy incompatible with the principle of liberty of trade based on a rational division of international work.

Immediately after the world war, a tendency to erect Customs barriers was observed in nearly every country. In order to combat this tendency, the League convened the Economic Conference of 1927, which exhorted the States to abolish all obstacles to liberty of trade. Subsequently, by means of a Convention for the Abolition of Import and Export Prohibitions, a Convention for a Customs Truce, and other attempts to solve various problems affecting world economic co-operation, the League endeavoured to create an international atmosphere essentially favourable to liberty of trade between the members of the international community.

Those efforts on the part of the League should certainly not be under-estimated. Nevertheless, we must admit that, when the world crisis came — that is, in the course of the last few years — there was revealed more and more clearly a tendency to restrict or prohibit the import of foreign commodities or to prevent their import in actual fact by increasing Customs duties on the pretext that such were necessary to protect the home trade and industry, make good a budget deficit or remedy unemployment. There are even signs of nations going further still and ignoring or restricting the application of the most-favoured-nation clause in commercial treaties, or other similar guarantees.

There is thus a risk of serious interference with the principle of equality of opportunity or non-discrimination which had hitherto been accepted by the nations. Moreover, that tendency not only jeopardises international obligations, but constitutes a serious obstacle to the development of the productive resources of each country, causing international trade depression and aggravating the economic crisis from which the whole world is now suffering.

At the present time, the various countries have become so interdependent economically that any policy of economic isolation pursued by certain countries inevitably entails tremendous difficulties for all the other countries which, in their international trade, adopt the principle of freedom of trade. If an increasing number of States strike out on a line which must inevitably lead to the abandonment of a liberal policy, such a tendency can only be described as deplorable from the standpoint of international economic peace.

I wish to take this opportunity of drawing the attention of all countries to these grave considerations and to express the sincere hope that the League will use every means at its disposal and exert its prestige in order to mitigate, as far as possible, this highly regrettable tendency.

As regards the question of the amendment of the Covenant of the League of Nations in order to

bring it into harmony with the Pact of Paris, the Japanese delegation last year expressed certain doubts as to the desirability of such a measure. My Government sees no reason to modify its original view, but I am glad to be able to tell you that it is prepared to accede, in principle, to the draft amendments embodied in the report of the First Committee of the last Assembly, it being understood that those amendments shall in no way affect the legitimate exercise of the right of self-defence.

In conclusion, I should like to take this opportunity of expressing our great satisfaction that the League of Nations has responded to the appeal of our neighbour, China, and that a plan has been prepared and put into execution under the supervision of the Council — a manifest demonstration of the League spirit of universality and solidarity.

More than ever before, the League must mobilise its full resources to secure cordial collaboration and must prevail upon all States to collaborate in eradicating, as far as possible, the evils from which the whole world is suffering. I for one earnestly hope for the progress and success of all the League's activities.

The President:

Translation: The Hon. Hugh Guthrie, first delegate of Canada, will address the Assembly.

The Hon. Hugh Guthrie (Canada):

As one who has not hitherto been privileged to participate in the deliberations of the Assembly of the League of Nations, may I express some trepidation and some reserve as I venture to discuss in a general way one or two of the subjects which are prominently mentioned in the report on the work of the League since the eleventh session of the Assembly?

As a representative of the Dominion of Canada, I wish to express the appreciation of the people of that country at the generous manner in which representatives from Canada have hitherto been received and honoured by this Assembly; in particular, may I express the deep appreciation of the Dominion of Canada for the honour which was conferred on Canada by this Assembly in selecting the head of the Canadian delegation, in the person of the Honourable Raoul Dandurand, as the President of the sixth Assembly of the League of Nations. The active interest which Senator Dandurand always manifested in the work of the League gave him a place of influence and of prominence in the councils and deliberations of the League which another may find it well-nigh impossible to attain.

May I pause at this point in my remarks to make a formal presentation to the League of Nations on behalf of the Dominion of Canada, of a portrait in oils of the Honourable Raoul Dandurand, the President of the sixth Assembly of the League of Nations. This portrait is by Baschet, the celebrated French artist; it will be placed on view in the Library of the Secretariat of the League, and I think you will agree with me that the artist has succeeded in placing upon canvas a remarkable likeness, an admirable portrait, of a great Canadian whose success in the councils of this Assembly is a matter of very deep satisfaction to the Dominion of Canada. Mr. President, I beg of you to accept this portrait on behalf of the League of Nations, and at the same time may I express the hope that the good example now set by Canada may be followed by other countries which have also enjoyed the proud distinction of having one of their representatives occupy the office of President of the Assembly?

I am aware that the absence of Senator Dandurand from this Assembly will be a matter of great regret to many of those present.

While much might be said in favour of a certain degree of continuity in the national representation in this Assembly, regard must nevertheless be had to the changing political conditions in a democratic country such as Canada. It is of primary importance that the views of the Government of each country upon the various questions which arise should be authoritatively laid before the Assembly.

It is a matter of congratulation and satisfaction to all the Members of the League that, notwithstanding the infusion of a certain amount of new blood annually in this Assembly, yet the names of many great statesmen who have hitherto largely guided its deliberations are still found upon the roll of the twelfth Assembly. General recognition will always be accorded to that group of great men from many countries who, through their knowledge, their efforts and experience, are regarded by the world at large as leaders in the work of the League of Nations.

It would be the merest platitude to affirm in this Assembly that the basic principle upon which the League of Nations was originally founded was the maintenance of world peace, the negation of war, the adjustment and settlement of international differences by peaceful arbitration; yet the League, in pursuit of its purposes, has found it necessary to explore and examine many customs, many systems, many conditions which prevail in various parts of the world and which at first glance may not appear to be very directly concerned with world peace, but which have a very direct influence on world conditions. Matters pertaining to trade, finance, agriculture, industrial conditions and unemployment, health and the like, have all received the special care and study of the League, and we admit that in many respects, in regard to these subjects, great advances have been made through the efforts of the League.

While I agree that all these subjects indirectly concern the greater question of peace, yet I venture to assert that, in the eyes of the world — in the opinion of the man in the street — such incidental questions might well be postponed for final adjustment, until the supreme, the all-important, question of world peace shall have been placed upon a more firm and satisfactory basis than that upon which it rests to-day.

In my judgment, by far the most important features of the report which has been presented to this Assembly are those which directly or indirectly suggest the question of world peace, and the most important subjects upon the agenda for the consideration of this Assembly are undoubtedly the questions of peace, arbitration and disarmament, with all that these terms involve.

Let it not be supposed that one in my humble capacity is inclined to be either critical or censorius in his remarks. I assure you that nothing is further from my mind. No one realises more than I do, or appreciates more highly than I do, the long, the enduring efforts of that great body of statesmen who, for the sake of peace, have unselfishly given of their best, and whose successive efforts we expect will soon be crowned with a real achievement for the security of world peace.

If one may be permitted to emphasise a platitude, let me repeat that the maintenance of world peace is the fundamental principle of the League of Nations. While throughout the intervening years the League has performed many useful services and has to its credit many achievements for the

benefit of mankind, while it has erected a wonderful superstructure for the dissemination of valuable information for the guidance and improvement of the nations of the world, yet the success or failure of the League in the judgment of the world will always be based upon a single standard: Has it succeeded in the abolition of war and the establishment of peace? I assume that you all realise that such will be the supreme test.

It will be recognised that any contribution which the Dominion of Canada may be able to make in support of the maintenance of world peace, or more particularly in support of the principle of "arbitration, security and disarmament", will be in the nature of deeply sympathetic co-operation in whatever plan may be finally determined as the best means of achieving the desired end.

In no sense of the term can Canada be deemed a militaristic country. Geographically, Canada is rather favourably situated, reasonably remote from active interest or definite concern with the difficult problems confronting many of the great nations in other parts of the globe. While we possess a vast territory, our population is but 10,000,000, composed for the most part of descendants of Great Britain and France, but including also considerable numbers from all countries in Europe.

The armaments of Canada are practically negligible. We maintain only such military, naval and air forces as are necessary for the maintenance of law and order within our own border. Canada has no need for greater armaments. She has but one international boundary. The United States of America, a great and friendly country, is our only immediate neighbour, and we are convinced that the peaceful aims and aspirations of that great country both rival and support our own.

It will be recognised at a glance that there is but one course for Canada to urge in regard to arbitration and disarmament. Our aims and interests in this respect all point in the same direction, and both in this Assembly and in the Conference soon to be held Canada will urge, with all the influence at her command, the acceptance by the nations of the world of the general treaty of disarmament mentioned in the report, which treaty will be submitted to the Conference in February next.

While I do not seek to minimise the important problems which confront many great nations in regard to the proposal for general disarmament throughout the world, it is the belief of the Government of Canada that, under the treaties and covenants now subsisting between the various countries, and with the extension of the principle of arbitration to embrace all causes of international dispute, general disarmament upon a very extensive scale may take place within reasonable time with reasonable security to all nations concerned.

Let me briefly state some of the grounds upon which my assertion is based. In the first place, the League of Nations, after ten years of effort, has created a new international atmosphere, new international ideals; it has established a general desire for peace, and an aversion of war. The willingness to promote peace has become a dominant idea throughout the world. It has been of slow growth, it is true. It was germinated in the destruction, sorrow, and awfulness of the great war. It has been nourished, fostered and encouraged by the League's activities.

We are convinced that, throughout the world to-day, there exists a more marked desire for international co-operation than has ever existed heretofore. Let us strive to take the fullest advantage of the favourable conditions which undoubtedly exist. The foundation for a permanent superstructure of arbitration, security and disarmament has been well and truly laid through the efforts of the great statesmen who have devoted themselves to this noble object under the auspices of the League. Let us continue to build upon that foundation.

In the second place, I submit that ample safeguards and guarantees for all nations and for all reasonable purposes will be found in the Covenant of the League of Nations, and in the subsidiary treaties and covenants which have been accepted by so many nations. Most of the nations of the world stand to-day pledged to the principle of disarmament and arbitration; most of the nations of the world have expressly renounced recourse to war.

Article 8 of the Covenant and the preamble of Part V of the Treaty of Peace clearly indicate a general scheme of disarmament, in the manner prescribed in the documents themselves. The Locarno Treaty of September 1926, which directly concerns Great Britain, France, Germany, Italy, Belgium, Poland, and Czechoslovakia, reaffirmed in the most definite manner the binding force and effect of Article 8 of the Covenant. The Locarno Treaty further declared that aggressive war was a crime, also that *all* international controversies should be settled by arbitration or other pacific means. While it is true that the Locarno Treaty is in some important respects limited in its application, it remains an outstanding agreement between the States which were parties to it, in favour of arbitration and disarmament, coupled with reasonable guarantees for security.

Permit me also to mention another international agreement of outstanding importance to the whole world. I refer to the Briand-Kellogg Treaty, otherwise known as the Pact of Paris, which came into effect in July 1929, and has now been accepted by almost all the States Members of the League. In my humble opinion, this particular treaty constitutes an enormous contribution to the peace and security of the world. It most expressly condemns recourse to war and renounces war as a means for the settlement of international disputes.

The importance of the Briand-Kellogg Pact in relation to the peace of the world cannot be overestimated. The fact that it has obtained almost universal approval throughout the world, and also the fact that it was projected to a large extent and has been approved by the United States of America, give to it a value and consequence in world affairs which must be recognised. I assume, therefore, that it will be the duty of this Assembly, either now or hereafter, to effect such amendments in the Covenant of the League of Nations as may be necessary to harmonise any conflict or repugnance which may now exist between the provisions of the Covenant and the Pact, so that the essential elements of both may be maintained to the fullest possible extent. Canada will readily accede to all such amendments.

One other important bulwark for the security of nations and the maintenance of world peace will be found in that forum which has already been established under the authority of the League and is termed the Permanent Court of International Justice. What has come to be known as the Optional Clause and the General Act of 1928 have now been accepted by so many nations that one may predict with some confidence that, in the not too distant future, the jurisdiction of this tribunal will become worldwide in extent and also all-embracing in the

nature and character of the subjects upon which it is authorised to pronounce. Such, at least, is the earnest hope and desire of a great many nations which have already accepted both the Optional Clause and the General Act, of which the Dominion of Canada is one.

Before concluding, permit me to make one further observation. The report contains a reference to the work of the Commission of Enquiry for European Union, in regard to which Commission and the proposals which it has made, the Dominion of Canada claims to have a special interest as one of the great grain-exporting countries of the world. I realise that this is not the appropriate occasion to enter upon a discussion of this important question. I desire, however, to reserve expressly the fullest right to discuss this matter when the occasion arises, and in the meantime it will be understood that Canada is in no way committed to the Committee's report or to its proposals.

The President :

Translation : M. Ghika, first delegate of Roumania, will address the Assembly.

M. Ghika (Roumania) :

Translation : For all who are following with deep interest the League's work and its progress towards the consolidation of peace — which is its *raison d'être* as well as the supreme goal towards which the efforts of Member States are directed — the annual report on the work of this international institution since the last Assembly in 1930 gives some indications as to the value of the progress made and the prospects for the near future. Naturally enough, as time passes and we leave behind us the early years of the League's inception and growth, years characterised by the large-scale work of the constructive period, it may seem, at first sight, as though the League's activity had lessened in scope, if not in effectiveness ; it may seem as though, while not reduced to marking time, its progress had been slower and more tentative.

In reality, a new period of activity has begun, a period of adaptation and readjustment, to clear the ground in preparation for the solution of certain important questions of the day. Among these, disarmament is in the foreground, dominating every other question and demanding of the Member States a joint effort of mutual comprehension and willing sacrifice in the cause of peace. If ultimate success is to be assured, all the States collaborating must be imbued with a sincere and infectious desire to find some common ground.

I have no wish to hurt anyone's feelings or to dismiss without examination opposing views expressed in all good faith and with a warmth of would-be persuasive conviction ; but I confess that, in my opinion, to use security and disarmament as two distinct terms, denoting opposite conceptions, in a definite order of priority, is equivalent to stylistic pleonasm. It is possible to conceive *a priori* of a community unarmed and without need for arms, because its social order ensures absolute security ; but it is useless to suppose that such a community could throw down the arms it requires for defence — especially on the morrow of a veritable holocaust — if security does not exist or is found to be precarious and ineffectual.

Here I am merely repeating what many have said before me with the voice of authority — that, in the present international situation, security is a function of the confidence which each State inspires in the others. If we mean to shake hands instead of shaking our fists at one another, we must first have the open heart which calls for the open and outstretched hand. That is the magic key which, in a better future, is to open, not the gates of a visionary other-world paradise of the nations of to-morrow, but the doors of a real League of Nations. Compared with it, the League that brings us together in annual session is merely a framework, a half-finished building whose façade bears a symbolic device, and within which we are trying to consolidate peace in an atmosphere of hope and encouragement.

Every Government, in addition to the incessant work of the chancelleries, must mobilise the living forces within the nation in an effort to draw the peoples together. A determination to remove misunderstanding and win hearts beyond the national frontiers must be supported by enlightened public opinion, guided aright by the educational and more particularly the moral elements in each State. These have a real mission to fulfil in school and church. They must see that, to help the League in its work, there is an ever-widening circle of agreement among the masses — under the impulsion of Governments already won over to the cause — as regards the measures which States are contemplating and adopting to secure a lasting peace through disarmament.

Nothing can replace confidence as a guarantee of peace throughout the world ; and, until the elected representatives of the peoples and the acts of Governments are everywhere inspired by that spirit, pacts of non-aggression, which have multiplied apace during the past few years, are rather in the nature of pegs staking out a new road than fixed milestones on the triumphal way to the temple of peace. Such as they are, they have their value, which must be recognised and welcomed as a happy omen.

Roumania, for her part, follows an unswerving policy which the representatives of successive Governments have proclaimed from this platform. She is prepared to conclude pacts of this kind with all States, near or far, without exception. For she is sincerely determined to be a stable element in the maintenance of peace in Eastern Europe ; and she feels that her policy, to which she consistently and confidently adheres, fully safeguards the work of peace.

To sound once more a note of reasoned optimism until the peoples have gained the necessary confidence, I affirm that the League's work of peace is being helped forward by various elements of consolidation based on common interests. The world economic crisis from which the nations of Europe and those beyond the seas are suffering so cruelly provides another favourable element of this kind. True, we should all prefer not to have to test the usefulness of such a form of solidarity, arising as it does from common hardships. Nevertheless, faced with similar economic and financial difficulties, hearing similar cries of distress from across the national frontiers — from factories where work is vanishing into thin air like the smoke from their chimneys, from farms where crops are piling up and rotting for want of purchasers — the nations, feeling themselves a prey to the same evils and day by day becoming increasingly aware of their inter-

dependence, which calls for common self-defence if they are not to perish together, are bestirring themselves. They are making efforts, as yet tentative and isolated, at each new turn of the world crisis, actuated by a common desire — vague at first, but more and more conscious as time goes on — to advance together in search of a way of escape, a means of recovery, a return to normal life and peaceful, fruitful labour.

Roumania, like all the other States, is feeling the repercussions of the world crisis and is sadly regarding her surplus unsold harvests. Accordingly, she is following with the keenest interest the work of the Commission of Enquiry for European Union, the programme of which gives hope of a satisfactory solution. To find a market for the surplus crops from the 1930 harvest, to export future surpluses, to obtain agricultural credits, to regulate production and trade — all these are questions of the utmost importance and touch the very heart of Roumania's daily life. Nor must we forget the Pact of Economic Non-Aggression submitted to the League; it directly bears upon a situation the harassing effects of which Roumania felt last year. Roumania proposes to take part in the League's work during the present session, as at all the previous sessions, in a liberal spirit, a spirit of the most active sympathy. She hopes that her contribution to the common task will be a useful and profitable one and that this year will be marked by real progress in the advance along the difficult road which is to lead us, we hope, by progressively easier stages of more perfect understanding, onwards to the ideal which is the dream of mankind.

The Assembly rose at 12.45 p.m.

FIFTH PLENARY MEETING

Thursday, September 10th, 1931, at 10.30 a.m.

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28. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY.
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29. PROTECTION OF MINORITIES.
Draft Resolution proposed by the German Delegation.

President: M. TITULESCO.

26. — CHAIRMANSHIP OF THE AGENDA COMMITTEE.

The President:

Translation: The Assembly will remember that I informed it, at the meeting on September 8th, of the reasons which prevented M. Dantès Bellegarde, delegate of Haiti, from being present at this session and consequently from accepting the Chairmanship of the Agenda Committee to which he had been elected.

The Agenda Committee met yesterday afternoon and elected as its Chairman Dr. L. K. Hyder, delegate of India, whom it had already elected Vice-Chairman. Dr. Hyder is therefore invited, as Chairman of the Agenda Committee, to take his place as a member of the General Committee of the Assembly, to which he will be a most welcome addition.

27. — FUTURE WORK OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION: DRAFT RESOLUTION PROPOSED BY THE ESTONIAN DELEGATION: REPORT OF THE AGENDA COMMITTEE.

The President:

Translation: The Assembly will remember that in accordance with the proposal I made at the beginning of yesterday morning's meeting, it decided to refer, to the Agenda Committee, for preliminary examination, the draft resolution submitted by the Estonian delegation concerning the future programme of work of the Commission of Enquiry for European Union.

The report of the Agenda Committee on this matter reads as follows:

> "The Agenda Committee agrees to propose that the Assembly should include this draft resolution in the Agenda of the present session, so as to permit of its examination by the sixth Committee, which would consider it under item 11 of the agenda of the Assembly, relating to the Commission of Enquiry for European Union."

If no one has any objection, I shall consider the report of the Agenda Committee adopted.

The report was adopted.

28. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY: CONTINUATION OF THE DISCUSSION.

The President:

Translation: The next item on the agenda is the continuation of the general discussion on the report on the work of the League since the last session of the Assembly.

The first speaker on the list, His Excellency M. Lerroux, first delegate of Spain, will address the Assembly.

M. Lerroux (Spain):

Translation: The League of Nations will, I hope, find nothing but cause for congratulation in the change that has taken place in the internal organisation of Spain since the last Assembly. Henceforward, Spain is to be governed no longer forcibly and arbitrarily, but by law and mutual consent. Thus there is complete agreement between the principles of Republican Spain and those of the League. But there is also another reason why the new Spain is profoundly attached to the League. The new Government must devote all its attention to the internal reconstruction of the country on new foundations, and this can be carried through only in an atmosphere of general peace and prosperity. Hence, there is a two-fold guarantee that Spain will co-operate actively, and, I venture to hope, effectively, in your efforts in the cause of peace and right.

You are all familiar with the various reasons why Spain was more or less unaffected by the more direct consequences, both economic and political, of the war. She might have availed herself of this privilege of her historic destiny to sever the bonds of solidarity and, following the classical precept, "*cultiver son jardin*" — which, as you know, is a most wonderful one. But *noblesse oblige*, and throughout her history Spain has had too well-established a tradition of universality thus to abandon herself to the part of a disinterested spectator of others' sufferings. Far from that, my country is highly conscious of the bonds that link it with the other countries of Europe, suffering as they are from a serious crisis due undoubtedly to the upheavals of all kinds consequent upon the war; and, in its anxiety to contribute to a solution, it cordially welcomed M. Briand's general efforts to direct European policy towards a closer continental union.

I say it boldly and clearly: though Spain has made herself felt all over the world, and has mingled her blood with that of every race, she feels herself to be essentially a European country, realising the vital part that our ancient continent, fertile and fruitful as it is, plays and must always play in the civilisation, the intellectual progress and the prosperity of the world.

We have therefore followed very closely the proceedings of the Commission of Enquiry for European Union and its sub-commissions and committees — only too happy if, in the course of those proceedings, we could contribute any concrete suggestions to the solution of the grave problems under consideration. Generally speaking, Republican Spain looks for an extension and definition of the right of the impartial technical organisations of the League and the International Labour Office to investigate all political and economic activities which overstep national frontiers. This is true particularly of the development of industrial combines — a desirable development, but one that needs to be watched.

But while Spain, as one of the oldest of European nations, feels an increasing attachment to the old continent and an increasingly intimate concern in its destiny, she can never forget that, in the very year in which, at Granada, she was finally consolidated as a nation, she gave to the world a new continent, which is peopled to-day by twenty nations of her lineage. You will permit the first Minister for Foreign Affairs of Republican Spain to greet from this platform the American peoples of every speech — for all of them, as Americans, owe their existence to Spain — and to tell them that she feels herself more closely united with them than ever before, now that, with identical systems of government, the sole difference between them has ceased to exist. She deeply regrets the absence of a number of American countries — both those which have not seen their way to subscribe to the Covenant, those which have retired, and even those which, though Members of the League, do not come to assist us with their advice. While respecting their various motives, Spain would take upon herself to appeal to them urgently to co-operate constantly and systematically in the noble work of the League, in which those who give always receive.

The new Spain has a profound faith in the League. The inextricable complexity of the problems to be solved, and the multiplicity of committees, too often give rise to jeremiads; and critics, friendly as well as unfriendly, dare to attack the very principles that are responsible for our presence here. But, impatient as we may be to see the world's diseases cured, disappointed as we may be by our lack of success, who would be so unjust as to blame the League — which, after all, is only a method of international co-operation — for failures which are essentially due to the absence of such co-operation?

Spain herself is thoroughly convinced that the world situation demands, not a reduction, but a development of the League; not a restriction, but an extension of its activities; and, above all, not a return to a state of international anarchy and to the system of limited and ephemeral understandings between groups of countries, which at once arouse suspicion in other groups — a barren and dangerous system, as past experience has shown — but a fresh affirmation of the principles of publicity, universality and international co-operation on which the work done at Geneva is founded.

Strong in this faith, Spain is convinced that the day will come when all the nations of the world, including the United States of North America and the Union of Soviet Socialist Republics, will join with us, for those countries are as anxious as the rest of us for peace, and the League is the soundest foundation for the organisation of peace — not only because it is the sole permanent institution that can raise an effective barrier against war, but also because its aim is to eliminate all danger of war by encouraging the habit of international co-operation in all the arts of peace.

For these reasons, the Spanish Republic regards it as an error to suppose that the work of the League should be limited to any particular spheres, whether political or technical. It holds that it is the very multiplicity of the League's operations that contributes most effectively, though indirectly, to peace and disarmament. Nor can we accept the need of economy as a valid argument. It is true enough that economy is necessary — nay, indispensable — in national budgets, and, needless to say, in the budget of the League all unnecessary expenditure must be avoided and every possible administrative economy must be introduced. But when work of an international scope has been declared by the Assembly and the Council to be expedient, the nations that form the League owe it to themselves to provide the necessary funds for that work. It is a great thing to have an institution which bears the responsibility for organised civilisation, and we do not feel that 30 million gold francs represent an unduly high budget for such important work.

The Spanish delegation will therefore examine with care all proposals relating to the international organisation of the League, in order to be sure that the permanent organisations at Geneva and The Hague have the funds and the moral support necessary for the discharge of their duties. When critics attack our activities, we are, I feel, entitled to reply that, if the League had done no more than create these three admirable centres of international technical work and international enthusiasm — the Secretariat, the International Labour Office and the Registry of the Court — it would, even so, have justified its existence. The Spanish Republic attaches the greatest importance to the maintenance of these three centres, which are models of efficiency and international integrity. It will always be ready to participate in any efforts the Assembly may think it necessary to make in that direction, with the assistance of the three distinguished officials in charge, especially the Secretary-General, in whom the Assembly rightly places complete confidence.

In full consciousness of the requirements of justice in the social sphere and of the obligation it has incurred in regard to labour organised in legal associations, which has so effectively contributed to its creation, the Spanish Republic will take an active part in the work of the International Labour Office, with a view to improving the welfare of the workers and making progress in regard to the technical aspect of production on international lines. It proposes to devote its sympathetic attention to the international conventions which are not yet ratified by Spain.

I am especially charged to proclaim here that Republican Spain, which is proud to have been the first to introduce the principles of international law in the Old World, confirms her accession to the Court of International Justice; and I hope that the number of countries which have signed the Optional Clause with regard to the obligatory jurisdiction of the Court will soon include all civilised nations, whether Members or not of the League.

It is in this spirit of sympathy towards all international institutions that Spain, though she had no part in its establishment, welcomes the creation of the Bank for International Settlements as a new manifestation of the law of modern life that the problems of the present time cannot be solved except by international co-operation and on universal bases. My Government is firmly resolved to stabilise the national currency and to adopt the gold exchange standard as soon as the constitutional measures have been passed by Parliament. Spain will then put forward a claim to be represented on the Bank for International Settlements, which even now she hopes will have a successful future.

But, of all these forms of international activity, Spain, in common with other countries, attaches the greatest importance to the Disarmament Conference which is to meet in February next. My Government has made it its first object to reduce its military effectives very appreciably. In other words, she has, as far as she herself is concerned, anticipated the work of the Conference. That is all the more reason for her to be interested in the success of the Conference.

The Spanish representative on the Council is the Rapporteur for disarmament questions. The Preparatory Commission asked the Spanish representative to draw up its general report. The League doubtless recognises that Spain has an exceptional position, and, I may add, a privileged position, in this matter. In reorganising the position in Spain, the Republic has halved the number of divisions of her army, and has reduced by two-thirds the number of her officers, who have accepted the sacrifice with the greatest patriotism. She has also reduced the budget of the army and navy, thus giving evidence that Spain does not wish to have anything more to do with the imperialist ambitions of outworn institutions.

Spain has no capital invested or capitalists interested in the maintenance of gigantic enterprises devoted to the production of war material, which, failing war or a threat of war, are bound to collapse and intensify the economic and financial catastrophe.

Lastly, Spain, which has, by democratic means, regained the free control of its destinies, has established a complete union of purpose among the Spanish people, the nation and the State — a union failing which any understandings between Governments have in the past proved, and will in the future prove, precarious indeed.

The best guarantee of the efficacy of any peace treaty lies in the assurance that the signatures of the Governments are backed by the democratic will of the peoples, and that the peoples mean to stand by those signatures, with the support of the women, as expressed through the Press.

As is clear from the most superficial glance at the geographical, economic and political circumstances which determine the foreign policy of Spain, nothing is more urgently necessary to her future than peace. But — if you will permit me to use so bold an expression — Spain's interest in disarmament is also a disinterested interest. Among the various convergent standpoints, Spain feels that she can preserve a certain impartiality, while remaining firmly attached to the principle of the speediest possible organisation of peace and disarmament, which are the two essential aspects of the question.

But neither the organisation of peace nor even disarmament — at all events within the limits at present possible — is sufficient to ensure the attainment of our ideal. Peace is a state of mind. Therefore, we must keep a careful eye upon the causes that may predispose public opinion in different countries to rivalry and war. I should like to mention two of those causes which seem to me most dangerous. First of all, there is economic competition. As long as the absence of international co-operation forces the nations into rivalry on the markets of the world, introducing methods inevitably borrowed from the war psychology, it will be vain to seek through mere disarmament the ideal of peace by which we are all inspired. Therefore, the League of Nations must endeavour to build up economic co-operation on new foundations, inspired by those sentiments of international solidarity which the universal nature of the present crisis brings so clearly into the foreground.

But there is one cause of anxiety more capable, perhaps, than any other of inducing a state of public opinion favourable to war. I refer to the influence that may be exerted on public opinion in various countries by a Press insufficiently informed of the intentions and acts of other countries. It would be a great mistake to suppose that in such matters danger can only proceed from ill-will or bad faith. Generally, on the contrary, an atmosphere of international mistrust — even an atmosphere of absolute tension — develops as a consequence of false interpretations, due either to insufficient information or to simple misunderstandings caused by the natural divergences between national outlooks. This vast field of international information, this task of clarifying and purifying the sources and channels of the distribution of news, seems to belong natu-

rally to the League of Nations; it is the League which could take the initiative in exploring the possibilities of reform and progress in that direction.

My Government has observed with the keenest satisfaction that a number of delegations, notably those of Sweden and Poland, gave attention to this problem in the course of the investigations concerning measures for strengthening the means of preventing war.

Spain, which has nothing to fear from publicity, but which has repeatedly suffered from misunderstandings such as those to which I have referred, has more than once devoted attention to this problem, which has been laid before the League in various forms, first by M. Urgoiti at the Press Conference at Geneva, and subsequently by M. Casares in the Committee on Intellectual Co-operation. I, who have the honour of addressing you, and who am President of the Spanish Press Association, would ask the Assembly in both capacities to afford a sympathetic reception to the following draft resolution:

"The Assembly,

"Considering that the organisation of peace demands the maintenance of an international spirit freed from all prejudices and misconceptions;

"Convinced of the necessity of ensuring that the Press of all nations receives as impartial and complete information as possible:

"Requests the Council to consider the possibility of studying:

"*(a)* Means of associating feminine action and feminine feeling with the work of the League of Nations by an effective and direct collaboration;

"*(b)* Means for preventing, with the assistance of the Press, the dissemination of such false information as may hinder the maintenance of peace and goodwill among the peoples."

International solidarity between democracies, the effect of feminine opinion and the direct participation of women in public life, and opinion as represented by the Press — these alone can give us a solid guarantee of peace established by Governments under the inspiration of the League of Nations.

The President:

Translation: The Rt. Hon. Viscount Cecil of Chelwood, first delegate of the British Empire, will address the Assembly.

Viscount Cecil (British Empire):

A perusal of the report which we are now considering will have brought home to everyone that there has been no diminution of the activities of the League and its efforts to secure peace and good understanding between the nations. I sympathise very much with the passage in the speech which we have just heard which emphasised the importance of that activity and expressed the hope that it would not be diminished.

At the same time, all of us must feel that at the present moment any saving in money by a great institution such as this which can be accomplished without injury ought to be accomplished. It is not, of course, that the actual amount of money involved is considerable. If the League expenditure were diminished by ten or twenty per cent, no appreciable impression would have been made on the economic situation of the world; but if it were possible by one means or another to show that we in this League are not indifferent to the economic difficulties of the world, that action, as a gesture, would be well worth taking.

At the same time, I do agree most heartily with the representative of Spain that it would be the falsest of false economy if we were to do anything, more particularly at this time, to reduce the authority and prestige of the League of Nations, or still worse to reduce its efficiency. That must be the governing consideration in all our efforts at economy. It is only subject to that consideration that the British delegation would feel able to consider any proposals in that direction.

There is one other matter relating to the internal management of the League to which I should like to refer. It has been a matter of discussion in this Assembly over and over again whether the present system of elections to the Council is altogether satisfactory. The British Government, the late Government has given, and I have no doubt the present Government is giving great attention to that subject, and they are satisfied that it is a matter which requires further investigation. I therefore ask leave to present to the Assembly a draft resolution in the following terms:

"The Assembly requests the Council to appoint a special committee to study the existing system of elections to the Council and to report to a future session of the Assembly on any reforms which may appear desirable."

I want to mention two other matters before I come to the main observations which I desire to make; the first is the question of slavery.

This is a matter which has occupied the attention of successive Assemblies for several years past, and I hope it will occupy the attention of this Assembly. The present position cannot be regarded as satisfactory. We drew up some years ago with great care and great thought a Convention on this subject. I believe it was a good Convention. It has certainly been accepted by the great majority of the Members of the League, but the active and positive results of that Convention have not, I am afraid, been very considerable.

In the circumstances, it is right to remind you that there are still in the world something like five million human beings living in a condition of more or less severe slavery. That is a terrible reflection on our existing civilisation. We shall have the honour of pressing upon the Sixth Committee once again proposals for a more efficient machinery to supervise the carrying out of the Convention which we have accepted. I earnestly trust that the Sixth Committee will give its close attention to those proposals and that we may be able to obtain some positive and constructive result this year.

On pages 144 and 145 of the report on the work of the League there is a reference to the Nansen International Office for Refugees, and you will notice that there still remain something like a quarter of a million refugees to be dealt with. Last May, the President of that Office, the very highly respected Dr. Max Huber, a citizen of this country, launched an appeal for assistance to enable the newly constituted Office to carry out and complete its work. I am glad to know that already considerable subscriptions have been sent in or promised; from Norway the interest on something like £12,000 to £15,000; from Armenian sources something like £14,000; from Denmark some

£5,000 and from my own country, so far, some £4,000. I do not mean to say that these are Government subscriptions. They come — and that is the object of the appeal — from private sources; but I earnestly hope that the flow of funds will not diminish, and that the great work — one of the greatest of our humanitarian works — begun by one of the greatest of our members, and one of the greatest of internationalists, Dr. Nansen, will be carried through to a triumphant conclusion. I venture very earnestly to commend that object and I trust that the appropriate Committee will be able to do something to forward the cause.

These questions, however, great and important as they are, are not the questions which at this moment occupy the close attention of the peoples of the world. The period in which this Assembly meets is one in which the purposes for which the League was founded are obviously of a special importance, a special gravity and urgency. Never was it more necessary that the world, and that most cautious and apprehensive section of it, the investing public, should be assured of the continuance of peaceful international relations. Never was the international co-operation which is the second main purpose of the League more needed for the world's current poblems. It would be a real tragedy if this Assembly, representing as it does some three-quarters of the world, were to come to an end without contributing anything to the cure of the grave maladies from which the world is now suffering.

The anxiety which is now in all our minds results from the world economic depression which began two years ago, and also from the financial crisis which followed three months ago. Grave as is the economic depression, it is the financial crisis which threatens the more immediate disaster unless urgent action can be taken.

The dominant need of the moment is to revive international investment. This is needed in order to bridge the gap in the balance of payments between creditor and debtor countries, to stop the drain on gold, which, if it continues, will threaten a number of currencies which have been painfully restored during the past decade, and to provide capital for the economic enterprises without which the recovery and employment of those now involuntarily idle will be impossible. If this is not done, and done quickly, it is clear from the evidence before us that one country after another, both in Europe and overseas, will be forced into some form or other of extended moratoria which may endanger the whole system on which the economic life of the world is based, and will be driven again into the chaos which results from demoralised currency.

Let me enforce this argument by referring to the special case of Germany. I do this because the German position is at the centre of the present financial crisis, because the repercussion of a disaster there would obviously extend over a large part of the rest of the world, and because we have the report — this is the most important thing — of the very authoritative expert Committee which met at Basle under the presidency of Mr. Wiggin. That report says, in impressive terms:

"The time is short. The body of the world's commerce, whose vitality is already low, has suffered a severe shock in one of its members. This has resulted in a partial paralysis which can only be cured by restoring the free circulation of money and of goods. We believe that this can be accomplished, but only if the Governments of the world will realise the responsibility that rests upon them, and will take prompt measures to re-establish confidence. Their action alone can restore it. We think it essential that, before the period of prolongation of credits recommended by the London Conference comes to an end, they should give to the world the assurance that international political relations are established on a basis of mutual confidence, which is the *sine qua non* of economic recovery, and that the international payments to be made by Germany will not be such as to imperil the maintenance of its financial stability.

"We therefore conclude by urging most earnestly upon all Governments concerned that they lose no time in taking the necessary measures for bringing about such conditions as will allow financial operations to bring to Germany, and thereby to the world, sorely needed assistance."

That is what the experts say. That is their urgent appeal, under pain of disaster, not only to the country first in question, but to the whole world.

What can and should the Governments do? If we had a period of years before us there is much that could and should be done. International trade must be extended by the removal of impediments; monetary reforms must be attempted and the new methods and machinery proposed by the French Government in its most interesting memorandum and considered by the League's financial organisation must be tried.

All these and other things are necessary, and in time are practicable; but we are faced by an imperative need of action, not in a period of years, but of months or even weeks. What can be done in this time? Within this time international investment must be revived, sufficient confidence must be given to the invest r to lend again at once. Is there any practicable alternative to the action recommended by the Basle Committee? Is it not evident that the problem of Governmental indebtedness to which temporary relief has been given by the present moratorium needs such a solution as will give confidence for new investments on a long-term basis, which both the Conference of Prime Ministers in July and the Basle Committee in August regarded as indispensable?

This, and perhaps this alone, might give the investor confidence in the credit of debtor countries; and this alone would enable the full amount of what is lent to go direct to its most productive purposes and would reduce the at present unbridgeable gap in the balance of payments between creditor and debtor countries. I see no alternative to this, if we put aside such an expedient as Government guarantees of foreign loans. It is, of course, equally essential for such new investments that the borrowing countries should take every step to balance their budgets and to use the new resources lent by capital for productive purposes.

But this is not all. The lack of confidence which caused the present crisis is due, not only to doubts as to the debtor's capacity to pay, but also to anxiety as regards the political position. I want to say a few words on that subject.

In a sense, the political position is not altogether unfavourable. I do not think that there is the slightest prospect of any war. I know — and history tells us — how rash it is to prophesy as to the future of international affairs; but, nevertheless, I do not believe that there is anyone in this room who will contradict me when I say that there has scarcely ever been a period in the world's history when war seemed less likely than it does at present.

But, nevertheless, there are evils. In the first place, there is prevalent throughout many countries in the world — I was almost going to say every country, but certainly in many countries — a certain atmosphere of internal unrest. That does not only concern those countries; it has its repercussion all over the world. We hear constantly of violent speeches or aggressive demonstrations being made in this country or in that; and I quite realise — for I have been in public affairs all my life — the immense temptation that orators feel in that direction. You see a great multitude before you. That multitude expects to be excited and enthused, and you are led on to make striking and vehement phrases which call forth loud cheers from your audience and cause people to congratulate you on a successful speech. Yet it may well be that such a speech will not only do infinite harm to the foreign relations of your country but will sentence some miserable women and children in far-distant countries to misery and starvation.

If only orators could have before them a picture of people struggling for existence, to whom the economic prosperity of the world means all the difference between life and death, I think they would put a good deal of water in their wine and forego a few of the enthusiastic cheers of their audience. Let us always remember that in this, as in so many other matters, one inflammatory speech cannot be killed even by ten moderate speeches from the same quarter. Unfortunately, moderation is not particularly readable; it does not receive the same publicity as extreme utterances, and for that and other reasons it is very difficult by mere speech to counteract the harm that is done by violent utterances. It is partly due to this, but partly also to many other causes, that there is in the world an atmosphere of international suspicion certainly as great as it has been, perhaps greater than it has been, in recent years, and it is that international suspicion flowing in part from these disturbances and unrest in the countries of the world, and also from other quarters, which it ought to be the special function of the League of Nations to allay.

As I have just said, mere speeches are not enough — not even resolutions or *communiqués*. As you, Sir, so well said in your opening observations, something of the nature of positive action is necessary. I am not suggesting, far from it, that this is a time for a general revision or reconsideration of the treaty position in Europe. That would not promote peace or quietness or tranquillity, but I do think we ought to do something; and the obvious thing — as almost every speaker from this tribune has already said — is the promotion of international disarmament. By that means a lot of money could be saved. International disarmament would do more, perhaps, than any other single thing to increase international confidence, and by this great and unmistakable act it would be announced to the world that the nations were turning away from violence and looking to reason for the justification of their aspirations, and were prepared really and genuinely to enthrone justice as the arbiter of international disputes.

Do not let us think that this, which is a very urgent matter, is one that can be left to settle itself. I am not going to attempt to make a disarmament speech, but I do just want to draw your attention to one series of incidents as an illustration of the urgency of this matter. It so happens that quite recently, in the last few months, there have been held what are called "air manœuvres" in a number of countries — in my own country, in France, in Italy and in America, and I dare say in many others. Observe what that means. I am not criticising, I need not say, any of the Governments concerned. These are manœuvres to exercise and perfect an arm which is, perhaps, more essentially than any other an aggressive arm. No doubt if one country has aircraft, another country will say that it is necessary — and perhaps it is — for it also to have aircraft. But these manœuvres show once again that the possession of aircraft by one country is no defence against attack by the aircraft of another. It is not a means of defence; at the most it gives to the country attacked the power of reprisal, but nothing else. That is, I venture to think, the lesson of the manœuvres which have taken place.

I have before me a report that was published in one of our great English papers, the London *Times*, giving an account of some manœuvres in a country which I shall not name because I have no desire whatever to make any charge against any particular country — far from it. It is the system that is interesting to me on this occasion, not the policy of any particular country — a policy which, as far as I can see, is pretty much the same all over the world. Here is the description of the manœuvres that took place in that particular country. I will just read a few extracts from the report:

"The first wave of the raiders flying low from the east appeared in a cloudless sky at 3 a.m. and afforded an impressive spectacle as they roared over the town and dropped hundreds of 'bombs' in the shape of fire-works which exploded loudly a few hundred feet above the house-tops. For an hour and a half the air trembled with the throbbing of powerful engines, as the attacking machines with tail lights flashing intermittently swept in across the town to discharge their explosive loads with splendid accuracy. The afternoon visit of the raiders was even more spectacular. At one moment it was possible to count nearly 300 machines, scouts, fighters and large three-engined bombers in the sky."

That was over one town.

"A similar attack was made yesterday on another town and resulted, according to the official *communiqué*, in the destruction of the railway station, the paralysing of the factories and the military establishments and in huge casualties amongst the civil population."

Then, with regard to another town, this time a dockyard town, the account is as follows:

"This town is judged by the umpires to have been 'half destroyed, and in any case to be out of action for a long time', with severe losses to its defensive seaplane and aeroplane organisations at a cost to the invaders of only ten fighting aeroplanes and eight bombers. Curtains of smoke were sent up both from the land and from the ships with the purpose of obscuring objectives of particular value and military importance, but the only result was to make them more easily picked out by the airmen. Thus this form of passive defence was only proved to be completely useless."

That is typical, I venture to say, of the results which were obtained from all the other manœuvres. There is no contradiction. There is this broad fact — that there are in existence all over the world military air organisations, one purpose of which is the destruction of cities with the vast masses of civil population, and against which, so far, no adequate defence whatever has been devised. I spoke just now of the necessity for encouraging the investing public, but what kind of encouragement is it when we say to the investing public: "We are threatening the destruction of the material wealth of all these countries, and these countries to which we anxiously implore you to lend money are preparing means for destroying the security on which your loans would rest".

I have taken the case of the air because it is in some ways the most striking; but to a certain degree, and allowing for the difference of method, etc., what has been said of the air may be said to a very large extent of land and sea armaments as well. I therefore welcome most heartily the observations made by my predecessors at this Tribune concerning the meeting of the Disarmament Conference next year, and I would like to emphasise the fact — because, after all, that fact is in itself a great step forward — that, by the unanimous consent of the world, the Conference is to meet on February 2nd of next year, and that no Government, least of all my own, would tolerate for a moment any proposal for its postponement.

I feel that, both for economic reasons and for reasons of world peace and progress and to safeguard which was delivered two days ago by the Italian Foreign Minister, my friend and colleague, Signor Grandi. That speech might be a model to all orators of the true method of the advocacy of peace — peace by means of disarmament and the League of Nations. In the course of his speech, Signor Grandi made a most interesting suggestion; as I understood it he proposes, or he suggests — I do not know that he went so far as to propose — that it would be very fitting and very useful if the nations of the world would agree not to increase their armaments by land, sea or in the air, at any rate until the Disarmament Conference has had an opportunity to come to a conclusion on the subject. That is a most interesting suggestion with which I fully agree.

Speaking personally, as one who, for many years, has taken a great interest in the disarmament problem, rather than as a representative of my country, though I do not know that there is any distinction between the two, I venture to say that, if this suggestion could be put into effect, it would make an admirable preface to the Disarmament Conference. I very earnestly hope that some proposal giving body and concrete effect to the Italian suggestion will be laid before the Third Committee, and I can promise that, so far as I am concerned, I shall give such a proposal the most anxious and most sympathetic consideration, moved by the desire, if possible, to see how a practical measure of that kind can be brought into actual existence. In any case, I desire to express my warmest thanks to Signor Grandi for having made the suggestion, and my earnest hope that it may lead to some practical result.

I feel that, both for economic reasons and for reasons of world peace and progress and to safeguard everything that is really worth having in the civilisation of the world, this Disarmament Conference must succeed. We cannot afford to let it fail. It must result in a substantial reduction of the armaments of the world, and I am quite sure that that result can be achieved if the spirit in which we come to that Conference is only the right spirit. If each country merely seeks to get off with doing as little as possible, we shall produce no good results; but if we all come here, as I hope and believe we shall, with a desire not to see how little but how much we can do, how large a step we can take towards the ultimate ideal of complete international disarmament — if we come here in that spirit I am satisfied that the Disarmament Conference will be a triumphant success. After all, the Conference meets next year, and, if what I have tried to show you earlier in my observations is right, the crisis is very urgent. What are we doing in the meanwhile? What step can we take to improve the international atmosphere? I believe we can do a good deal.

There are present at this Assembly the representatives of two great and highly respected nations, each in its way a leader of civilisation. If there could be a real *rapprochement* between France and Germany, not only in word but in action, seventy-five per cent of the political unrest of the world would, I believe, thereby be removed.

I have seen it said in the papers and elsewhere that my country is opposed to a *rapprochement*; that for purely selfish reasons we are anxious to see these two great countries in hostility because we thereby have a greater position in the counsels of Europe. That is a gross and scandalous libel on my country; I have never heard Englishmen give vent to any such proposition. I am satisfied that, whether it is the present Government or any future Government of England, it will always be anxious to do its utmost to promote good understanding between its two great neighbours, and nothing would give it greater pleasure or satisfaction than to see a real friendship — I hope there is a real friendship — and a visible friendship, between these two countries. We endeavoured at Locarno to give practical effect to our desire in that direction, and I can only say that, so far as the spirit of Locarno is concerned, it still persists in my country, and we shall always be ready to do anything that we can — I do not know that there is anything we can do — to promote this splendid spirit.

My reason for referring to these two countries is not only because they are in our minds continually; we know how much depends on the policy of each of them. They, however, are not the only countries concerned; my country may very likely itself be doing something which, in the opinion of others, does not help the pacification of the world. If that is so, I only hope it will be pointed out to us, because, as far as I am concerned, I would say that it is the duty of every Government

to search its mind at the present crisis in order to see what contribution its country can make towards putting an end to what is, after all, not a normal condition of international life, but an unnatural and diseased condition of the public mind. That seems to me to be the great task to which we should set ourselves in the coming months, and, I may say with absolute confidence, not only on behalf of my Government, but also on behalf of the people on whom that Government depends, that the only real plank in their foreign policy is to contribute to the utmost of their power to the pacification of the world.

The President:

Translation: In addition to the draft resolutions presented by the Spanish and British delegations, I have received the following proposal from the Norwegian delegation:

"The Assembly,

"Following the precedents already established for several years,

"Decides to refer to the Sixth Committee the annual reports of the mandatory Powers, the reports of the Permanent Mandates Commission, and all other documents dealing with the mandates question which have been distributed to the Members of the League since the last session of the Assembly".

The text of these three draft resolutions will be printed and distributed to members of the Assembly, and I reserve the right to offer at a later date, in accordance with the Rules of Procedure, suggestions on the procedure to be followed.

His Excellency M. Giuseppe Motta, first delegate of Switzerland, will address the Assembly.

M. Motta (Switzerland):

Translation: I attribute the atmosphere of uneasiness which seems to pervade our work mainly, perhaps exclusively, to the economic and financial depression from which all countries are suffering in varying degrees. The duration, extent and effects of that depression — which are not confined to material values but in some ways affect spiritual values also — constitute a remarkable proof of solidarity between all countries. Indeed, the first great lesson to be drawn from it is that of universal solidarity.

The League cannot but feel the effects of the present situation. The sufferings of the various members of the body entail, by a biological law, the suffering of the whole body. We shall never have a prosperous League of Nations so long as the States composing it are themselves unhappy. The only question we have to ask ourselves is this: Can the League of Nations take effective action to mitigate the evils of the present crisis and help to cure them?

The real friends of the League, its most enlightened partisans and surest guides, are not those who indulge in specious optimism, but those who face the evils, diagnose them and set themselves to remedy them.

The efforts made hitherto in the economic field have not yielded satisfactory results, nor can it be denied that, even admitting that international affairs cannot always be measured by the same standards as national affairs, there is sometimes a serious lack of proportion between the means employed and the objects achieved. When storms menace and flood-waters threaten to engulf houses and cities, the inhabitants abandon the occupations and pleasures of untroubled times.

When all is said and done, however, we must ask ourselves this: If the League of Nations did not exist, where, how and by what means would Governments and nations find a way of meeting and taking counsel together?

In common justice we have to admit that quite recently, when the financial conditions of a great country suddenly became so critical, the Bank for International Settlements at Basle was used as a meeting-place where competent financiers could consult together without delay as to the best means of averting the catastrophe which threatened. Is not the Bank for International Settlements a direct off-shoot of the League, or at least a body conceived in the League spirit?

True, several countries have had to grapple with unwonted internal difficulties, and their Governments, which have naturally been most concerned with immediate interests, have looked on the interests attaching to international collaboration as of secondary importance.

Must we not, however, welcome as of good augury the fact that the very existence of the League and the warnings it gives have a relatively restraining influence on States and prevent them from embarking on dangerous courses. But for the League's existence, might not the unfortunate complications of the recent past have led to still more serious complications, perhaps even to social anarchy at least as destructive as war?

All thinking people will view with approval meetings and direct conversations between the heads and members of Governments especially interested in solving urgent and specific problems. There is no reason, however, to take the unsympathetic view that such meetings and conversations are in opposition to the work of the League. It is surely fairer to regard the two methods as complementary and to take the view that the heads of Governments who meet in Paris, Berlin, London or Rome are increasing their chances of success when they carry on their negotiations in the spirit of the League and without losing contact with the League.

The question of reparations and inter-State debts — that onerous legacy of the war — does not come within the League's province. Last spring, the President of the United States of America made a remarkable move, which, though apparently only concerned with a temporary aspect of the problem in question, has actually had the effect of bringing up the whole problem for discussion. That problem demands a solution: to leave it unsettled indefinitely would mean prolonging the general business depression. I venture to say that we all hope the action taken will be carried to its logical and final conclusion.

There is no occasion to indulge in sterile pessimism, still less to abandon ourselves to what has always seemed to me one of the most contemptible forms of pessimism — defeatism. The idea of arbitration is progressing steadily, and the cause of the compulsory jurisdiction of the Permanent Court of International Justice has triumphed. The small States have not hesitated to embark on this course, and the great Powers — to their credit — have followed them. This session of the Assembly will probably see the introduction of a new Convention to strengthen the means of preventing war which, though not of primary importance, will furnish one more proof of our determination to leave nothing undone to avert a clash of arms.

I shall say nothing here of the unification of laws on bills of exchange and cheques, or of the unification of river law, nor shall I mention the international agreements concluded in April, whereby a number of obstacles to road traffic will be removed. I do not propose to expatiate on the new Convention for the limitation of the manufacture of narcotic drugs, which marks perhaps the decisive phase in the struggle against that social evil and the affirmation of a new will and a new method.

We are on the eve of the Conference for the reduction of armaments. That Conference will not be postponed. It will, both by reason of the object for which it has been called and by reason of its composition, be one of the greatest ever held. It has been convened in conformity with the Covenant, and the provisions of that instrument will not have been truly observed unless positive results are obtained. Although public opinion should be warned against entertaining exaggerated hopes, it must also be informed of the greatness of the undertaking. It must be proclaimed in no uncertain voice that the effective reduction of armaments alone can strengthen the feeling of security, help to eliminate certain deep-seated causes of the present economic disorder, and increase confidence in the maintenance of peace. Without such confidence, rendered in some sort tangible and visible, it would be useless to expect a real business revival, it would hardly be possible to base any hopes on equitable treatment for international commerce within the meaning of the Covenant, including more particularly the stabilisation and gradual reduction of Customs tariffs.

The ultimate cause of our setbacks in the economic field has on more than one occasion been stated by the experts best qualified to speak to lie in the fear that peace may not yet be firmly established. Until business men are fully persuaded that the truth is the very opposite, they will be tempted to raise artificial economic obstacles between countries, designed to secure the independence and autonomy of each in time of danger threatening from without.

If, however, the League's methodical work, if accession of all to the Pact for the renunciation of war, if progress in arbitration and, lastly, effective and adequate reduction of land and sea armaments — if all these factors combined do not succeed in creating a fresh spirit which shall engender human progress in its supreme form, then truly we may despair of the future of mankind.

This cannot and must not be. Material and technical progress lies patent to the eye. Everywhere there is a tendency towards internationalisation, and credit too is weaving an ever closer and more far-flung net of solidarity. Men have never before been so near one another in time or in space. The marvellous products of Marconi's genius would lose half their significance did they not prove that the supreme aim and object of material progress is to serve the cause of moral progress. The fatal attempts to apply discoveries and inventions to instruments of death and destruction are aberrations that violate the human and the divine order alike.

Last Tuesday morning, when we were endorsing the proposed invitation to Mexico, I was thinking that the entry of that great and wealthy country into the League would be in the nature of a symbol. It will typify the universal importance that Latin-America continues to attach to our work. It may perhaps herald further additions to our numbers or the return of others to our fold. In any case, despite certain signs to the contrary, it will show that the League is not regarded with indifference by any State. That is why this addition to our numbers at the present time appears to me as a cause of rejoicing and of hope.

29. — PROTECTION OF MINORITIES: DRAFT RESOLUTION PROPOSED BY THE GERMAN DELEGATION.

The President:

Translation: I have received the following draft resolution from the German delegation:

> "The Assembly decides to refer to the Sixth Committee that part of the report on the work of the League since the eleventh session of the Assembly and of the introduction thereto which deals with the question of the protection of minorities (pages 74 to 80)."

This draft resolution will be printed and distributed, and I will make suggestions to you later as to the action to be taken upon it.

The Assembly rose at 12.40 p.m.

SIXTH PLENARY MEETING

Thursday, September 10th, 1931, at 4 p.m.

CONTENTS:

30. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY.
Continuation of the Discussion.
Speeches by M. Alâ (Persia), Sir Thomas Wilford (New Zealand) and M. Michalakopoulos (Greece).

President: M. TITULESCO.

30. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY: CONTINUATION OF THE DISCUSSION.

The President:

Translation: The agenda consists of the continuation of the general discussion of the report on the work of the League since the eleventh session of the Assembly.

M. Alâ, delegate of Persia, will address the Assembly.

M. Alâ (Persia):

Translation: Last year, from this same platform, I had the honour to call the Assembly's attention to the economic crisis which was being experienced, not only in Europe, but also in the countries of the East. I emphasised the interdependence of all the continents and the need for extending the beneficent action of the League to Asia as well as to Europe, in the spirit of universality which lies at the very basis of the Covenant.

To-day this need is making itself felt still more urgently, for the situation has grown worse. We are threatened with a general collapse; there is a lack of confidence everywhere.

I venture to submit to you in a few words the reflections and considerations which the common danger has suggested to me, so that I may contribute my small quota to the solution of the problems which beset us.

To take first the economic sphere: In addition to the main causes of the crisis to which previous speakers have referred, there is one to which the League's attention has not been sufficiently drawn. I refer to the loss in purchasing-power of countries having a monometallic — a purely silver — currency, among which is Persia.

To remedy this state of affairs, it will be necessary to institute, through the technical services of the League, an exhaustive enquiry into the question of silver, the revalorisation of which, with the effective co-operation of all countries concerned, would appear to be advisable.

Again, the Commission of Enquiry for European Union has undeniably done useful work in regard to the disposal of the agricultural products of countries suffering either from overproduction or from a lack of markets. In order to relieve the position of these European countries, the question of drawing up a scheme of preferential tariffs is under examination, and an International Credit Bank has been formed, in which, however, States outside Europe may not collaborate until after a trial period of five years. But the agricultural countries of the East, including Persia, are labouring under the same difficulties, and it would only be fair to make general the system instituted under the auspices of the League.

I will not take up your time by citing other means which might be employed for assisting the countries of the East. The two typical examples I have mentioned will suffice. In the meantime, threatened with an unfavourable trade balance, deprived of markets and facilities for transit, left to her own resources, my country has been obliged in self-defence to have recourse to exceptional measures which, whatever may be said of them, were necessary to avoid a real catastrophe.

Despite the clouds looming on the economic and political horizon, we must not be discouraged or pessimistic. The report on the work of the League reveals considerable progress in the right direction. The fruitful activity of the League has been exercised in many spheres. Nevertheless, the criticism has been made that some important questions have been dealt with elsewhere. How could it be otherwise so long as the League has not attained its proper universality?

For my part I am an optimist, and I do not despair of seeing in our midst, at a date not so distant as some people think, those great countries which play a most important part in economics and in politics, but which are holding aloof, although they are not indifferent to the work of our Committees. It was with very real satisfaction that Persia welcomed the invitation sent to Mexico, and we are delighted that that great country is to take its place among us. We shall also be glad to see the countries of the Near East who are neighbours of Persia shortly becoming members of our society and collaborating in our work of peace. By thus enlarging our circle we shall increase the influence of the League and its prestige in the world. Security and confidence between the nations can only gain thereby.

This confidence of which so much has been said cannot be created in the economic field unless, in the political field, an effort is made to clear the ground of all antagonism and all rivalry, and unless the policy of prestige is abandoned, which is fatal to a better understanding between nations.

There is no doubt that the strengthening of the means of arbitration, the accession of a large number of countries to the Optional Clause of the Statute of the Permanent Court of International Justice and to the General Act for the Pacific Settlement of International Disputes will help to allay fear and bring about wider and more effective co operation. That is why my country, after ratifying the Optional Clause, has just submitted the General Act to Parliament for approval.

Again, confidence will be inspired and maintained if the articles of the Covenant, our constitutional

charter, are left as far as possible untouched. The principles on which the League is founded should be maintained intact and the unity of the Covenant preserved.

Last year in the First Committee we examined the delicate question of bringing the Pact of Paris into harmony with the Covenant. We shall have to deal with that question again this year. Without wishing to be too rigid, since there is a continuity and solidarity between the various articles of the Covenant, we should only be prepared to consider slight amendments calculated to consolidate and organise more satisfactorily the guarantees which the articles of the Covenant as a whole give to the Members of the League.

Among the measures intended to restore confidence, I must not forget the resolution adopted by the eleventh Assembly on October 3rd, 1930. It lays down in particular the necessity for asking Governments what are the objections which prevent them from accepting certain international conventions concluded under the auspices of the League. That was a happy initiative, and establishes a procedure for the revision of conventions with a view to their ratification by the greatest possible number of countries. Persia herself has taken advantage of it to communicate to the Secretary-General her observations concerning the Convention of June 17th, 1925, for the Supervision of the International Trade in Arms and Ammunition and Implements of War, and to request him to submit the question to the Assembly with a view to revision.

The problem which outweighs all others, however, and the solution of which will be the most effective means of allaying fears and bringing about the economic recovery of the world, is certainly disarmament. No one desires peace more ardently than Persia, for, despite her neutrality, she experienced from 1914 to 1918 all the horrors of war, being invaded and devastated by the belligerents. It was only after the great world conflict that our defensive preparations really began. In drawing up the scheme of limitation which we shall submit to the Conference next year, we sha l aim at the lowest point consistent with our obligations within the framework of Article 8 of the Covenant. In so doing, we shall count on the other articles of the Covenant which provide for concerted international action in the event of aggression being respected.

Unfortunately, there is a limit to the speed at which we can advance towards disarmament. It is in itself a great step forward that all the countries of the world, even those not Members of the League, have agreed to meet at a first international Conference to discuss the limitation or reduction of their armaments, a question which hitherto has been exclusively national in character.

I sincerely hope it will be possible to reach an equitable agreement, taking into account the geographical situation of each country and the degree of security attained.

The President:

Translation: Sir Thomas Wilford, delegate of New Zealand, will address the Assembly.

Sir Thomas Wilford (New Zealand). — The excuse I have for speaking here this afternoon is that my Government has asked me to deliver two messages to this Assembly. I shall be brief in my remarks, as brief as possible, but, before I deliver those messages, I desire to associate myself entirely with the remarks made by the leader of the British delegation in reference to the question of slavery. All those who have read the recent book by Lady Simon, a wonderfully comprehensive work, ably compiled, and who have studied the subject of slavery as it still unfortunately exists in some parts of the world to-day, will realise that the time has come when some determined effort is expected from an Assembly such as this at least to help to ameliorate the evil if not to banish it altogether.

I make no apologies for referring to the slavery question, for, in 1922, the delegate for New Zealand, Sir Arthur Steel Maitland, moved the first resolution, which was adopted by the League on the subject of slavery:

> "The Assembly decides that the question of slavery shall be included in the Agenda of the Fourth Assembly, and requests that the Council presents to that Assembly a report based on the information which it shall have received on the matter."

This was the first step taken in the League with regard to the problem of slavery on the initiative of my country. We have been sorry to see that so little progress has been made since 1922, but we believe that this has been due to the fact that there was very little reliable data upon which decisions could be based and action taken. Since 1929, however, a great deal of information has become available, and it seems to me that either a Committee acting in a voluntary capacity should be appointed to examine and report upon the material that is now available, and which was not available in 1929, or that some method should be evolved by the Sixth Committee, without expense, in order that progress should be made.

I do not expect to see any revolution, but I do expect some evolutionary movement to take place that will mark its impress on the progress of a reform, which, at the best, must be gradual. I have reminded you of the first step taken by the League in regard to slavery. Five days after that resolution was passed the Council of the League followed it up by calling for a report on any information possessed by the Governments Members of the League on the question of slavery, and, in 1923, following the New Zealand resolution, the Assembly appointed a small committee, with Dr. Nansen as Chairman. This Committee entrusted to a body of experts the task of investigating the slavery question. The Council in due course appointed an expert Committee of persons acting in a voluntary capacity, to examine the situation in the light of the material then before it. This body, the Temporary Slavery Commission, reported to the Assembly in 1925 on the situation, in so far as it was revealed by the information placed at the disposal of the Commission which then disbanded. The British Government has pressed for the re-appointment of this Committee or of a permanent bureau to examine the mass of information which has become available since the Temporary Slavery Commission reported. I wish, notwithstanding, to make the suggestion previously mentioned.

I have here a letter written by the Emperor of Ethiopia, dated July 12th last and addressed to the Anti-Slavery and Aborigines Protection Society. I will not read the whole letter, as it is lengthy, but I propose to put that letter and the letter which evoked it before the Sixth Committee, in order that the members of that Committee who are sympathetic may be informed of the attitude of the Emperor of Ethiopia towards this very

important question. Suffice it for me to give an excerpt from that letter, which reads:

"We are definitely decided with reference to the task we have undertaken for freeing the slaves still owned by the public, and not with reference to traffic in slaves, which we have already prohibited by decree. In some of the worst cases we have even gone so far as to inflict the death penalty."

There is a lot more in the letter, which I shall submit, as I have said, to the Sixth Committee rather than occupy the time of the Assembly with it. I cannot believe, however, that there can be any delegate from any country in this great Assembly who will not be willing, if he knows the facts, to help to bring about the abolition of a practice which is, at any rate in this age, to put it in the mildest way possible, against the best ethics of civilisation.

Next, I wish to deliver a message from my country to the Assembly. As you know, New Zealand has always been a subscriber, and a willing subscriber, to the League. Our representation has not been perfunctory; it has been animated by a genuine desire to help. But my Government in a letter sent to me before I left for Geneva states that:

"The growing cost of the administration of the League (and with it, of course, the contribution of New Zealand) is a matter of grave concern to us. The dissipation of the League's activities into so many really secondary functions must tend to divert its attention to some extent from the more vital objects for which in our view it was primarily instituted."

The letter closes with the following words:

"A definite attempt should be made to reduce the present expenditure."

I know that any remarks I may make in this direction may be unpopular. At the same time, if popularity is to be the test of the expression of sentiments in an institution of this kind, the sooner it closes the better. My opinion, and the opinion of my Government, is this, that if there ever was a time in the world — and this has been emphasised on many occasions by speakers during this debate — when a *beau geste* should be made to the world, it should be made to-day in the reduction in some way or other of the huge amount which it at present costs to run the whole of this League. I am not suggesting how this should be done. It would be quite wrong for me to pretend to indicate to those who have lived in the administration of the League since its inception where useless expenditure could be discontinued. But there is no Government in the world to-day — and I do not except my own — that, in the changed circumstances and in view of the economic upheaval through which every country is passing, but must take in a hole or two in its belt.

I listened last year, and I have listened this year, to a great number of able speakers discussing a United States of Europe. Would it not be better to arrive at a united state of mind as a preface to the United States of Europe? I think we should arrive at a united state of mind if every one gave his candid opinion with regard to the cost that every country is having to bear to-day in connection with the working of this League.

My country would hold me guilty if I did not make a public declaration to the effect that it approves and supports and will pay with pleasure and readiness any contribution that is necessary for the Disarmament Conference which is to be held next year. While therefore my remarks apply to the general budget of the League, they do not apply to the vote for the Disarmament Conference. Whatever that amount may be, we take no exception to it and will gladly and readily pay our share.

Signor Grandi, while speaking, used an expression which attracted me immensely. He said: "The League should deal with the facts of the international situation and not confine itself to declarations of principle or to developing its own constitutional law". I agree with every word of that statement. I hope the Disarmament Conference will not turn out merely to be a Disarmament Conference of hope, but that it will be one of action, and anything that my delegation can do towards making that Conference real and towards achieving a definite result will be done wholeheartedly and readily.

We realise that an unarmed State alongside a State which is wealthy in arms and military equipment lives in fear, and we realise also that it might, if its neighbour were unscrupulous, be in danger. I would like, therefore, to say that, when we are considering the question of the sum which shall be voted for carrying on the work of this League, perhaps a small Committee might be set up to ascertain where a substantial saving could be made in some of the sidelines of its activities — if I may so refer to them — without in any possible way attempting to curtail expenditure which may be described as reasonable in the circumstances. We think that it is undoubtedly possible to save a considerable amount of money, and that this should be done at once.

I want to say a word here, too, in regard to the observation that has been made as to the various contracts, moral or legal, that have been entered into during the last few years. The Covenant, the Locarno Treaty, the Pact of Paris—the Covenant with its sanctions and the Pact of Paris without sanctions — the movement to make the Pact harmonise with the Covenant, all prove that progress has been made by the League under what appeared to be almost insurmountable difficulties.

I have faith as a New Zealander in the League of Nations, because it has created a public conscience which now calls for arbitration and not for war for the settlement of international disputes. My country originated almost the first Arbitration Act that was ever put on a Statute Book for the settlement of disputes between employers and employees. Why did we do this? For the simple reason that we believe that arbitration is an appeal to reason, and that an appeal to reason must come at some time, and is it not better that it should come before the conflagration than after? On that principle, we stand four-square with the Conference in its desire to reduce armaments and to bring about some form of international arbitration for the settlement of international disputes. Every country to-day, as I have said before, talks of a national stocktaking. We can take in this Assembly an

international stocktaking by reducing our expenditure, which reduction will help and affect every nation that is represented here — and how sorely some of them need assistance.

In conclusion, I would like to say that, in my country, we experience difficulty in obtaining information regarding what is happening at Geneva. Many delegates hardly realise that we are 13,000 miles away, and, when a country which sends a representative here receives notices of what is going to happen only just before a Conference, and there is no time left for consultation between the country and its representative in London, it is not good for the League.

I do not want New Zealand to be known as a country with a grievance, but I do want the League of Nations to realise that the countries which are far removed from Geneva, where great movements are taking place affecting everyone of us, should have the same opportunities of being consulted as those which are near at hand and that the method adopted in the past of merely informing us should be at once discontinued.

The President:

Translation: M. Michalakopoulos, delegate of Greece, will address the Assembly.

M. Michalakopoulos (Greece):

Translation: We have heard many inspiring words from this platform on the subject of peace and international solidarity, and I should hesitate to address you after so many eloquent speeches were it not for my conviction that the ideal of union and peaceful co-operation which the world is seeking cannot be sufficiently extolled. My country, I am glad to be able to say, has done everything in its power to realise that noble purpose. No doubt its contribution to the general cause is only a modest one, but I venture to hope that its very spontaneity has been of real moral value.

In the firm belief that international disputes can and must be solved by the straightforward method of arbitration, Greece some years ago accepted the Optional Clause and has just acceded to the General Act. She has also concluded with various Powers, neighbours and others, a number of pacts of friendship, conciliation and arbitration which need but a few finishing touches to be entirely satisfactory.

I should like to dwell for a moment on one of these, as it is of peculiar historical significance and practical importance. I refer to the Greco-Turkish agreements concluded some weeks after the last Assembly, which finally put an end to a feud that had lasted for centuries, and inaugurated an era of friendship characterised from the outset by that frank cordiality which is a guarantee of its lasting character.

This example seems to me to be a striking and, I might also say, an instructive one. Not ten years ago, the two nations were locked in a terrible struggle — the last episode in their long history of antagonism. Scarcely a year ago, the problems arising out of the liquidation of that conflict were still numerous and complicated, but the goodwill of both parties triumphed in the end. When they did shake hands, they did so in good faith and once for all. The Greco-Turkish friendship is founded on two firm principles — obliteration of the past and mutual confidence. Greece had the courage to abandon a dream cherished for many generations, and acknowledged as final the territorial status created by these recent treaties. Turkey did the same. There was no *arrière-pensée*, no thought of revenge. With the atmosphere thus cleared, full, practical and moral effect can be given to these pacts. The nations do not need political conquests in order to progress: science, art, intellectual and economic pursuits supply them with fields of activity into which they can enter with an equal claim to glory and with greater usefulness.

Because the attempt being made to secure a European Union was based on these ideas, we associated ourselves unreservedly with it from the outset. The venture is only slowly making headway, which is perfectly natural, though the results in the matter of agricultural credit alone are a sufficient proof of activity.

It is also thanks to the Commission of Enquiry for European Union that the idea of preferential tariffs between the European States has made such progress. During the discussions in the Commission, Greece took a special interest in the measures designed to protect agricultural products, as is both just and useful — just, because we must try to neutralise the caprices of Nature, which does not accord to every country all the products that it needs, and useful, because the improvement in the economic situation, and hence in the purchasing-power of the agricultural countries, will facilitate the marketing of the products of industrial countries. The Greek Government is glad that it should have been proposed to entrust the examination of this question to a special committee, and feels sure that the Assembly will ratify the proposal.

These are really tangible results, and yet — as everyone knows, though no one likes to emphasise it — there are numerous indications, imponderable it is true, that the League's work is this year surrounded by an atmosphere, I will not say of despair, but of hesitation. Some doubt seems to be felt as to the ultimate success of the great principles of peaceful collaboration on which the League is based. The League has two great enemies; it is at grips with two great forces, or rather two great human weaknesses—forgetfulness and impatience.

The world easily forgets what has been done, and waits impatiently for what still remains to be done. People often forget that the League, which, only eleven years ago, was but an ill-defined embryonic entity, is to-day a great moral force, an organisation whose activities are continually increasing and extending. People forget that it has solved a number of grave political and economic questions. They forget that it has financially restored — that is, saved from ruin — more than one State which, unable to steer its way in the sea of post-war difficulties, was on the point of foundering. My own country was one of them, and I should ike to take this opportunity of expressing once more our gratitude for the League's prompt and efficacious intervention. The work of Locarno —an historic fact of enormous moral and political value — and other events more recent still, are forgotten. In January last, during the German-Polish dispute, pessimists foretold the League's approaching end, yet it was the League that settled the dispute. Again, in May, the international atmosphere seemed to be irremediably affected by the profound repercussions which the proposal for an Autro-German Customs Union produced in Europe, but once again the League, by referring the question to the Permanent Court of International Justice, gave time for personal feelings to subside and for a judicious solution to be evolved.

The League has another enemy in the impatience of nations. After five years of war, when men were locked in savage conflict, and the devastating sword of Mars reaped human and material havoc without parallel in world history, the League is

expected to produce order out of chaos with a touch of Circe's wand. People so easily forget how much more difficult it is to reconstruct than to destroy.

We see the same impatience as regards disarmament — a noble ideal indeed, but an achievement attended by all the difficulties inherent in any great innovation. The task before us, however, is neither more nor less then to change a system of armaments which has ruled society from time immemorial.

People expect that to be done in a night. No one will deny the progress made in this field during the last few years, and I can give you another edifying example. Greece and Turkey have undertaken not to increase their naval armaments without previous agreement, and the race for naval armaments, which might well have exhausted the finances of both countries, has thus been ended.

It is easy to make out a case against the League and the alleged inadequacy of its output. That is how nations become discouraged, and nothing is more dangerous. Whether they speak in good faith or not, these apostles of despair do the greatest injury to the idea of peace and understanding between peoples.

The Gospel teaches us that faith moves mountains; but faith is not a purely Christian virtue. It has worked miracles since the world began, and we must neither allow our own faith to waver nor undermine that of the peoples. Let us see to it that our thoughts, our words and our acts are not an encouragement to suicide, but a source of courage, an impulse to life, order and progress.

The Assembly rose at 5.15 p.m.

SEVENTH PLENARY MEETING

Friday, September 11th, 1931, at 10 a.m.

CONTENTS:

31. (1) MANDATES. (2) PROTECTION OF MINORITIES.
Adoption of the Draft Resolutions proposed by the Norwegian and German Delegations respectively.

32. COLLABORATION OF WOMEN AND THE PRESS IN THE ORGANISATION OF PEACE.
Draft Resolution proposed by the Spanish Delegation.

33. METHOD OF ELECTION TO THE COUNCIL.
Draft Resolution proposed by the British Delegation.

34. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY.
Continuation of the Discussion.
Speeches by M. Sze (China), M. Briand (France) and M. Mayard (Haiti).

35. GENERAL DISARMAMENT CONFERENCE.
Draft Resolution proposed by the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland.

36. ENTRY OF MEXICO INTO THE LEAGUE OF NATIONS.
Telegram from the Government of Mexico.

President: M. TITULESCO.

31. — (1) MANDATES. (2) PROTECTION OF MINORITIES: ADOPTION OF THE DRAFT RESOLUTIONS PROPOSED BY THE NORWEGIAN AND GERMAN DELEGATIONS RESPECTIVELY.

The President:

Translation: The Assembly will remember that draft resolutions were submitted by the Norwegian and German delegations at the fifth meeting of the Assembly. The draft resolution submitted by the Norwegian delegation proposes that the reports on mandates be referred to the Sixth Committee. The draft resolution submitted by the German delegation proposes to refer to the same Committee that part of the report on the work of the League which deals with the question of the protection of minorities.

In conformity with precedent, I propose that the Assembly should immediately adopt these two draft resolutions and should thus decide to refer the questions to the Sixth Committee.

The draft resolutions were adopted.

32. — COLLABORATION OF WOMEN AND THE PRESS IN THE ORGANISATION OF PEACE: DRAFT RESOLUTION PROPOSED BY THE SPANISH DELEGATION.

The President:

Translation: The Assembly will remember that, at its fifth meeting, the Spanish delegation proposed the following draft resolution:

"The Assembly,

"Considering that the organisation of peace demands the maintenance of an international spirit freed from all prejudices and misconceptions;

"Convinced of the necessity of ensuring that the Press of all nations receives as impartial and complete information as possible:

"Requests the Council to consider the possibility of studying:

"*(a)* Means of associating feminine action and feminine feeling with the work of the League of Nations by an effective and direct collaboration;

"*(b)* Means for preventing, with the assistance of the Press, the dissemination of such false information as may hinder the maintenance of peace and goodwill among the peoples."

In accordance with precedent, I propose that the Assembly refer this draft resolution to the Agenda Committee, requesting the latter to submit, as soon as possible, suggestions as to the procedure to be followed with regard to it.

The President's proposal was adopted.

33. — METHOD OF ELECTION TO THE COUNCIL: DRAFT RESOLUTION PROPOSED BY THE BRITISH DELEGATION.

The President:

Translation: The Assembly has been notified of the following draft resolution submitted at its fifth meeting by the British delegation:

"The Assembly requests the Council to appoint a special committee to study the existing system of elections to the Council and to report to a future session of the Assembly on any reforms which may appear desirable."

In accordance with precedent, I propose that this draft resolution should be referred to the Agenda Committee, with a request that the latter should make proposals as to the procedure to be followed.

The President's proposal was adopted.

34. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY: CONTINUATION OF THE DISCUSSION.

The President:

Translation: The agenda consists of the continuation of the discussion on the report of the work of the League since the last session of the Assembly.

M. Sze, first delegate of China, will address the Assembly.

M. Sze (China):

This is the first session of the Assembly of the League of Nations at which I have appeared as a delegate, and I deem it proper that I should preface what I have to say with an expression of the appreciation I have of the high honour conferred upon me by my Government by designating me to represent it in a body of such an august character. I shall do my best to merit this honour; but, however unsuccessful or successful I may be in this respect, I know that I shall personally profit by the opportunity that these meetings will give me to meet and interchange views with the eminent statesmen here gathered from all quarters of the globe.

My colleagues and I represent a country having a culture which, in many respects, differs from that of other countries, and particularly from that of the peoples of the so-called Western world. Of many features of this culture or civilisation the Chinese people are proud, and feel themselves justified in believing that it contains qualities or ideals which will find a proper place in a world civilisation if such a unity of ethical, æsthetic and intellectual ideals is ever achieved. There was a time when the Chinese people were so well satisfied with themselves that they thought they had little to learn that would be of profit to themselves from the customs and institutions of other peoples; but this is no longer the case. The Chinese people, while not blind admirers of Western civilisation, are keenly aware of its many merits, and desire to incorporate into their modes of life and thought those Western ideals and practices which they consider to be good and which can be blended in without impairing their own culture.

So far has this change of national attitude gone that I feel myself justified in saying that, at the present time, there is no country in the world which is more anxious than China for the development of co-operative goodwill among the nations of the world; nor, I believe, is there any country which is more anxious than China to do what lies within its power to advance this development by the common adoption of standards of international conduct and by the maintenance of institutions for securing to humanity, in realised fact, the benefits that should logically flow from international unity and co-operation.

Hence it is that China is a Member of the League of Nations and eager to aid in the accomplishment of the great purposes to which it is dedicated. This China is anxious to do because of its desire that the welfare of the world should be advanced. But my Government is also aware of the special or individual benefits which each of the members may severally obtain from membership in the League. This fact was noted by Lord Cecil when, in seconding the motion of Dr. Curtius for extending to Mexico an invitation to become a Member of the League, he said:

"I agree entirely with Dr. Curtius that the more universal the League becomes the more one of its most fundamental characteristics is realised. Perhaps I may be allowed to add that, in my view, membership of the League by each State is not only valuable for the League, but is valuable for the State itself."

Certainly this has been made manifest to China, which has received, and is now receiving, such invaluable benefit from the co-operation of the technical organisations of the League with her own administrative services. And now, added to these evidences of the League's goodwill and helpfulness, there is the resolution recently adopted by this Assembly, with regard to the great disaster which has come upon China by reason of the overflow of their banks by several of its great rivers.

The assistance which the League is giving to China is further evidence, if, indeed, further evidence be needed, that the aims and purposes of the League are worldwide in character — that it is truly an ecumenical organisation.

By tradition, the Chinese are an unwarlike people, and have ever exalted the glories of peace above those of war. China has, unhappily, during recent years, been forced by domestic conditions to maintain considerable bodies of troops, but she has recognised the evils of this, and will assuredly reduce the numbers of troops as rapidly as, and to the extent that, domestic conditions possibly warrant.

The Chinese Government is in full sympathy with the continued efforts which the League is making to bring about a reduction of armaments. It views this problem as one of extreme and immediate importance, and, therefore, would consider it a

calamity should the meeting of the Disarmament Conference, which is scheduled to take place next February, be postponed; or, having met, should fail to reach an agreement providing for a substantial reduction in the present armed forces of the world. My Government will, therefore, support any feasible plan having this end in view.

The Chinese Government is in full sympathy with the efforts which the League is making to implement the provisions of the Covenant with regard to the obligations of the Member States to seek peaceful solutions of such controversies as may arise between them. It views with disapproval acts which tend to arouse national passions and thus make more difficult the peaceful settlement of such controversies as may arise out of differences of national policies or incidents in which their respective nationals may be involved.

To the endeavour of the present Assembly to bring into harmony the Pact of Paris and the Covenant of the League of Nations the Chinese Government gives its wholehearted approval. As the Canadian representative pointed out the other day, the principle upon which the League of Nations was originally founded was the maintenance of world peace, the negation of war, and the adjustment and settlement of international differences by peaceful arbitration; and the present Assembly is justified in giving this supreme question its most serious attention. But it is particularly important to devise ways and means whereby may be prevented or corrected the taking by one State of military action, or the threat of such action, upon the territory of another friendly State, which, though not denominated an act of war by the State committing it, in substance amounts to one. Unless definite sanctions follow acts of non-conformity with the above-mentioned principle of the League, the abolition of war and the establishment of peace will remain noble ideals difficult, if not impossible, of attainment, and the atmosphere of international suspicion of which Lord Cecil spoke yesterday will be aggravated, instead of being diminished.

My Government regards the Convention which resulted from the Conference on the Limitation of the Manufacture of Narcotic Drugs as an agreement far in advance of any earlier international agreement, and it recognises that the Chinese people stand to benefit greatly by the rigid and conscientious enforcement of its provisions by the several parties to it. It is hoped by my Government that this approach to a satisfactory restriction of the supplies of manufactured narcotic drugs to the world's medical and scientific needs will render more certain and prompt the solution of other related problems. In this connection my Government notes with interest and approval that, by direction of the Council of the League, the Advisory Committee on Opium and Other Dangerous Drugs will, at its next session, consider questions relating to the production of opium.

The Chinese Government has not failed to note the extent to which the League, during the past two years, has, through its committees and technical organisations, attempted to determine the causes of, and to suggest means of escape from — or, at least, amelioration of — the evils resulting from the present worldwide economic depression. The fact that this depression is worldwide furnishes evidence of the mutuality of interests between all nations, and, therefore, of the need that exists, which only such an institution as the League of Nations can supply, for co-operative action. Each nation has its own distinctive economic and social problems, and yet the conditions which give rise to them have a significance for other nations. Thus, for example, the great fall in the value of silver, which furnishes the basis for China's monetary system, has reduced the purchasing power of the Chinese people, with the result that they have not been able to buy commodities from other countries to the extent they otherwise would have done. Thus, the export trade of those other countries has been prejudicially affected. Potentially, China, with her more than four hundred millions of population, furnishes a vast market for the products of the other countries of the world. Could this potentiality be realised, a great stimulus would be supplied to the commerce and industry, not only of Asia, but of Europe and America as well.

I have, perhaps, already spoken at too great length. I will, therefore, only add that it is the hope of the Chinese delegation that the present session of the Assembly will be a most fruitful one. You may be assured that the Chinese delegation will lend such aid as lies within its power to secure this result.

The President:

Translation: M. Briand, first delegate of France, will address the Assembly.

M. Briand (France):

Translation: As first delegate of France, I have come here this year, as in previous years, to make a sincere and ardent declaration of faith in the League of Nations. I was afraid at one time that I might be prevented from doing so, and I can assure you that the prospect caused me the greatest distress. I am glad that circumstances have enabled me to take part in the work of this Assembly.

I am particularly glad to be present at this meeting, since it opened in somewhat disquieting circumstances; the work of the Assembly cannot be said to have begun in any atmosphere of optimism.

The sole talk was of the stagnation of the League, the disappointment it had caused in the minds of the nations; some even went so far as to say that a kind of disaffection was causing men to lose interest in its activities.

Personally, I do not take such rumours or such information at their face value. The League has become powerful and has now acquired a moral standing which makes direct attack difficult. It has very few declared enemies; but no one will be surprised to hear me say that not everyone is its friend; and among those whose habits have been upset by it, whose interests have been threatened, are some who, not daring to attack it openly, allow no occasion to pass for disseminating rumours to its detriment.

Naturally, nations, like individuals, when they are passing through difficult times, when they are ready to take offence at the slightest thing, tend to look for a scapegoat on whom to pronounce sentence, and at such times people are always more ready to lend a willing ear to adverse criticism.

Yet, although it is true that the nations are to-day passing through a difficult period and have great cause for anxiety, it would be extremely unfair to blame the League of Nations. When we examine the position we find, on the contrary, fresh reasons for placing confidence in this institution of ours.

The serious time through which we are passing is primarily, it must be admitted, a consequence of the war. It is one of the last of the tidal waves caused by that terrible upheaval, and it is breaking over the nations and doing terrible damage.

It is only fair to say that there are yet other reasons for this difficult situation. I cannot go into all of them; I have not enough experience

to do so, and, moreover, they are too many and too varied. Let us admit, however, that the economic welter in which the world is placed is due also to the fact that, after the war, the nations were seized with a frenzied desire to produce. Nations and individuals threw themselves into their task in a spirit of individualism — I dare not say of egoism, but I am not sure that that description would not be more correct.

They produced without discipline, without method, and without the spirit of co-operation, which was really more necessary at that moment than at any other. Then, suddenly, they found themselves faced with the consequences of this economic anarchy. Some countries are being crushed under the weight of stocks, the disposal of which presents almost insuperable difficulties. They are now looking round for a remedy and, naturally, are at last thinking of co-operation. They say: "But there is a League of Nations! What is it doing? What has it done? Why has it allowed us to be a prey to such anxiety, disquietude and suffering?"

Our President, in a very eloquent speech, warned us against the belief that the League could work miracles. The League can accomplish its task of co-operation, but it is not capable of spontaneous generation in economic and financial matters, and it cannot substitute in individuals or nations the spirit of co-operation for the spirit of individualism and egoism.

The present unrest is largely due to that lack of discipline and of solidarity to which I have just referred. Almost everyone is prepared to admit this now. Everyone is looking at his neighbour seeking for points of contact, and, since these are already largely to be found in the League and yet the miracle has not occurred, naturally everyone is ready to turn round and judge the League. Some of these judgments are considered and reasonable and must be taken into account. That is clear from this general discussion, which has enabled some of our colleagues to express here well-founded observations.

At such moments of — I might say — hesitation, the secret enemies of the League naturally think the time favourable to attack it. We have only to read certain news items, certain articles, to see that the old hopes of the early days have revived in certain quarters. Think of the time when the League was founded; think of its origins. What irony was poured upon this effort at universal solidarity! How little encouragement was given to its founders, generous-hearted men of open mind, loving peace! They had to begin in an atmosphere far more electric, more difficult, more depressing than that in which we live at present, and it is to their honour that they never lost heart, but set themselves to their task with perseverance, and braved, in their own countries, the worst enemy a public man has to face — ridicule.

The League began its life in an atmosphere of doubt. Yet it went on, it worked on, it rendered service, it inspired confidence: and to-day, in spite of all, it has struck root too deeply in the minds of the nations for a few gusts bending the tree-top to shake it seriously. It stands too firm for direct or indirect assaults to do it much damage. And this is well; for, if by force of circumstances a decisive blow could be struck at our institution, and the confidence of the nations in it could be shaken, it would be a black day for the whole of humanity. The future would be dark for the nations, for all mankind.

For it is to the League that the nations must look to find a remedy for whatever difficulties are assailing them. It is, too, in the League that they can find the means to avert the risk of war. They feel this; they know it: they are clearly aware of it. And, in spite of all, although the first hours of this Assembly were disturbed by gloomy forecasts, in proportion as the discussions advanced, confidence in the League was seen to revive and to reassert its strength.

Moreover, when we look at the annual report before us — I need not dwell upon that report, or at any rate upon some of its details, important though they are, because they have been quite sufficiently dealt with by previous speakers — when, I say, we look at this report, we see that it would be quite unfair to accuse the League of having failed in its duty.

Last year was filled with all kinds of activities varying greatly in character. Associations like the Commission of Enquiry for European Union took up certain urgent problems. In so doing, they brought encouragement and relief to some countries which were suffering particularly acutely. Meetings were also held between statesmen representing countries to whose interest it was to get into contact with one another. The meetings which took place in Paris and London, and in Italy, and will soon be held in Germany — all such activities, even when limited to certain nations or representatives of nations, are imbued with the League spirit. The League is the guiding force behind these meetings and this work. It was thanks to the League that they were enabled to take place at all.

We are no longer at a stage when our work can be divided into water-tight compartments, and I agree with those speakers who called the Assembly's attention to the universal character of the League. All problems concern all the nations Members of the League, and it would be a great mistake for certain nations to isolate themselves and deal separately with problems in which the whole League is interested and cannot but be interested. If such an attempt were made, it would be fatal to our institution; but no one here would allow such a thing to happen, and all the activities in which we have taken part come under the ægis of the League. Without the League they would be impossible.

Viscount Cecil has said that, when we consider some of the conditions governing the prosperity of the peoples and the ways and means of meeting the crisis, we are obliged to admit the importance of the moral aspect of the situation.

This has been somewhat neglected, and I must concede that, in normal circumstances, in questions of production, self-interest is generally placed above what I may call the ideological factors. Nevertheless, that factor, fortunately for humanity, has a strength of its own, which is frequently irresistible, a strength we have no right to neglect, especially in an association such as ours.

When there are in the world nations which not only do not agree, but are opposed to one another, a sort of uneasiness is felt everywhere, and to-day such uneasiness reacts with astonishing rapidity on what is called the business world, which formerly was set on a sort of Olympus, high above peoples and ideas.

We have recently had proof of the importance of these ideological factors. The peoples were passing through a difficult period; already there was talk

of a collapse. A meeting of representatives of the European nations was held at Geneva within the League of Nations, and under its auspices. At the close of their work they said to one another: "Is there nothing we can do from the moral point of view to reassure the peoples and restore confidence ?" We talked the matter over, and decided to draw up a manifesto in which we most strongly affirmed our confidence in peace — a manifesto in which we said to the nations: "Do not listen to pessimistic rumours. Do not be discouraged; take comfort. There is no danger of war; here are our signatures as guarantee."

You will remember the effect produced by that manifesto; and yet those were merely ideas, merely phrases. Nevertheless, business men immediately recovered confidence, and the result was a considerable improvement in the economic field. Hence the state of international relations does undoubtedly influence economic life.

It is therefore not a matter of indifference to the League, and it is, moreover, a result of its moral influence that two great nations like Germany and France should, for the last five years, have been seeking opportunities to draw together, to give each other guarantees of peace, to discuss certain questions together. I was one of those responsible for this *rapprochement*, and I am glad of it. Whatever may happen, it will be the act of my public life in which I take the most pride. But such a thing was possible only in this atmosphere. It was possible only owing to you, to your help, to the spirit you have created; otherwise, such an attempt would have been vain.

I must here refer to the very fine speech of my colleague Viscount Cecil, who swept aside with perfectly justifiable scorn certain insinuations to the effect that his country took a kind of fiendish interest in keeping certain nations apart in order to ensure its own supremacy. There is nothing new about that criticism; it has often been made. I consider, however, that Lord Cecil was right to protest on behalf of his country. For my part, I second his protest, and am prepared to bear witness that, in the effort to bring about a *rapprochement*, Great Britain has never ceased to lend her assistance to the two countries. Great Britain collaborated with them in these attempts; it gave them the mark of its approval and reinforced them with the authority of its signature.

I therefore associate myself wholeheartedly with Viscount Cecil's protest. It is untrue to say that England has any secret wish to create difficulty and friction or to do anything liable to cause trouble between two nations like Germany and France.

I affirm, then, that everything that could have been done for the improvement of relations has been done within the framework of the League in accordance with its principles and as the outcome of its efforts, and that the same will be true to-morrow.

At this time, when we are trying to bring about a *rapprochement*, I would scorn to lie to you or try to mislead you. Things have not always been easy for me; I have often come into conflict with the conditions — and the normal conditions too — of public life. I have often been involved in controversies; in both France and Germany our efforts have met with more or less violent resistance, and those who were striving to obtain a better understanding often intercepted and received hard blows. I have received some myself; and on bad days I feel the effects like a return of rheumatism.

But such things cannot deter public men, and it must be placed to the credit of the League that men from different countries have been meeting in Paris and London and in Italy to talk over their problems and dispel misunderstanding; that representatives from Germany have come to Paris, where they were well received — and I am glad of it; that to-morrow French statesmen will be asked to go to Germany; that, in the conversations held there under the eyes of the nation itself, the foundations may be laid of collaboration not merely verbal, but really practical and effective. This is a development which I desire with all my heart and in which I shall be only too glad to take part if I am allowed to do so.

All this took place in an atmosphere of understanding and mutual confidence. To facilitate such contacts and such co-operation we must avoid anything that may shake confidence. We must not hesitate, in a society where confidence is the essential element, to speak of our problems and to give our neighbours full information. We shall thus avoid much misunderstanding and many an unpleasant surprise from the polemics of those whose minds are not attuned to reconciliation or co-operation.

By the creation of such an atmosphere of confidence among the peoples and, when each nation, before acting, remembers that it is not alone and that it is to its advantage to act in a truly international manner, then all mistrust vanishes, cordiality is restored by loyalty and frankness, and the violent controversies which excite the nations, keep them apart and set them against each other have no hold.

From this point of view, much progress and many improvements have taken place. Recently I took a step which caused anxiety to some of my colleagues, and possibly that anxiety is not entirely dispelled even yet. I refer to my invitation, at a difficult moment — a moment which threatened to become even more difficult — to the European nations to get into touch with one another, to form an organisation within the framework of the League, making use of its administrative organs.

The events through which we have passed have shown the importance of such meetings; they enabled the morale of certain nations which were passing through a period of distress, doubt and great hardship to be restored. In Central Europe there were nations which could not employ their harvests to ensure their means of existence or even the continuation of their enterprises. They were vainly seeking the necessary capital; they could not obtain it except at usurious, extortionate, hopelessly high rates of interest.

Our association, if it has not been able to do all it would have liked to do, has provided some relief, created some contacts. Measures have been taken to improve the cereals market; the foundations have been laid of an International Institute of Agricultural Mortgage Credits. I am sure that, in years to come, the nations to which I referred just now will be proud of these results.

I repeat that the Commission of Enquiry for European Union must not be regarded as compromising the universality of the League, for it is the League's own creation. I hope that the Assembly will give it the encouragement which I consider it deserves.

And now, while apologising for having already addressed you at some length, I come to the subject in which you are all chiefly interested, the subject which has occupied the principal place — I might say the place of honour — in the various speeches you have heard, the subject

that is bound up with the dominant idea of this institution, with the will to organise peace on increasingly sound lines, that it may be safe from attack in any quarter — I refer to the Conference for the reduction and limitation of armaments which is to meet on February 2nd of next year. You know how difficult it has been to prepare for that Conference, and I must protest that, if there has been any question of delaying it, of adjourning it, such a thought has certainly never been entertained in France.

It is the sad privilege of my country that in such matters people are always ready to think the worst of her. It has been remarked that the Conference had not yet met and that, lurking in the shadows, there is a country on the watch ready to snatch at any favourable opportunity to bring about its adjournment. That is not so. France will not ask for the Conference to be adjourned; France will do nothing to bring about such an adjournment; and I may say that, if any such attempt were made, France would be among the first to oppose it.

The convening of the Conference — I have said it before from this platform, with all the force at my command — represents the fulfilment of a solemn undertaking embodied in the Covenant of the League. If the Conference did not take place, the League would have failed in one of its most solemn undertakings and, I maintain, would thereby have deeply perturbed the conscience of the peoples. But, as things are, I do not think there is a single nation that has any such hidden intention. Moreover, to view things in a fair and reasonable light, we have to admit that, since it first arose, the problem has made headway in the minds of the peoples; the race for armaments, the armaments fever, are things of the past; the mind of the peoples is no longer set on war.

My own country, to mention no other, has lost no opportunity of limiting its armaments; it has reduced the period of military service by two-thirds; it has reduced its effectives by one-half; by a whole series of provisions it has progressed towards the ultimate aim set forth in the Covenant.

For five years, this question has been under discussion in one of your Commissions. You know what difficulties that Commission encountered and you will not have forgotten that sometimes, when it adjourned, it seemed that it would never meet again and that agreement could never be reached on questions of principle, which were apparently incapable of solution.

I may claim, as first delegate of France, that anyone re-reading the Minutes of that Commission will find that at all those difficult functions France boldly intervened with compromise solutions which enabled the Commission to continue towards its goal. Often the solutions she proposed were acceptable; they were adopted, and, thanks to them, it at length became possible last year to contemplate a definite term, a definite purpose, a definite date.

The meeting has been fixed, and we must all be there. Not to be there would be to fail in our undertaking, and it behoves all of us to arrive animated by the spirit of the Covenant.

When we examine the Covenant, we find that it is soundly conceived, that it is a solid construction, and the only regret I have to voice here is that some of its provisions should still have remained as it were veiled, like one of those statues that are always going to be but never are uncovered.

Beneath the shroud, however, a searching eye can discern the contours of the statue; it is possible to tell what lies hidden behind that shroud. What the founders of the League all wanted, what they were trying to embody in the Covenant, was peace, a means of placing the peoples in such a state of tranquillity as should enable them to forget the horrors of the war and to devote themselves wholeheartedly and unreservedly to the work of peace. When that result had been achieved, the huge outlay that a nation expends on material forces would be found to be needless.

Similarly, the authors of the Covenant had devised means for replacing material force. They were not pure ideologists; they knew quite well that between peoples, as between men, subjects of discord may remain long after the cessation of hostilities. Proportionately as they envisaged the disappearance of individual material force, they prepared legal solutions and collective sanctions; they called upon the peoples to agree to conciliation, to arbitration. They saw a progressive reduction in armaments in proportion as security increased; they saw the peoples, in the settlement of their conflicts, turn more and more to the judge instead of resorting to force. We need only read the Covenant to realise that all these various considerations were in the minds of the authors and founders of the League.

It would not be right to say that the nations have made no progress along that road; many improvements have been made. While men like myself who talk of peace are exposed to ridiculous attacks, those, on the other hand, who talk of war are most certainly not regarded in a very friendly way. The word "war", the vision of what war means, cause among the peoples reactions with which Governments will have to reckon. The peoples refuse to be again led on to catastrophes of such a nature. What they want is to maintain peace at all costs; that is their dominant thought.

Let no one suggest that it is a somewhat ignoble thing for a people, whose pages of history are full of glorious feats of arms, to take refuge in the thought of systematic peace. Let no one look on that as a means of undermining or almost destroying its moral fibre. No, the last war showed men to be imbued with such heroism, such a fund of courage, that anyone who suggested now that the nations are cowardly would be given scant hearing. The peoples to-day love peace because they have a horror of war, because they want to work in complete tranquillity, in complete security, and because they know that their work will be largely unproductive if warlike preoccupations serve to impede it.

But I should have no hesitation in avowing, along with the speakers who have preceded me on this platform, that from that point of view great progress has already been made. That fact entitles us to expect much from the Disarmament Conference which is to meet on February 2nd. We must all come to that Conference with that idea in mind, and with a determination to accept whatever means will permit of the achievement of our desires. My country is ready to do so; it has already acceded to Article 36 of the Statute of the Permanent Court of International Justice. I have acceded in her name to the General Act of Arbitration. France is a country which does not look to war as a means of furthering her interests. She has said beforehand: "A court . . . a judge . . . that is what we want". I trust that, in a not too distant future, all the nations Members of this institution will say the same.

I now pass to the question of security, a word which my lips hardly dare utter. It is one of those words over which contests have so often raged, which have so often stood as obstacles in the way of certain experiments, that those who employ it appear to do so not in order to act but in order not to act.

This word, however, is written in the Covenant of the League. That is quite natural. If the authors of the Covenant had not kept a place for it, they would have been guilty, for the most generous-minded Members of the League might have been deceived.

As regards security then, has progress been achieved? No one can deny that it has. I who stand on this platform have done all that was in my power to increase the sum total of security. The Paris Pact was conceived with that purpose in view; certain work which you have undertaken and in which you are still engaged is calculated to add to guarantees of this nature.

War is a crime. Such was the dictum of the nations who signed the Paris Pact. Until then, we must not forget, war had actually remained, in certain circumstances, a licit means for settling disputes. It is appalling to think that, in this century, war should have been considered a normal means of putting an end to disputes that might arise between nations. The Paris Pact laid down that it is an impious act to have recourse to war, that war is a crime against mankind. All the nations signed the Pact, thereby declaring that they renounced the possibility of making that fatal gesture — a declaration of war. That is something; morally it is an excellent result.

One fact, however, we cannot disguise: cases still exist in which war may occur. That fact is apt to be forgotten, and it is right not to become obsessed by such an idea; still, it is a contingency that has to be borne in mind. The League of Nations, I willingly admit, had realised this. Lord Cecil will not contradict me if I say that on that point it had thought out a whole system which, had it been adopted, would have obliterated once for all that terrible question-mark. For three whole weeks we met in order to establish that system. I will not discuss the reasons why it was found impossible to put it into application; but it must be admitted that if it had become a living reality, if mutual assistance against the contingency of which I was speaking could actually have been organised, the problem before the coming Conference would have been very much simplified. That system, however, was left standing there, like one of those ever-veiled statues to which I have just referred, those statues of which only the outlines can be discerned. I do not know what Lord Cecil may think about it now; perhaps he will not think I am going too far if I say that like myself he probably would not be sorry if such an institution were ready to function among the nations.

But what was not done, and what perhaps can never be done again in the same way, must be sought in another form. We are drawing near to the conclusion of a term, to a date towards which the peoples are looking with increasing expectation. When, on February 2nd, all the nations of the world, representing the highest ideal, the sum of authority and the sum total of force, are met here solemnly together for that particular purpose, when they are all sitting round the same table and have to consider this twofold problem — the reduction of armaments combined with recourse to juridical guarantees and sanctions relating to security — what will they do? That will be a solemn moment: and I proclaim here and now that never before has such a heavy responsibility lain upon the nations. That will be a decisive moment. Will they, who have power to do anything they choose, leave unanswered, staring them in the face, that terrible question-mark that still haunts us? That is the issue.

When that moment comes, all they need do is to utter the necessary words to supplement in the matter of security and mutual assistance what has already been done; all they need do is solemnly to affirm with a full realisation of the consequences which their words imply: "No more war! In no case, for no reason, in no circumstances will we allow war, which we have pilloried as a crime, to blaze forth again and still remain unpunished!"

They will have power to ensure that such an event shall never occur again. They will say whether they wish to establish contact with one another and to create between themselves reciprocal conditions of security such as to render it impossible.

If, when that moment comes, the Governments utter that word, make that gesture and perform that act in the sight of the peoples, sweeping away all possibility of future wars, and if the unknown elements in our constitution which form a blot on our Covenant disappear, then the peoples can light their bonfires, the peoples can rejoice, the peoples can contemplate the possibility of a big reduction of armaments, for the situation will be clear and definite, it will no longer be weighed down by the terrible risk of war which still burdens the life of nations and is one of the essential causes of the unrest and instability from which the world to-day is suffering.

The President:

Translation: M. Mayard, first delegate of Haiti, will address the Assembly.

M. Mayard (Haiti):

Translation: I feel that I owe you an apology, for to me has fallen the honour of addressing you on behalf of my nation, on the occasion of the examination of the Council's annual report to the Assembly of the League. My delegation would have been more adequately represented, and you, I know, would have been only too pleased, had my colleague and co-delegate, M. Dantès Bellegarde, occupied my place, but he has unfortunately been prevented from attending this session by his duties at Washington.

M. Bellegarde had, by his talents and personality, won for himself and for our country the esteem of the eminent representatives of the nations assembled here at Geneva, and I should like to thank the Agenda Committee for having appointed him its Chairman, a position which carried with it membership of the General Committee of this Assembly.

We are a congress of nations rather than of representatives, and I regard your choice of him, therefore, as an honour to our delegation and to our country as a whole. I am extremely grateful, and feel encouraged, despite my lack of experience and the fact that I am a newcomer in your midst, to put before you Haiti's views on the report submitted to you for consideration.

When we consider the knowledge lavished upon the activities of the Council, the Secretariat and the various international offices, when we realise the heavy work those activities have entailed and the conscientious way in which that work has been carried out — the League is assuredly deserving of the highest praise. The Haitian delegation has nothing but respect and admiration for the distinguished men who have devoted themselves to the question of the reduction of armaments, the work of bringing the Covenant into harmony with the Pact of Paris, the questions of slavery, mandates, international arbitration, European Union, and all the various political, technical and legal problems.

The nations directly interested in these questions can afford to wait, patiently and confidently, for the final solutions which you will in due course submit for their approval. The fact that those

other peoples, like my own, are far removed geographically from the area of the war and its aftermath — which were productive of such painful and delicate complications — does not prevent them, despite the fact that their small area and restricted population would seem to imply but a theoretical participation in the conduct of world affairs, from taking a real interest in what has been accomplished: because, when trouble reigns and catastrophe follows upon catastrophe, they are forced to bear their share of the common sufferings — as witness the history of the last two decades — and they, too, experience to the full the inevitable repercussions of disturbances more directly affecting other nations and groups of nations.

There is before us, however, another series of questions which embraces every category of States included in the scheme of international affairs, a series of questions independent of any considerations of power or continent, or indeed of distinctions of any sort; I mean questions that touch on world economic recovery.

The present serious crisis has done more than anything else to bring out the truth of a postulate that is too often ignored: the fact of the equality and essential interdependence of human communities, and the further fact which since the war has been brought home as never before to the man in the street, that "the world is one big village".

On the day when our session opened, the Paris and Geneva Press published a number of articles which, while not guilty of the bitter sarcasm found in a recent book — a very clever book, incidentally — were pleased to be mockingly sceptical at the League's expense.

Such a tone, such an attitude, is unjust — is at all events premature — and nothing proves this more clearly than the aspirations with reference to the present crisis voiced by the speakers here when commenting, on behalf of the several countries, on the report now before the Assembly.

First M. Alejandro Lerroux, whose wise remarks will surely be remembered, speaking as he did as Minister of a great country whose exploits have enriched world history, and which has done more than any other country for the spread of Christianity: he asked us, when addressing us in his capacity as Chairman, not to be content with partial measures, but to regard world affairs in their entirety and thus fulfil our duties to society and produce something coherent and tangible. His second great speech and the proposal he submitted yesterday further explained the views of democratic Spain, and her opposition to any expansionist military ventures calculated to engender hatred and conflict.

Following on his speech on the opening day of the session, M. Titulesco, the distinguished jurist who is now our President, asked the nations here represented to regard Geneva not as a land of miracles but as a meeting-place of men of goodwill; his concluding words were: "In our hands lies the supreme hope of the world, perhaps its last hope".

Then M. Grandi, who while employing the circumspection of language proper to a statesman, yet put more life into what he said and approached the subject in a more objective manner than is usually the case at international congresses. He warned us that "individual national action is not enough, while the creation of exclusive groups might injure, rather than further, the cause of co-operation, security and peace". Again, more pointedly still, condemning exclusive arrangements — he was thinking, no doubt, of the network of world economic interest and world remedies for them — he said:

> "If the desire to establish a real system of peace, it must be based on real international interests. That is a delicate problem of adjustment as between the particular interests of individual States and the organic system of international co-operation . . . . . We all form one single group, and our dearest hope is to see it expand rather than disintegrate. We trust that the League of Nations may become a true reflection of the solidarity of nations, of all States, great and small, European and non-European, all helping to further their common civilisation, a civilisation which it is our duty not only to protect, but to strengthen and expand."

How can doubt and mistrust persist in the face of such reassuring and definite statements as these from such a delegate of such a nation?

Some moments before, M. de Madariaga, as delegate of Spain, reverting to the theme of universal interest, already so forcibly advocated by M. Lerroux, and speaking with all the elegance and vivacity characteristic of his nation, expressed himself as follows:

> "The League must be able to inscribe upon its portals and to use as a motto for its action this sentence adapted from the old classic: 'I am the conscious and organised world, and no nation can be foreign to me'."

Shortly afterwards, the Assembly took a decision which constituted an act of practical international solidarity on the occasion of the disasters which befell millions of human beings in China as a result of the Yangtse floods, and the delegate of India, His Excellency Sir B. L. Mitter, who struck a more definite and a more tragic note than anyone else, said:

> "In our view, the League machinery ought not to be employed for the purpose of arriving at regional agreements in the economic sphere. No doubt the urgency of the economic crisis accounts for this development, but we in Asia share in this crisis, and, to take an example, I do not think that the Agricultural Mortgage Credit Company should have been set up by means of League machinery in a form limited to European countries without Asiatic countries having an opportunity of putting forward their views at this Assembly."

His Excellency, Dr. Curtius, the representative of a great people which has suffered much from the vicissitudes of fate, has, in all his speeches from this platform, expressed his nation's desire for worldwide sympathy, its anxiety that the League's activities should benefit all nations without distinction.

All the statements made reflected the same earnest desire. I am sure you will not think it necessary for me to repeat any statement of this kind made by the British delegation, as the head of that delegation is none other than Lord Cecil, that crusader in the cause of peace and brotherhood. Moreover, it is an essential in the organic structure of the great Empire he represents that the various peoples it comprises are, instead of being subjected to a hard and fast system, allowed freedom to

pursue, and do in fact pursue their several economic interests along the roads in which fate has placed them, and it is this characteristic that forms the strength and the greatness of that vast association of peoples.

Nor will you expect me to repeat any of France's well-known views on such a point. My delegation has nothing to say of France, as the national existence of Haiti may be described as a fact of French history in America. I have nothing to say, because the head of the French delegation, M. Briand, is to-day the man who, by his incomparable work for the construction of the new world, personifies in the highest degree the traditions which have caused France to be called the soldier of peace and the patron of the small nations.

In view of this unanimity among the nations assembled here, the delegation of Haiti would be failing in its most essential duty if it did not express the hope that, at the present session, the League will be defining its objects and enlarging its sphere of action, do all in its power to ensure that each State receives the assistance it needs, whatever its importance in the world or in whatever geographical zone it may be situated.

The delegate of Spain has fixed approximately the formula for the action required. The League's watchword must be: "I am the conscious and organised world, and the sufferings of no nation can be foreign to me." Above all, the League should act accordingly.

Henceforth, nothing can be allowed to prevent this — no motive of political convenience, no particularist reservation on the part of any continent. Such is the earnest wish of every one of us here, and it voices the desire of the whole world.

The nations which are still holding aloof from the League as a result of unfortunate misunderstandings are the first to act in the spirit of these ideals. It is with feelings of deep satisfaction and a certain pride that we — the American States represented at this Assembly — have seen our great neighbour, the United States of North America, transcend the bounds of its frontiers and tell Europe, in the words of its illustrious President, that the whole of mankind is on the verge of bankruptcy and that we are all suffering from the same evil and should help one another.

The Hoover proposal is inspired by a spirit which is really that of the League; it is in the interests of each nation to help all the others and of all nations to help each one.

Since the United States of America have thus extended a fraternal hand to Europe and asked that the bonds of union may be forged once more, and since, for the moment, the unfortunate position of its own domestic affairs prevents it from carrying out its President's generous proposal with regard to Latin America, it is right for you and and it is vital for us that the League should make a suitable return, a return which is at the same time in accordance with the spirit of international solidarity informing the whole Covenant, by placing its experience at the disposal of the small countries which in our Continent are suffering the consequences of the world crisis, and by extending its aid to them.

Nearly all American countries produce raw materials and tropical products. As, generally speaking, we cannot exchange our products with one another, they being of a similar nature, our market in Europe, and, in these circumstances, it is really impossible to reconstruct Europe economically without helping us.

You will note that what we are asking is not so much financial assistance in the form of a State loan as economic assistance — that is, assistance for our agriculture, whose production is necessary for the world.

In Haiti, the financial operations carried through some years previously during the disorders consequent upon the war in Europe had the effect of placing our finances in a sound position, so that our Treasury was able to make anticipatory payments in respect of its national debt, and, when all foreign securities fell in the slump on the Paris stock exchange last April, the Haitian bond quotations remained stable and satisfactory. For more than fifteen years, no fiscal measure has been taken and no public credit made available in the commercial interests of the country as a whole, so that we are now in the paradoxical position that, on the one hand, the State is rich and, on the other, the nation has become impoverished. Our Treasury is discharging its obligations in respect of the national debt with punctilious regularity; yet all classes of society in Haiti are now in dire financial distress.

For more than ten years, before she herself came under the iron grip of the law, our sister republic, Cuba, had to provide work for some hundreds of thousands of Haitians. The Dominican Republic, which shares our island with us, also extended a helping hand to us, and, only a short time ago, in March, when floods destroyed the crops, carried off animals and even caused loss of human life, bringing ruin and famine to various parts of our territory, it was from these neighbouring countries that help came to us. I should like to thank them on behalf of my nation, here in the presence of the representatives of the countries of the world. But now, alas, all these countries of Latin America are themselves suffering from the crisis, and you have seen the consequences. War — civil war — has broken out over almost the whole extent of our Continent. I should like to say here that the insurrections in this part of the world are due, not so much to mere rivalry or ambition, as is sometimes thought, as to the fact that the economic equilibrium has been upset. Experience has gone to show that when these countries are prosperous perfect peace reigns in them. Indeed, that is the rule in the case of all societies whose national economy is still imperfectly organised and stabilised.

Thank God, there have been no disorders in Haiti; but, during the financial year 1929-30, our imports fell by 25.30 per cent and our exports by 15.42 per cent as compared with 1928-29.

As compared with 1928-29, the value of coffee exports dropped 19.32 per cent in 1929-30 as a result of the fall in the prices of coffee on the world market, despite the fact that the amount actually exported had increased by 20.19 per cent.

Cotton exports increased nearly 200 per cent in weight in 1929-30 — compared with the preceding year, though we suffered losses on that commodity amounting to nearly three million *gourdes* (the *gourde* being equivalent in value to the Swiss franc). Thus, the people of Haiti have worked harder and made less every year.

As the result of this steady reduction in the resources of the producing class, the standard of living has dropped to the lowest known level, and never before have our people suffered such distress as at the present time.

The Haitian delegation hopes, therefore, that, at this session, ideas — the ideas of all of us — will be translated into League action and that the Assembly will include in its programme the setting up of a Committee to study urgently solutions for remedying the economic depression which is causing such havoc in Latin America, closely connected as it is with the European and the world crisis.

We hope that real headway may be made with the study of questions of agricultural credit, the adjustment of Customs tariffs in the League spirit of international solidarity, quotas, and the most-favoured-nation clause in commercial conventions, regard being had to these problems as they affect the American States.

I said just now that President Hoover's Government, by intervening in the financial affairs of Europe, seemed to have indicated the direction of League work in America.

There is, however, additional and yet more satisfactory information for me to give you. You all know that last spring the Federal Senate, which determines the foreign policy of the United States, passed, in agreement with the Executive, a resolution prohibiting the utilisation of the Federal Treasury's guarantee for loans accorded by American banks to the small Latin-American States, thus putting an end to the old inter-American policy, which was not really compatible with Article 10 of the League Covenant.

This marks the beginning of a fresh era, the normal international system replacing the former special inter-American system. It marks the abandonment of the "exclusive system" of this part of the world, to borrow a very descriptive term used here three days ago.

Consequently, in Caribbean America, if not all over Latin America, the small countries which need financial assistance to restore or strengthen their economic position will be free to apply for such assistance in any part of the world from those countries with which they have the most regular and most considerable relations.

The international law which came into being at Versailles more than ten years ago will soon be substituted for law deriving from treaties *inter nos*, or simply from *de facto* continental situations, provided that you decide to act as circumstances demand. The liberty of small peoples like ourselves can have no reasonable limits other than those determined by the rule of benevolent and beneficent interdependence of peoples, propounded here at Geneva.

"Liberty" makes me think of Lamartine: M. Louis Barthou, in his learned study on Lamartine's political career, has shown him to have been a seer like the old *vates*. "*Siéger au plafond*" would really seem to be a favourable position for scanning distant horizons and seeing ahead of one.

Extolling this city of Geneva, the League's home, whose motto: "*Un pour tous et tous pour un*" is so in keeping with the League spirit, the great French poet and politician said in one of his inspired odes: "La liberté du faible est la gloire du fort". I repeated that line to myself while I was listening yesterday to M. Motta's vigorous utterance concerning the duties of the League, which demand action even more than study and discussion.

I admired that noble citizen of a noble country — a small country which, amid the general collapse, has remained so prosperous only because it has remained free, thanks to the respect which it inspires in all of us, but more especially to its own virtues and its courage which have enabled it to shape its destiny to its own requirements and its own national genius.

I thought of all the good, both material and moral, that the nations of the world, great and small, owe to this illustrious land, not forgetting the generous hospitality accorded here each year to the peoples and races who meet here as one, on the common ground of human ideals.

I was tempted — may the shade of Lamartine forgive the sacrilege — to paraphrase his verse to bring it into harmony with the world's needs to-day: "*La liberté du faible est l'intérêt du fort*".

Yes, the *interest*; for, at this time, when the world economy has been shaken to its foundations by the blunders of "monopolised" and Taylorised large-scale production, by the insensate speculations of financial magnates, does it not become increasingly manifest that the distress of the small industrious peoples does in the long run, through the interplay of unsuspected repercussions, mean the undermining, the ruin of the great Powers and hence of world civilisation?

35. — GENERAL DISARMAMENT CONFERENCE: DRAFT RESOLUTION PROPOSED BY THE DELEGATIONS OF DENMARK, NORWAY, THE NETHERLANDS, SWEDEN AND SWITZERLAND.

The President:

Translation: I have received the following draft resolution from the delegations of five countries: Denmark, Norway, the Netherlands, Sweden and Switzerland:

"Being convinced that the crisis which is at present creating such serious disturbance among the nations of the world is due to a number of economic and political causes, one of the principal sources of which is the lack of mutual confidence between the nations;

"Being convinced that the realisation of the undertakings contained in the Covenant regarding the reduction of armaments will be one of the most important means of re-establishing mutual confidence between the nations and alleviating their crushing economic burdens, while a resumption of competition in armaments would fatally lead to an international and social disaster;

"The Assembly,

"Addresses a solemn appeal to all who desire the application of the principles of peace and justice on which the Covenant is based to devote all their efforts to the creation of a world opinion strong enough to ensure that the General Disarmament Conference will lead to definite results involving in particular a gradual reduction of armaments which will be continued until the object mentioned in Article 8 of the Covenant is attained.

"Considering the importance of carefully preparing the ground for the work of the said Conference and, in particular, of avoiding fresh increases of armaments in the present state of affairs;

"The Assembly,

"Requests the Council to urge the Governments convened to the said Conference to show their firm determination to support the efforts to ensure peace and re-establish mutual confidence by abstaining, pending the result of the Conference, from any measure leading to an increase in the present level of their armaments."

In accordance with the usual custom, this draft resolution will be printed and circulated, and I shall submit suggestions later as regards the action to be taken on it.

36. — ENTRY OF MEXICO INTO THE LEAGUE OF NATIONS: TELEGRAM FROM THE GOVERNMENT OF MEXICO.

The President:

Translation: The Secretary-General and myself have just received the following telegram announcing that the Mexican Government accepts the invitation unanimously addressed to it by the Assembly:

[*Translation.*]

"I have received the message in which your Excellencies inform me that the Assembly of the League of Nations at its meeting yesterday, September 8th, decided, on the proposal of Germany, the British Empire, Spain, France, Italy and Japan, supported by other delegations, to forward to me the resolution inviting Mexico to accede to the Covenant of the League of Nations and to lend her support as though she had been invited from the outset, considering that the League of Nations should now in all justice repair this omission which is wholly contrary to its true spirit. I am also informed that the resolution was adopted unanimously by the Members represented at the Assembly.

"In reply, I am glad to state that the Government of Mexico, which has been absent from that great institution for reasons over which she had no control, now at once accepts the satisfaction thus given.

"Mexico agrees to enter the League on the terms announced and offers, in a loyal spirit of friendship, her constant co-operation in the great task of maintaining peace and promoting international co-operation.

"On this occasion, Mexico thinks it necessary to state, when accepting, that she has never recognised the regional understanding mentioned in Article 21 of the Covenant. On starting her new work, Mexico has pleasure in renewing to all the peoples and Governments which constitute the League of Nations her sincere greetings and in expressing her firm desire to obtain with them the best results for the welfare of humanity. — Genaro ESTRADA *(Secretary of Foreign Affairs)*."

At a later meeting, I shall ask the Assembly to take the necessary action with regard to the invitation to the Mexican Government and its acceptance thereof.

The Assembly rose at 12.30 p.m.

EIGHTH PLENARY MEETING

Friday, September 11th, 1931, at 4 p.m.

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President: M. TITULESCO.

37. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY: CONTINUATION OF THE DISCUSSION.

The President:

Translation: The agenda consists of the continuation of the general discussion on the report on the work of the League since the last session of the Assembly.

M. de Madariaga, delegate of Spain, will address the Assembly.

M. de Madariaga (Spain):

You will perhaps allow me to use a military expression — as I am going to talk about armaments — and to explain my presence on this platform by saying that I am here under orders.

Spain's views on disarmament have already been briefly but authoritatively explained by our Minister for Foreign Affairs, who is the first Spanish delegate to the Assembly. Our delegation, however, and in particular the leader of the delegation, thought it well that the question should be propounded afresh from a more general standpoint, which does not necessarily coincide with the official Spanish view, but is, as it were — so far as that is possible — an international and objective standpoint.

The two points of view are not substantially different. They lead to identical conclusions, but, although the conclusions may coincide, there is still one important distinction in that they can be arrived at by different means.

The great Disarmament Conference will be upon us in less than five months from now — not six

or seven or eight, but five months — so much is fixed.

We are thus, after twelve years, nearing the end of the first stage in our work; and it seems that the moment has come to survey the past and to say whether we have or have not wasted time during those twelve years.

I am afraid there are a number of superficial considerations that may seem to justify a certain scepticism, and even the sarcasm and the sneers referred to this morning by M. Briand, the distinguished first delegate of France. In the course of those twelve years, we have witnessed an imposing procession of Commissions and Committees. First, there was the Permanent Advisory Commission for Military, Naval and Air Questions. Then, on Lord Cecil's initiative, came the Temporary Mixed Commission, followed, after a few years, by the Co-ordination Commission, which was unable to co-ordinate its own constitution with the realities of the situation and consequently died an early death, unhonoured if without reproach. Then there was a Committee of the Council, concerning which it was debated with scholastic subtlety whether it was the Council in Committee or a Committee of the Council.

Finally, there came the Preparatory Commission for the Disarmament Conference, the bold title of which gave promise of something definite, and which created round itself a solar system, a whole constellation of Committees and Sub-Commissions — we had reached the point when we could not think of any more — Sub-Commission A and Sub-Commission B, a Mixed Committee on Technical Questions, a Committee of Experts on Budgetary Questions, a Sub-Committee on Civil Aviation and probably other cogs that I have forgotten in that most intricate piece of machinery.

But the fact remains that all those Commissions and Committees and Sub-Committees helped by their very number to engender a feeling of despair. I remember that Sub-Commission A, which sat from May to November 1926, consumed vast quantities of paper for its Minutes, and it was estimated that the Polish delegation could have walked home on League paper. That was the sort of spirit engendered by the plethora of Committees dealing with the question.

I may say here, incidentally, that the amount of work produced by the Military Sub-Committee led to extremely unjust criticisms of the military, naval and air experts who had worked with us. Now that we are nearing the end of our work, the Assembly will perhaps allow me to say frankly that never has it been my privilege to observe a more devoted or capable body of men, or one more eager to achieve results or more gifted with a spirit of balance, a spirit that enabled them to reconcile the loyalty they owed to the defence of their respective countries with the loyalty they owed to a new international system which must have run counter to their natural tendencies.

However, when all is said and done, and admitting that such scepticism and sarcasm are — ironically — more or less justified, are there any real grounds for pessimism with regard to this first stage of our work? In my opinion, no such grounds exist. On the contrary, the results of this first twelve-year stage justify in the highest degree the methods, machinery and existence of the League.

Let us just look back to the time when the League, with a faith which now, after twelve years, we can only regard as heroic, first set itself to rouse the nations to disarm. Nations had just been at each other's throats. Europe's sacred body showed gaping wounds, and over Europe's soil still hovered traces of the poison gas which blinded her soldiers and — worse still — of those insidious fumes which poisoned the minds of the European nations. Then it was that we called upon those countries to discuss disarmament.

We had to begin by calming passions and staunching wounds. We had to create a technique of international co-operation by means of Committees, the Assembly and the Council, a technique so perfect that — if I may venture to say so now with due respect — we are not even conscious of its existence here, though we use it every day in all its perfection. That technique we owe chiefly to two men to whom I should like to express my admiration for what the Assembly owes to their creative genius — Sir Eric Drummond and M. Jean Monnet.

Those of us who have been here from the outset will remember the great psychological difficulties we had to overcome. Lord Cecil, I am sure, will remember the early stages and the Temporary Mixed Commission, presided over by M. Viviani with an energy which, perhaps, was a legacy of the war.

He will remember how much easier things became when we were able to welcome in Geneva M. Albert Lebrun — so keen and vigorous of mind — now President of the Senate, and Colonel Fabry; and the further progress we made after the arrival of M. de Jouvenel, with his open mind and lucid brain; and, finally, how, when the general situation had so greatly improved through the agency of that wizard of peace whom we have heard this morning, M. Paul-Boncour arrived in our midst, with his youthful crop of silvery hair, his blue eyes and his gift of eloquence.

In the meantime — not independently of Geneva, but still under the influence of the Geneva spirit — the relations between France and Germany continued to improve, until one day there entered the League's portals the representatives of that great country which was destined to occupy here the position due to it.

I wish I could draw a veil over the incidents that occurred at that juncture; but I have no right to, for I conceive it to be my duty to proclaim here that free, parliamentary and democratic Spain disavows and repudiates the action of which a usurping Government, having first muzzled public opinion, was guilty when Germany presented herself before the League.

I may say, here and now — not next week or the week after — that Spain, as long as she is free, will never seek to employ pressure unworthy of her, with the object of securing in the Assembly or the Council of the League the position she considers she should occupy in order the better to serve the League.

Side by side with the gradual pacification produced by all these events, the work of disarmament was proceeding, we were beginning to gain a better understanding of the real substance of the question and of the objective difficulties of the problem, until at length we succeeded in framing a Convention to which I shall ask to be allowed to revert later, but regarding which I may say now

that it would be most unjust to describe it as inadequate, since it does in fact represent a first stage of the highest importance, offering great promise of success in the task to which we have set our hands.

A certain pessimism is, however, justified, and I think it is perhaps due to what might be called the duality of development in these matters during the last ten years. We have advanced along parallel lines and two series of acts have been pursued independently of one another.

On the one hand we have had a whole series of solemn declarations with a view to establishing on a firm basis peace, justice and judicial settlement between the nations. First there was the Covenant and then the increasing success of the Hague Optional Clause; then came the suggestions of the Protocol and the eminently successful work of Locarno, the Treaties of Arbitration and Conciliation, the list of which is still lengthening, then the Paris or Briand-Kellogg Pact, then the General Act and now the Convention to strengthen the Means of preventing War.

Side by side with that series of acts, all designed to secure peace, we observe another series which, while not expressly designed to promote war, seem to indicate forgetfulness or ignorance of the efforts being made at the same time. Such acts are the continuance of armaments, increased expenditure on military forces or at least an admittedly inadequate reduction of them. We see what we are perhaps inclined to ignore — the perfecting of military technique and organisation, which allows of the increase of the potential aggression of all nations, while maintaining or even reducing the figures of armaments or of the budgetary appropriations. We see a psychology of precautions, defence and mistrust, which makes it possible, for instance, for all the principal military nations, despite the fact that they signed the Protocol of 1925 (which prohibits the use of gases in warfare) to engage actively in preparing for chemical warfare. There is a contrast between the acts of the National Defence Ministries and those of the Ministries for Foreign Affairs, as if the States, having for their own adopted the Gospel injunction, refused to let their right hand know what their left hand is doing, or as if, imitating the undesirable practices of those people whose religion sits lightly upon them, and who go to a service or to Mass on Sunday and reserve the other six days of the week for the seven deadly sins, they were content to come to their annual September service at Geneva, and to reserve the remaining eleven months of the year for the gratification of their national individuality.

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There is an essential unity in the Covenant, which results from the legal organisation embodied in it, but there is a more important and deep-seated unity, that of the spirit which inspired it. In my opinion, we have committed a very grave error in trying to extend the scope of the Covenant and in trying to produce a marvellous crop of interpretations which were more often than not weaker reproductions, wasting the sap of the Covenant in external manifestations and possible extensions, instead of keeping the texts well pruned so that the sap might run right through the trunk and penetrate deep into the conscience of men and nations. Only by making the Covenant a more vital force in the conscience of the peoples, not by weakening it by a multitude of interpretations which only obscure its true meaning, shall we succeed in arresting the course of war and consolidating peace.

It would perhaps be well to get back to the Covenant itself, if only by means of a small Convention consisting of a single article stipulating that the contracting parties are agreed that the Covenant means just what it says. But then all of us here must say so and act accordingly.

One illustration of the seriousness of this phenomenon might be obtained by comparing the results of the Covenant and those of the Paris Pact with those obtained from the fruitful combination of the two. I do not propose to expatiate on this theme before an Assembly which knows more about it than I do; I will merely say — and I do not think anyone here will contest it — that from the fact that Members of the League are parties both to the Covenant and to the Paris Pact we must conclude that neutrality is a thing of the past.

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We owe to non-Member countries, not as a matter of bare courtesy but as a matter of fundamental frankness, to tell them that we honestly and sincerely respect the reasons which have obliged them to remain outside the League; but, when we have said that, we have the right to take the facts as they are, and one incontestable fact is this: that, until the United States of America and the Union of Soviet Socialist Republics have combined with the rest of us to produce a system calculated to banish neutrality for ever, the ideal of complete disarmament will never become a reality.

or seven or eight, but five months — so much is fixed.

We are thus, after twelve years, nearing the end of the first stage in our work; and it seems that the moment has come to survey the past and to say whether we have or have not wasted time during those twelve years.

I am afraid there are a number of superficial considerations that may seem to justify a certain scepticism, and even the sarcasm and the sneers referred to this morning by M. Briand, the distinguished first delegate of France. In the course of those twelve years, we have witnessed an imposing procession of Commissions and Committees. First, there was the Permanent Advisory Commission for Military, Naval and Air Questions. Then, on Lord Cecil's initiative, came the Temporary Mixed Commission, followed, after a few years, by the Co-ordination Commission, which was unable to co-ordinate its own constitution with the realities of the situation and consequently died an early death, unhonoured if without reproach. Then there was a Committee of the Council, concerning which it was debated with scholastic subtlety whether it was the Council in Committee or a Committee of the Council.

Finally, there came the Preparatory Commission for the Disarmament Conference, the bold title of which gave promise of something definite, and which created round itself a solar system, a whole constellation of Committees and Sub-Commissions — we had reached the point when we could not think of any more — Sub-Commission A and Sub-Commission B, a Mixed Committee on Technical Questions, a Committee of Experts on Budgetary Questions, a Sub-Committee on Civil Aviation and probably other cogs that I have forgotten in that most intricate piece of machinery.

But the fact remains that all those Commissions and Committees and Sub-Committees helped by their very number to engender a feeling of despair. I remember that Sub-Commission A, which sat from May to November 1926, consumed vast quantities of paper for its Minutes, and it was estimated that the Polish delegation could have walked home on League paper. That was the sort of spirit engendered by the plethora of Committees dealing with the question.

I may say here, incidentally, that the amount of work produced by the Military Sub-Committee led to extremely unjust criticisms of the military, naval and air experts who had worked with us. Now that we are nearing the end of our work, the Assembly will perhaps allow me to say frankly that never has it been my privilege to observe a more devoted or capable body of men, or one more eager to achieve results or more gifted with a spirit of balance, a spirit that enabled them to reconcile the loyalty they owed to the defence of their respective countries with the loyalty they owed to a new international system which must have run counter to their natural tendencies.

However, when all is said and done, and admitting that such scepticism and sarcasm are — ironically — more or less justified, are there any real grounds for pessimism with regard to this first stage of our work? In my opinion, no such grounds exist. On the contrary, the results of this first twelve-year stage justify in the highest degree the methods, machinery and existence of the League.

Let us just look back to the time when the League, with a faith which now, after twelve years, we can only regard as heroic, first set itself to rouse the nations to disarm. Nations had just been at each other's throats. Europe's sacred body showed gaping wounds, and over Europe's soil still hovered traces of the poison gas which blinded her soldiers and — worse still — of those insidious fumes which poisoned the minds of the European nations. Then it was that we called upon those countries to discuss disarmament.

We had to begin by calming passions and staunching wounds. We had to create a technique of international co-operation by means of Committees, the Assembly and the Council, a technique so perfect that — if I may venture to say so now with due respect — we are not even conscious of its existence here, though we use it every day in all its perfection. That technique we owe chiefly to two men to whom I should like to express my admiration for what the Assembly owes to their creative genius — Sir Eric Drummond and M. Jean Monnet.

Those of us who have been here from the outset will remember the great psychological difficulties we had to overcome. Lord Cecil, I am sure, will remember the early stages and the Temporary Mixed Commission, presided over by M. Viviani with an energy which, perhaps, was a legacy of the war.

He will remember how much easier things became when we were able to welcome in Geneva M. Albert Lebrun — so keen and vigorous of mind — now President of the Senate, and Colonel Fabry; and the further progress we made after the arrival of M. de Jouvenel, with his open mind and lucid brain; and, finally, how, when the general situation had so greatly improved through the agency of that wizard of peace whom we have heard this morning, M. Paul-Boncour arrived in our midst, with his youthful crop of silvery hair, his blue eyes and his gift of eloquence.

In the meantime — not independently of Geneva, but still under the influence of the Geneva spirit — the relations between France and Germany continued to improve, until one day there entered the League's portals the representatives of that great country which was destined to occupy here the position due to it.

I wish I could draw a veil over the incidents that occurred at that juncture; but I have no right to, for I conceive it to be my duty to proclaim here that free, parliamentary and democratic Spain disavows and repudiates the action of which a usurping Government, having first muzzled public opinion, was guilty when Germany presented herself before the League.

I may say, here and now — not next week or the week after — that Spain, as long as she is free, will never seek to employ pressure unworthy of her, with the object of securing in the Assembly or the Council of the League the position she considers she should occupy in order the better to serve the League.

Side by side with the gradual pacification produced by all these events, the work of disarmament was proceeding, we were beginning to gain a better understanding of the real substance of the question and of the objective difficulties of the problem, until at length we succeeded in framing a Convention to which I shall ask to be allowed to revert later, but regarding which I may say now

that it would be most unjust to describe it as inadequate, since it does in fact represent a first stage of the highest importance, offering great promise of success in the task to which we have set our hands.

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It may be argued, I know, that the guarantee of neutrality is a guarantee of the *status quo*, but I confess I have never been able to understand that argument. What does it mean? Does it mean that the *status quo* cannot be guaranteed and that we must therefore entertain the possibility of war in order to change it? If so, no one could subscribe to such an argument, for war can never be deemed legitimate even if its object be to change the *status quo*.

Does it mean that, when we have disarmed, we can no longer change the *status quo*? The *status quo* is not permanent — no *status quo* can be permanent. Mankind does not — never will — respect frontiers bristling with machine-guns or a succession of pacts filling reams of stamped paper. Mankind will claim its rights. It seems to me that we have sufficiently acquired the habit of co-operation here — and it is our right and our duty to trust the statesmen and the nations most directly concerned — to be justified in the hope that when it becomes possible to change the *status quo* by peaceful means in the interests of Europe and the whole world, this will duly come to pass. But whether that is or is not possible, we cannot admit that the *status quo* can or should be changed by war.

War is henceforth impossible for civilised countries, and such an argument must therefore be banished from our discussions. I mention it, however, because it seems to me that the Covenant, which in international law is, in essence, profoundly revolutionary, has remained reactionary in its vocabulary. Its ideas have progressed so far that they have gone beyond the form in which they were originally expressed. Thus, we find in the Covenant terms which seem as obsolete as certain fossil formations, such as the horse's toe or the academician's sword.

This applies to Article 16, for instance, which says that the Covenant-breaking State shall be deemed to have committed an act of war against all the other Members of the League. But it has not committed an act of war, for war is in the nature of a duel. Duels, however, take place only between men of honour, and a State which violates the Covenant can no longer be classed with an honest man. The League must seriously set itself to decide whether a Covenant-breaking State can retain the rights of a belligerent. That is a definite problem of international law which it might usefully study. It seems to me illegal for a country which has violated or broken its engagements to be able to claim the rights of a belligerent. It is precisely in that direction, the creation of the new international law necessitated by the revolutionising of the international code of morality by the Covenant that we ought, in my view, to direct our efforts.

If that is done and we take our courage in both hands and decide to strike out on that path in a spirit of full co-operation, without mental reservations, we shall come to admit that armaments are a question not so much of quantity or technique as of quality and policy.

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The same applies as regards the difference between two conceptions, which should be analysed, because they are a little blurred and we are apt to confuse them in our minds: I mean the mechanical conception of international society and the organic conception of international society. These two conceptions must necessarily lead to essentially different results. For the sake of greater clearness I propose deliberately to exaggerate the contrast between them.

Assume an international society based exclusively on the mechanical principles of an egoistic individualistic power of nations — all pulling in different directions without regard for common interests — and assume (which is improbable) that those countries, which are actuated exclusively by national egoism, agree to discuss armaments. What will be the result of any Convention concluded by them? There can, it seems to me, be only two possible results: either complete failure, or such an adjustment of the respective armaments of the nations represented at the Conference as would make those armaments correspond more exactly or less inexactly to the political power of the several nations.

It might happen that, for historical reasons, two countries, A and B, whose political strength was practically equal, came to the Conference with military forces which were far from equal, the one perhaps double the other. The result of the Conference would be that, since each nation was actuated by a purely mechanical conception giving full play to its national egoism, it would get out of the Conference all that was open to it by reason of its technical capacity and the diplomatic skill of its representatives.

At the close of the Conference each country would come out with a naval and air force strictly proportionate to its political strength when it entered the Conference.

That is not disarmament. It is an adjustment of military forces producing a new map of the military forces of the world; it may even result in a local, partial or national increase of armaments, in order that the effectives finally agreed upon may correspond to the respective political strengths at the opening of the Conference.

Let us now consider the other extreme. Presuppose a perfect international organic system in which each nation feels itself to be, as it were, an organic part of a universal world body, serving that body and being served by it: national egoism — still a factor — will have the opposite effect. By hypothesis, the collective organism will be responsible for the national defence of all the members composing it, since they are all equally valuable to it; national egoism will make it to the interest of every nation acceding to the Convention to reduce its armaments to an absolute minimum, since in any case it will be sure of being protected by the whole body.

Thus, according to whether you conceive the international whole as a system of mechanical forces or as a conscious collective organism, the resultant position will be that, under the first hypothesis, each nation will try to leave the Conference with the highest possible maximum of military forces proportionate to the political force at its disposal; or, under the second hypothesis, it will try, from national egoism, to reduce to a minimum the military, naval and air forces which it has to support and pay for, with the ultimate object, however, of placing them at the service of the whole body.

What is the present position? Obviously it lies between these two extremes. Life is essentially

a compromise. Even after twelve years of the League, it may be said perhaps that we still have our feet planted in the mechanical system and our head, our brain and perhaps some portion of our heart in the organic system. Thus we shall come to the Conference next February with a divided mind, feeling that we do not know where to place our faith: in national egoism, individualistic and exclusive, which bids us not to trust in the whole body but to rely simply on national defence, trying to obtain the highest possible military, naval or air strength; or on international idealism, on the organic sense of the common life of the whole, whereby a nation will be allowed to put its trust in the new moral force of which I have just spoken and to try to lessen its financial burdens, and reduce to the lowest point its military, naval and air burdens, seeing that it will be invited to contribute to the collective defence of the League.

While concrete data may be lacking, we have before us a relatively simple programme to adopt. Before concluding, I shall ask the Assembly's permission to set forth briefly the minimum programme which I consider essential.

First, we must seek by every means in our power to strengthen and build up the organic spirit which will enable us to come to the Conference in the right spirit. That applies, not only to ourselves, but to the countries not yet Members of the League; that is to say, we must seek by every means in our power to instil this idea into the minds of the nations, and not this idea only, but the feeling that the Convenant exists, that it means what it says, that its demands are specific and that we are bound in honour to defend one another against the attacks of international brigands. That must be our first duty, our most urgent duty. That must form the subject of our propaganda from now until February and all the time the Conference is sitting. Next, we must try to achieve a certain number of concrete results, to attain a certain number of definite objects, of which we must not fall short and, beginning with as large a reduction as possible of effectives and material — let us not rely on the idea of limitation — our second aim must be a considerable reduction of the national expenditure on armaments.

Here the Assembly will, I trust, allow me to make a short digression. The Spanish delegation is very much struck by this anxiety for petty economy, a preoccupation which sometimes crops up in the Assembly and which is superficially — but only superficially — justified by the crisis through which we are passing but which, if we compare the League budget with the so-called national defence budgets of the world, really raises a doubt whether the League is acting wisely.

I should like to work out a little sum with you. If the nations of the world had forwarded to the Treasurer of the League Secretariat in 1930 a bare 5 per cent of what they expended in 1930 on their national defence, and if the League Treasurer had invested that sum in a bank at 5 per cent, that 5 per cent interest on the first 5 per cent would have been sufficient — would still be sufficient — to pay for the League, the International Labour Office and the Permanent Court of International Justice at The Hague, for the rest of the world's history, without ever having to apply for a centime to Members of the League.

Lastly, I feel I must insist on what, to my mind, is the most striking merit of the Convention. The Convention creates a permanent institution for disarmament. The greatest service (and this applies to all our activities) the League can render in the various spheres in which it intervenes would be to create permanent institutions which should enable the international spirit to manifest itself perpetually.

We shall have a permanent disarmament institution. Armaments to-day are manifestly international facts but, in law, they are still, in spite of Article 8, exclusively national, and the League's aim must be to transform into a *de jure* international matter what is already a *de facto* international matter. I repeat that armaments are international facts, because directly a country makes a change in its armaments manifest international reactions occur.

Consequently, it can be no more lawful for a country to change its armaments without international authorisation than it would be for a citizen of Geneva to walk about the streets of the town with a machine-gun or a revolver.

Lastly, it seems to me necessary to stress the fact that the Convention must be based on Article 8, not from mere caprice, still less from any fanaticism on the part of the League. It must be built up on Article 8 because once we begin to deal with Article 8 we shall be finally committing ourselves, and once we have signed a Convention based on Article 8, we can be under no regime but that of the Convention — that is to say, the regime of reform represented by the Convention — and no longer under the regime of international anarchy in the matter of armaments — the evil from which the world is suffering to-day.

Having said what I felt was due in praise of the Convention, I hope the Assembly will allow me to say in what respect we consider it may perhaps be defective. On that point I shall submit no resolution or concrete proposal. I merely wish to make some suggestions; for I may state emphatically that if the time has not come for them to be translated into fact, if the other delegations are not ready to follow us, we, for our part, are prepared to affirm that a time will come when that stage of perfection will be reached.

We believe, although this does not exhaust the list of possible improvements — that the Convention would be enormously strengthened if it were backed up by another Convention placing civil aviation under an international regime.

This is an old idea here, an idea which was discussed by the Sub-Committee on Civil Aviation which met at Brussels in 1926. The three arms, the army, the navy and the air force, are closely bound up with one another so far as armaments are concerned, and it is useless to hope for a dramatic disarmament in any one arm without a similar change in the others. It does not seem possible to hope for air disarmament of any appreciable importance if we do not take into consideration the possibility of transforming civil aviation in a night, in an hour, into a military weapon. It seems obvious that the only remedy for this evil, the only precaution against this risk, is to place aviation under an international regime.

It may be said of course that, once war has been declared, such an international regime would be purely illusory. But any argument based on what will happen when a war is declared is irrelevant. The League can have no interest in what happens from the moment war is declared. During the period preceding war, we can apply powerful brakes which will probably suffice; but a moment will come, perhaps a few days before war actually breaks out, when the war spirit will gather such momentum as to render our brakes useless and destroy our hopes. Our efforts must therefore

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I am not going to argue in favour of a *status quo* in the matter of armaments — I hope to prove this in a few moments. I do not say that the reduction of armaments does not interest us: far be it from me to say that. In my opinion, however, the problem of armaments is dominated by a question of political quality and not of technical quantity. I will give you an example to explain what I mean. When a man carries a revolver in the street the length of the barrel and the calibre are of no importance: what is of importance is to know whether he is a hooligan or a policeman.

The same applies as regards the difference between two conceptions, which should be analysed, because they are a little blurred and we are apt to confuse them in our minds: I mean the mechanical conception of international society and the organic conception of international society. These two conceptions must necessarily lead to essentially different results. For the sake of greater clearness I propose deliberately to exaggerate the contrast between them.

Assume an international society based exclusively on the mechanical principles of an egoistic individualistic power of nations — all pulling in different directions without regard for common interests — and assume (which is improbable) that those countries, which are actuated exclusively by national egoism, agree to discuss armaments. What will be the result of any Convention concluded by them? There can, it seems to me, be only two possible results: either complete failure, or such an adjustment of the respective armaments of the nations represented at the Conference as would make those armaments correspond more exactly or less inexactly to the political power of the several nations.

It might happen that, for historical reasons, two countries, A and B, whose political strength was practically equal, came to the Conference with military forces which were far from equal, the one perhaps double the other. The result of the Conference would be that, since each nation was actuated by a purely mechanical conception giving full play to its national egoism, it would get out of the Conference all that was open to it by reason of its technical capacity and the diplomatic skill of its representatives.

At the close of the Conference each country would come out with a naval and air force strictly proportionate to its political strength when it entered the Conference.

That is not disarmament. It is an adjustment of military forces producing a new map of the military forces of the world; it may even result in a local, partial or national increase of armaments, in order that the effectives finally agreed upon may correspond to the respective political strengths at the opening of the Conference.

Let us now consider the other extreme. Presuppose a perfect international organic system in which each nation feels itself to be, as it were, an organic part of a universal world body, serving that body and being served by it: national egoism — still a factor — will have the opposite effect. By hypothesis, the collective organism will be responsible for the national defence of all the members composing it, since they are all equally valuable to it; national egoism will make it to the interest of every nation acceding to the Convention to reduce its armaments to an absolute minimum, since in any case it will be sure of being protected by the whole body.

Thus, according to whether you conceive the international whole as a system of mechanical forces or as a conscious collective organism, the resultant position will be that, under the first hypothesis, each nation will try to leave the Conference with the highest possible maximum of military forces proportionate to the political force at its disposal; or, under the second hypothesis, it will try, from national egoism, to reduce to a minimum the military, naval and air forces which it has to support and pay for, with the ultimate object, however, of placing them at the service of the whole body.

What is the present position? Obviously it lies between these two extremes. Life is essentially

a compromise. Even after twelve years of the League, it may be said perhaps that we still have our feet planted in the mechanical system and our head, our brain and perhaps some portion of our heart in the organic system. Thus we shall come to the Conference next February with a divided mind, feeling that we do not know where to place our faith: in national egoism, individualistic and exclusive, which bids us not to trust in the whole body but to rely simply on national defence, trying to obtain the highest possible military, naval or air strength; or on international idealism, on the organic sense of the common life of the whole, whereby a nation will be allowed to put its trust in the new moral force of which I have just spoken and to try to lessen its financial burdens, and reduce to the lowest point its military, naval and air burdens, seeing that it will be invited to contribute to the collective defence of the League.

While concrete data may be lacking, we have before us a relatively simple programme to adopt. Before concluding, I shall ask the Assembly's permission to set forth briefly the minimum programme which I consider essential.

First, we must seek by every means in our power to strengthen and build up the organic spirit which will enable us to come to the Conference in the right spirit. That applies, not only to ourselves, but to the countries not yet Members of the League; that is to say, we must seek by every means in our power to instil this idea into the minds of the nations, and not this idea only, but the feeling that the Convenant exists, that it means what it says, that its demands are specific and that we are bound in honour to defend one another against the attacks of international brigands. That must be our first duty, our most urgent duty. That must form the subject of our propaganda from now until February and all the time the Conference is sitting. Next, we must try to achieve a certain number of concrete results, to attain a certain number of definite objects, of which we must not fall short and, beginning with as large a reduction as possible of effectives and material — let us not rely on the idea of limitation — our second aim must be a considerable reduction of the national expenditure on armaments.

Here the Assembly will, I trust, allow me to make a short digression. The Spanish delegation is very much struck by this anxiety for petty economy, a preoccupation which sometimes crops up in the Assembly and which is superficially — but only superficially — justified by the crisis through which we are passing but which, if we compare the League budget with the so-called national defence budgets of the world, really raises a doubt whether the League is acting wisely.

I should like to work out a little sum with you. If the nations of the world had forwarded to the Treasurer of the League Secretariat in 1930 a bare 5 per cent of what they expended in 1930 on their national defence, and if the League Treasurer had invested that sum in a bank at 5 per cent, that 5 per cent interest on the first 5 per cent would have been sufficient — would still be sufficient — to pay for the League, the International Labour Office and the Permanent Court of International Justice at The Hague, for the rest of the world's history, without ever having to apply for a centime to Members of the League.

Lastly, I feel I must insist on what, to my mind, is the most striking merit of the Convention. The Convention creates a permanent institution for disarmament. The greatest service (and this applies to all our activities) the League can render in the various spheres in which it intervenes would be to create permanent institutions which should enable the international spirit to manifest itself perpetually.

We shall have a permanent disarmament institution. Armaments to-day are manifestly international facts but, in law, they are still, in spite of Article 8, exclusively national, and the League's aim must be to transform into a *de jure* international matter what is already a *de facto* international matter. I repeat that armaments are international facts, because directly a country makes a change in its armaments manifest international reactions occur.

Consequently, it can be no more lawful for a country to change its armaments without international authorisation than it would be for a citizen of Geneva to walk about the streets of the town with a machine-gun or a revolver.

Lastly, it seems to me necessary to stress the fact that the Convention must be based on Article 8, not from mere caprice, still less from any fanaticism on the part of the League. It must be built up on Article 8 because once we begin to deal with Article 8 we shall be finally committing ourselves, and once we have signed a Convention based on Article 8, we can be under no regime but that of the Convention — that is to say, the regime of reform represented by the Convention — and no longer under the regime of international anarchy in the matter of armaments — the evil from which the world is suffering to-day.

Having said what I felt was due in praise of the Convention, I hope the Assembly will allow me to say in what respect we consider it may perhaps be defective. On that point I shall submit no resolution or concrete proposal. I merely wish to make some suggestions; for I may state emphatically that if the time has not come for them to be translated into fact, if the other delegations are not ready to follow us, we, for our part, are prepared to affirm that a time will come when that stage of perfection will be reached.

We believe, although this does not exhaust the list of possible improvements — that the Convention would be enormously strengthened if it were backed up by another Convention placing civil aviation under an international regime.

This is an old idea here, an idea which was discussed by the Sub-Committee on Civil Aviation which met at Brussels in 1926. The three arms, the army, the navy and the air force, are closely bound up with one another so far as armaments are concerned, and it is useless to hope for a dramatic disarmament in any one arm without a similar change in the others. It does not seem possible to hope for air disarmament of any appreciable importance if we do not take into consideration the possibility of transforming civil aviation in a night, in an hour, into a military weapon. It seems obvious that the only remedy for this evil, the only precaution against this risk, is to place aviation under an international regime.

It may be said of course that, once war has been declared, such an international regime would be purely illusory. But any argument based on what will happen when a war is declared is irrelevant. The League can have no interest in what happens from the moment war is declared. During the period preceding war, we can apply powerful brakes which will probably suffice; but a moment will come, perhaps a few days before war actually breaks out, when the war spirit will gather such momentum as to render our brakes useless and destroy our hopes. Our efforts must therefore

be concentrated on the period preceding war, on the period when the nations do not yet desire war and are still too indifferent to be infected with the war spirit. Then our brakes will be sufficiently powerful, and it is at that moment that the existence of a strong and exclusively national air force might produce in a people dangerous psychological effects, panic and a tendency to lapse into the war spirit.

For that reason, despite the arguments that may be advanced to the contrary, all based on what might happen after the declaration of war, we still believe that an effort to internationalise civil aviation should be made, seeing that aviation is a new development which has not yet taken root, as it were, in military spheres.

And we believe that, between the present day and February, it should be possible to do something definite in the matter.

We think further that the Convention is manifestly unsatisfactory as regards the limitation of implements of war. We think it would have been possible to make some attempt at once to limit implements of war, apart from budgetary limitation — a valuable means, however, which should be retained — and to institute a direct limitation based on a threefold system: first stocks, then a Convention for the adequate supervision of the international trade in arms, and, thirdly, a Convention for the adequate supervision of private and national manufacture. We are not convinced by the arguments that have sometimes been advanced against these two conventions. The first is, of course, in existence already, and the reason it is not in force is that there are still some ratifications to be received; but it actually dates from 1925. The second is still delayed.

I am afraid that, during the five years which have elapsed, this second convention has been somewhat whittled down by the various committees that have dealt with it, and we still believe that the only way to achieve an effective limitation of war stocks is by a composite system consisting of budgetary and direct limitation together. Direct limitation might begin, I repeat, with stocks, a method which will be found unsatisfactory during the first few years but which will rapidly improve, and might be followed by the Convention on the trade in arms, with, finally, a Convention on manufacture.

Are we to go to this Conference in a defeatist spirit, fearful of disaster? I think not. True, if the Convention fails it will be a disaster, but we need not go so far as to say that such a disaster would justify us in becoming discouraged and renouncing the undertaking.

Adam Smith said that nations can bear much in the way of ruin. The League can bear much in the way of disaster and survive. Let us be anxious, passionately anxious, to succeed, ready to go on trying despite failure, should failure come. Let us regard possible failure as a disaster, let us exert ourselves to prevent it, but let us determine to continue even after the disaster, if disaster there be, for after all we know that we are upheld by the spirit of this Assembly.

A rumour has been current the last few days in the League lobbies that, on grounds of economy, the number of Assemblies is to be reduced. Let us hope that that rumour is false; but if it really has any foundation, let us resist such a proposal with all our might, for it is a mistaken one. The importance of the Assembly does not consist in the actual work it does, though I may perhaps be allowed to associate myself very respectfully with what the French Minister for Foreign Affairs said this morning regarding the importance and volume of that work. It is not so much the work of the Assembly as the existence of the Assembly that counts, the fact that we come here and get in touch with each other. The questions we debate, the problems we discuss, simply constitute, as it were, the material body which by a universal law is necessary if the spirit is to come and dwell in our midst, and we can only pray that the list of questions on the agenda will increase, so that, the body having acquired more substance, the Assembly may endure and the effect of the Geneva spirit be more abiding.

We need not be alarmed to find that spirit — again I should like to associate myself very respectfully with the words of M. Briand and M. Motta — manifesting itself elsewhere than at Geneva. What does it matter if statesmen meet away from here? All the better, provided they meet and consult in the spirit of Geneva. For that spirit, Ariel-like, is mobile and, though born here, can hover over the cupolas of Rome, the great buildings of Berlin, the slender spires of Paris, the massive towers of London, the pinnacles of the Kremlin and even the tall roofs of the Capitol and the White House. There is nothing to regret in this. On the contrary, let us rejoice to find the spirit of Geneva traversing the whole world.

More and more, the nations have insisted that the Press which, at first, did not attend our meetings very assiduously, shall come here and fill the Press galleries and learn what is going on. Why? Do the nations understand anything whatever about our dull reports, our complicated resolutions, our technical problems? No. What they feel is that behind the dense thicket of our commissions and committees and in the bush of our reports and our resolutions — perhaps not a burning bush, though it may be a smoking one — they can hear an august and solemn voice. It is the voice of the world, of the world conscience, which proclaims: "I am the mother of all countries. Serve your country, but see to it that your country serves me also."

The President:

Translation: M. Garay, delegate of Panama, will address the Assembly.

M. Garay (Panama):

Translation: The speeches which have been delivered from this platform by eminent orators on the questions of disarmament, security, the international organisation of peace, and the solution of inter-State disputes by judicial settlement or arbitration, have awakened in me many personal memories, and you will perhaps pardon me if I evoke them now.

In 1924, in the Salle de la Réformation, during the discussions on the famous Geneva Protocol, when Mr. Macdonald, M. Herriot, M. Beneš, M. Politis and other equally well-known speakers addressed the Assembly, I also ventured to speak and to say that, in the matter of disarmament, my country beat the record and could claim to have won the world championship. It was quite true. Unfortunately, misunderstandings have occurred in certain circles and in the Press which have given rise to the belief that Panama was a republic born to international life, and that it had never possessed an army, and that it was consequently no trouble and no credit to it to have disarmed.

Allow me to say that that is entirely incorrect. My country had an army — a small one, I admit, but an army nevertheless — which was dissolved some time after the proclamation of our independence, the maintenance of order and the

enforcement of law being entrusted to a national police force. Thus, after seven years, an unfortunate mistake has been put right.

There is another matter on which I wished to speak to-day — the visit paid to Latin America at the beginning of this year by the Secretary-General of the League and certain officials of the Secretariat. On the invitation of the Government of Panama, Sir Eric Drummond was the guest of the Republic for some days, and his visit produced the happiest results.

His visit had the effect of reviving the interest of our nation in the League and in Geneva affairs, as was well said by the President of the Council in his opening speech to the present Assembly. The countries visited were enabled, thanks to the Secretary-General's visit, to obtain a more direct and more exact idea of the institution of which they are Members.

On the other hand, the Secretary-General came back from Latin America with greater experience and enhanced authority. He had entered into direct contact with our leaders and our peoples and was thus enabled to understand more clearly and more exactly our conditions of life and our mentality.

As regards my own country, Sir Eric Drummond had an opportunity of studying at close hand that love of peace which has characterised the people of Panama throughout its history and accounts for many of the sacrifices we have made and many of the servitudes we have assumed for the common good of the world. Sir Eric Drummond and his companions trod the ground where the international assemblies created by the political genius of Simon Bolivar, our great liberator, were held in 1826. Those assemblies made our capital city the precursor of Geneva and our assembly hall the forerunner of the *Salle de la Réformation* and the *Bâtiment Electoral*, so that we can regard the protocols signed more than a century ago as the venerable ancestors of the Covenant of the League.

If the objects of the League are to be wholly fulfilled in the case of countries situated so far from Geneva as ours, it is not enough for us to send permanent or temporary delegations to the Assemblies, the Council or the various conferences of the League. The relations must be reciprocal — Mahomet must go to the mountain and the mountain must go to Mahomet.

We welcome the happy initiative which led to the visit to Latin America of Sir Eric Drummond and the Secretariat officials who accompanied him, and we entirely associate ourselves with the views expressed by M. Lerroux in his opening speech, in which he emphasised the desirability and usefulness of such journeys and meetings — *prises de contact*, as he called them.

Again, we still hear the echoes of the inspired words uttered by the head of the Swiss delegation, M. Motta, whose conscience recoils at the bare thought of our being actors, whether voluntary or unwitting, in a gigantic international masquerade. In listening to him, I was glad to feel that I already shared the sentiments he voiced so eloquently in this Assembly. Barely seven months ago, we received Sir Eric Drummond at the National Institute of Panama on the occasion of a university ceremony organised in his honour by the Panama Society for International Law, at which I had the honour to preside. I made a speech on that occasion, in which I said some things that I should like to repeat here, as they contain (though expressed in rather negative form), a profession of faith in the future of the League.

"It is maintained that the old aphorism, '*Si vis pacem para bellum*', continues to inspire the policies of the great Powers and that to-day, as yesterday, the best way to guarantee peace is to prepare for war; but this curious argument would lead us to the absurd conclusion that, when the nations of the world organise pacific means of settling their disputes and seek to promote arbitration, conciliation, organised justice and comparative or total disarmament, they are working indirectly for the cause of war.

"Indeed, if we admit that warlike preparations ensure and guarantee peace, we must also admit conversely that peaceful preparations ensure and precipitate war. This deplorable philosophy would mean that hypocrisy is the only true policy for States in the matter of international security, and that would be far from flattering to our Western civilisation.

"If the world were no better than that, if it were so essentially opposed to the idea of justice and probity, the cause of peace could have no further justification, and our only hope of salvation would then lie, not even in war, but in general destruction."

Let us seek to penetrate with the beams of hope this sombre and discouraging pessimism, to which so many minds are a prey; let us beware of spreading its contagion.

The President:

Translation: Mr. Collins, delegate of Australia, will address the Assembly.

Mr. Collins (Australia):

I had the honour of attending the first Assembly of the League of Nations, in 1920, and therefore am in a position to note the great progress and the many important developments that have taken place in the organisation of peace and international co-operation. When I was here last, there was evidence of careful thought and wise preparation; and the Secretariat, though in its infancy, had already given promise of the high efficiency to which it has since attained. There were at that time many critics and sceptics who prophesied an early decease of the League; but happily there is no longer any need anxiously to take its pulse and to measure its temperature, in order to assure ourselves of its health. To-day it is a well-established institution, a fully recognised and indispensable instrument of international intercourse, and the confidence it has inspired augurs well for the future.

Already in this gathering there have been notable references to questions of economy, and I too desire to make some remarks upon that subject. I know perfectly well that we are not justified in measuring the achievements of the League in terms of pounds, or francs, or dollars; nor should we be justified, on past results, in attempting any large-scale curtailment of its activities. It is not, however, necessary to have any inside knowledge of the working of the League to know that many States Members are asking themselves whether this unquestionably useful organisation is not spending more money than is warranted or can be afforded.

Those who are closely associated with the world's financial position are aware of the tremendous efforts which are being made by nearly every country to reduce national expenditure and to

balance budgets. This position renders it necessary that the attention of the Assembly be drawn to some considerations that are important from the League's point of view. I am anxious, however, to assure my colleagues in this Assembly that everything I have to say is to be understood as being in support of the League of Nations. Australia believes in the League and has been, since its inception, both a willing and an enthusiastic member of it.

I desire to associate myself with the attitude of the leader of the British Empire delegation, who said: "It would be the falsest of false economy if we were to do anything, more particularly at this time, to reduce the authority and prestige of the League of Nations, or still worse to reduce its efficiency."

The situation of the League of Nations in relation to its expenditure has become one of much importance. The League itself can raise no revenue and is entirely dependent upon the States Members. Its position in this respect has hitherto been one of comfort, for, at a time when budgets could be balanced, the various countries did without great difficulty provide money on a generous scale which gave to the League an opportunity of extending its activities and of carrying out its functions without being in any way hampered by a lack of funds; in this respect the League of Nations had little need to think of the morrow.

Times have changed and there is a spectacle of countries struggling with adversity, and unable, without sacrifices that not long ago might have been deemed impossible, to find money for development and other internal services that are not merely desirable, but in some cases almost vital. Under these new conditions, it is imperative to review the expenditure of the League of Nations, partly because relief must be found for the budgets of States Members, and partly because dissatisfaction must be avoided, for it is impossible to disguise the fact that members of the public of our various countries, who have been called upon to make enormous personal sacrifices, would view with grave displeasure the continuance of any national expenditure which is avoidable. This aspect of the matter is one, I submit, that is of the highest importance.

A short definition of the purposes for which the League was created might be found in the statement that the League was brought into being in order that it might create harmony amongst the peoples of the world. This idea has found expression in many directions; and, in defence of an expenditure that might be held to belong more properly to domestic than to international expenditure, we often hear the argument that the extension of the activities of the League into what at first sight might appear to be a domestic domain, is justifiable on the ground that it tends to promote a better international understanding. For my part, I raise no objection to that argument; indeed, it is one of the grounds upon which I appeal to the Assembly to take action to review, and as far as possible to reduce, the expenditure of the League. If the impression gets abroad that the expenditure of the League is on a lavish scale, an injury will be done. In that case, the harmony, which it is the main purpose of the League to foster, will suffer, and, instead of happy agreement, there will be discord and unrest.

Taxation is regarded as a necessary evil, and is a fruitful source of discontent; the expenditure of the League entails taxation additional to that which is required for the ordinary Governmental services. Thus, in a sense, the League of Nations imposes taxation upon the peoples to whom it owes its existence, for the States Members are under an obligation to bear stated proportions of the expenditure, whatever it may be. This is the moment when full expression can be given to that which we profess to admire so profoundly — namely, international co-operation; now is the moment for concerted action in effecting economies. Let us then cut down our expenditure as far as is consistent with safety, so that discontent may be avoided, and harmony shall prevail. We must, of course, be careful to safeguard the work of the Disarmament Conference and must approve of ample provision for all contingencies that may arise in that direction.

I do not desire to particularise further on this occasion, but I may say that, in my opinion, there is room for saving both in the reduction of work that has been undertaken by the League, and in reduction of the cost of carrying out essential services; and I submit that the retrenchment which has been forced upon States Members should now have its counterpart in the realm of League expenditure.

Unless all economies that may be possible are carried into effect, it may be inevitable that States Members, hitherto willing and prompt in the payment of their contributions to the League, will find themselves unable to continue upon that satisfactory footing, and the burden of the contributions in arrears, already considerable, may become greater. Thus, higher contributions may be exacted from other States Members, in order to make up the deficiency arising from the default; and, in that case, there will be disparity where equality of sacrifice is on all grounds eminently desirable.

Our colleague from New Zealand has put forward a proposal for the appointment of a Committee to investigate the expenditure of the League and to report upon the savings that can be made. On behalf of Australia, I heartily support the proposal, but would add that, in my opinion, it is necessary that any such committee be asked to report in time for this Assembly to be able to decide upon the economies which can be effected in the budget of 1932.

In conclusion, I may say that my remarks are intended to be constructive, and I strongly urge that this Assembly shall take the initiative in placing the budget of the League upon a basis that is consistent with the condition of the several budgets of the States Members.

38. — EXAMINATION OF THE QUESTION OF THE ENTRY INTO FORCE OF THE PROTOCOL OF SEPTEMBER 14th, 1929, RELATING TO THE REVISION OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE. — PROPOSAL SUBMITTED BY THE DELEGATIONS OF SWEDEN, THE NETHERLANDS, NORWAY, JAPAN, DENMARK, SPAIN AND FINLAND.

The President:

Translation: The delegation of Sweden, the Netherlands, Norway, Japan, Denmark, Spain and Finland have submitted to the Assembly a proposal concerning the examination of the question of the coming into force of the Protocol of September 14th, 1929, concerning the revision of the Statute of the Permanent Court of International Justice. The text of the proposal submitted by these delegations is as follows:

"The Assembly, at its last session, expressed the wish that the Protocol of September 14th,

1929, relating to the revision of the Statute of the Permanent Court of International Justice should obtain as soon as possible the ratifications necessary for its entry into force. As this condition has not yet been fulfilled, it seems desirable that the Assembly should examine the situation which has arisen as regards the question of the entry into force of the Protocol. The necessity for such a discussion is generally felt by the various Governments concerned.

" The undersigned delegations venture accordingly to propose to the Assembly the following resolution :

" The Assembly places on its agenda the examination of the situation as regards the entry into force of the Protocol of September 14th, 1929, relating to the revision of the Statute of the Permanent Court of International Justice. It refers this question to its First Committee. "

In accordance with precedent, this proposal will be printed and distributed to the delegations, and I reserve the right to make suggestions to the Assembly later as to the action to be taken regarding it.

39. — COLLABORATION OF WOMEN AND THE PRESS IN THE ORGANISATION OF PEACE : ACCESSION OF THE DELEGATION OF URUGUAY TO THE DRAFT RESOLUTION PROPOSED BY THE SPANISH DELEGATION.

The President :

Translation : The delegation of Uruguay has just sent me the following communication :

" The Uruguayan delegation, acting on special instructions from its Government, desires to state that it accedes to the proposal made by the Spanish delegation to the twelfth Assembly of the League of Nations[1], with a view to ensuring the collaboration of women and the Press with the object of contributing in an effective manner to the permanent organisation of peace. "

This is not a new resolution, but merely the accession of Uruguay to the Spanish draft resolution, and I propose that the Assembly should merely take note of this communication.

The Assembly rose at 6 p.m.

[1] See previous meeting.

NINTH PLENARY MEETING

Saturday, September 12th, 1931, at 10 a.m.

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President : M. TITULESCO.

40. — REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY : CONTINUATION OF THE DISCUSSION.

The President :

Translation : The first item on the agenda is the continuation of the discussion of the report on the work of the League.

M. de Vasconcellos, delegate of Portugal, will address the Assembly.

M. de Vasconcellos (Portugal) :

Translation : The Portuguese delegation conceives it to be its duty, as in previous years, to render account to the Assembly of its share in the common work, and to submit such comments on that work as may be necessary, these in themselves being a feature of its co-operation.

We have just passed through one of the most difficult years in the history of this generation. Mankind has been a prey to crises which beset it on every hand, and is still suffering from the effects: over-production, under-consumption, lack of confidence, shortage of credits, defeatism — all aspects of the super-crisis of instability in a society in process of transformation after the terrible upheaval of the great war.

It was inevitable that the League should be affected. On all hands it is being asked for effective remedies for these crises, and invariably it is overwhelmed with criticism when it fails to find the ideal solution immediately. This is the culminating crisis, in which the League is called upon not only to perform the tasks imposed on it by the Covenant, but also to take on the monopoly of world international policy.

Fortunately, the Assembly has met. Defeatism cannot hold out against the spirit of Geneva. Governments speak. Statesmen converse. The political and moral atmosphere clears. You will have noticed already a manifest slackening of tension in regard to the anxiety and apprehensions which confronted us at the outset of our meeting.

Because we have unwavering faith in the institution and work of the League, we trust that it may daily become more perfect in its constitution, more effective in its functioning. Any defect in its complex organic functions must claim our immediate intervention to remove the evil. Two years ago, we ventured to point out to the Assembly that the existing system of electing non-permanent Members of the Council might constitute a serious defect in its organisation, and might result in the exclusion of certain States from the Council. Facts have borne out our fears, and we were obliged to make the declaration which we published at the close of last year's elections. Later, my Government sent a memorandum to all the Member States explaining the reasons for our attitude. You will understand the satisfaction with which we noted the draft resolution submitted by the British Government, proposing that a special committee be appointed by the Council to examine the question. We thank the British Government for its action, we support its proposal wholeheartedly, and we shall later submit to the committee that is to be appointed the constructive solutions which we have in view.

I do not propose to enter into a detailed discussion of the Secretariat's report on the work of the League. I shall confine myself to pointing out in which departments Portugal has been able to offer most effective co-operation.

First, we had the gratification of welcoming at Lisbon the Conference for the Unification of Buoyage and Lighting of Coasts, a Conference which did us the honour of electing as President the late Admiral Ernesto de Vasconcellos, whom it was our misfortune to lose shortly after.

The important results of the Conference, set forth in the report, were obtained by effective co-operation between the various delegations and the distinguished representatives of the Secretariat to whom the Portuguese Organising Committee was happy to offer its modest but wholehearted collaboration.

In the matter of communications and transit, we made our contribution also to the Conferences on Road Traffic and the Unification of River Law.

We would mention the great success of the League at the Conference on the Limitation of Narcotic Drugs, in which we took part in the spirit of enthusiasm with which we regard that work of moral reform.

Portugal's contribution has been particularly effective in the financial and economic field; for it is not only at Geneva, by direct participation in the international work of the League, that a country can contribute to world recovery. A country which succeeds in restoring its own position without outside assistance, which presents a balanced budget, a stable currency and sound financial institutions, is making an effective contribution towards the solution of the crisis, in that it eliminates the factor of disorder and depression which would otherwise have been present.

It was during this last difficult economic year, after three years of financial reform, obtained by firm, skilful and far-sighted administration, that our Minister for Finance succeeded in crowning the work of recovery by his decrees for the legal stabilisation of the currency and the reform of the Bank of Issue, without having recourse to the foreign loan which most eminent experts considered indispensable.

I may add that this drastic budgetary reform did not mean that we neglected the necessary improvements in the public services. Adequate grants were allocated, again without recourse to a loan, for the equipment of the principal ports and the rebuilding of bridges, for the preservation of public buildings and monuments, for the conservancy of certain rivers and streams, for the construction of high-schools and other school buildings, and, more particularly, for the reconstruction of roads. Portugal, which is an admirable country for touring, now possesses an excellent system of modern roadways, which are carefully kept in condition.

At Geneva, we took part in the Conference with a View to Concerted Economic Action. We frankly explained our reasons for not signing the draft Convention. For technical reasons, into which we need not enter here, but on which we could not come to an agreement, we were classed in that Convention as a free-trade country, and thus credited with a fiscal policy which we have never pursued. The Convention fell through for want of signatories, despite the able and zealous efforts of its eminent President. We would point out in this connection the disadvantages resulting for the League from the divergences which have arisen in connection with certain economic Conferences, between the declarations and the votes of delegates at the Conferences, and the resolutions of their Governments or Parliaments, which have sometimes been in complete opposition to the sound principles recommended during the discussion and drafting of the Convention. We have sometimes been obliged to dissociate ourselves from a majority advocating an economic policy too liberal in theory for us to accept, and we have been astonished to find ourselves afterwards at one with that same majority in its practical decisions — often far more conservative than those we had upheld. What a startling symptom of the crisis is betrayed by this lack of coherence in facts, rather than among men!

Though we have been successful in bringing about the satisfactory situation to which I referred by sacrifices on the part of the country and by the steadfast pursuit of a plan of financial reconstruction, we have none the less suffered greatly from the world crisis. Ours is an essentially agricultural

country, and its economy has been deeply affected by the tremendous drop in the prices of our agricultural products and by the difficulty of disposing of the greater part of them. For this reason, in the Commission of Enquiry for European Union, we strongly supported the Greek proposal to include products other than cereals in the scheme for the examination by the competent Committees of means to ensure their disposal.

We have been sparing neither of our help nor of our support as regards measures to ensure the marketing of cereals, and have even contemplated solutions which would entail our direct co-operation. But we cannot help thinking that it is equally fatal to the economy of a country whether it fails to sell its cereals or fails to sell its wine, its oil or its cork. If, by means of agreements on the lines of those concluded in regard to cereals, through exchanges of industrial and agricultural products, under satisfactory guarantees, serious economic crises can be overcome in countries which produce cereals only for their own consumption, that will, I think, constitute yet another felicitous example of the application of the principles of equality advocated by the League.

This is the more so, inasmuch as, so far as we are concerned, the crisis has not affected merely the products of Portugal itself, but has had most disastrous effects on those of our colonies. The fall in quotations and the accumulation of stocks have had distressing effects on the magnificent progress of our colonial dominions. The Government and the people have courageously set to work to avert the danger, and the sacrifices required both of the mother-country and the colonies have been agreed to with patriotic devotion.

Speaking of our colonies, I cannot refrain from alluding to what I might venture to describe as the eloquent demonstration we have offered to the world, at the magnificent Colonial Exhibition at Paris, of the extent and success of our colonising achievements. It is an apt reply to unjust campaigns designed to discredit the great services rendered by my country in its colonies to the cause of civilisation, and systematically to disparage those services for ambitious ends, to-day happily doomed to non-fulfilment.

We are glad to find that enlightened world opinion is doing us justice at last, and the "discoverers of the world", as we have just been gracefully designated, have now themselves been discovered.

We have signed the Convention creating an International Agricultural Mortgage Credit Company. We are prepared to ratify it and to support other similar institutions, if its action can be extended to all countries that may require this type of credit and not be confined, owing to defective organisation, to too limited a sphere.

Next February the fundamental problem of disarmament will bring us to Geneva in the hope that a positive solution may crown the desires of all enthusiastic lovers of peace. The Conference for the reduction and limitation of armaments will find that Portuguese armaments have already been reduced to the limits compatible with the maintenance of order at home and in the colonies.

At the close of his speech, my distinguished friend, M. Lerroux, submitted a draft resolution entrusting to a League body the examination of means for preventing the dissemination of such false information as may hinder the maintenance of peace and goodwill among the peoples. We cannot but support this proposal, for, if such an institution had been in existence these last few years, 95 per cent at least of the alleged revolutions in Portugal would never have happened.

I cannot close my rapid survey without once more affirming our deep conviction that only League methods can lead to the maintenance and consolidation of peace, our indestructible and essential faith in the future and the prosperity of our institution, and our firm determination to observe and to obey the four commandments which our President laid upon us in his eloquent opening speech.

The President:

Translation: M. Hymans, first delegate of Belgium, will address the Assembly.

M. Hymans (Belgium):

Translation: I confess that I had much hesitation in taking part in this discussion, as I was afraid of lapsing into needless repetition. I was prompted to speak, however, by another disquieting consideration — I should not like my silence to suggest indifference.

My connection with the League of Nations dates from the origin of the League, and, in spite of the difficulties of the present hour, I still consider it the indispensable organ of a peaceful and regular international life.

I am aware, however, that, in certain circles, the discussion now taking place will cause a certain amount of disillusion and I should like to reply to the criticism or blame which may be levelled at the League by those who take a superficial view and who know and understand it but little. Such people expect from the League and from the present discussion, which closes to-day, a sort of revelation, the announcement of some magic remedy, the passing of some resolution which will suddenly set the whole world right once more.

To begin with, the causes of the crisis from which all nations are suffering in varying degrees are too deep-seated for any hope to be entertained that the evil can be remedied suddenly by some specific. On the other hand, there is a misunderstanding, in my opinion, in regard to the League's rôle and functions. It is not an entity, a political person, a power, a sort of State which can issue laws and decrees.

The League is a meeting, an association of free States, of Governments, who have agreed to meet together and consult one another and come to an understanding, and have assumed certain obligations to co-operate with a view to the prevention of war, the specific settlement of their disputes and the conciliation of their interests.

But the League can only do what the States composing it desire, and the Governments whose representatives meet here can themselves do nothing without the support and approval of their Parliaments and the public opinion of their respective countries.

It follows that sometimes, too often perhaps, the Governments represented in this Assembly give utterance, under the influence of what has aptly been called the spirit — I do not say the climate — of Geneva, to approval of measures which, in their own country, meet with opposition from certain interests or sentiments, from passions or egoism or party considerations, and then find that they are powerless to carry them out.

The result is delay, hesitation, failure. We have experienced this in the economic sphere. I remember that, with some support from the Assembly, I conducted a campaign here for a tariff truce, for the principles of solidarity which served as the basis for the Commercial Agreement of March 24th, 1930. My efforts, however, did not prove successful.

I have championed the idea that Europe can develop and re-organise itself only by enlarging

its markets, lowering its tariff walls and permitting the free circulation of goods; and, in the recent work of the Commission of Enquiry for European Union, all the highly qualified experts — as they were described — and all the Government delegates once more strongly affirmed the same views.

But adverse winds have arisen, and the nations have been driven away from these ideas. Yet I do not abandon them. It is for the Governments to convert public opinion and overcome the resistance of private interests.

I am convinced that the time will come when events will dictate to the nations, as an imperative need, these ideas of mutual understanding and co-operation, and will demonstrate that there is no other way possible to bring about the recovery of Europe and of the world.

Again, the discussions of the Commission of Enquiry for European Union have undeniably supplied us with abundant documentation, have laid down excellent rules of guidance and have even achieved certain concrete results. The International Agricultural Mortgage Credit Company has been created, and I venture to call the attention of the Assembly and the competent committee to the initiative suggested by a Belgian expert, M. Francqui, an eminent financier who has taken part in all the conferences of the last few years. M. Francqui proposes that an international bank should be created for the purpose of granting long- and medium-term credits.

This organisation would entail the co-operation of the financial institutions of the various markets, and would act as an intermediary between lending and borrowing markets. The author of this proposal is convinced — and the experts seem to agree with him — that to bring such an institution into operation would help to restore economic activity. The question is important and deserves serious examination, and I am sure the Assembly will take that view.

In the course of these brief observations, I should like to say a few words on disarmament, or, rather, to use the terms of the Covenant, the reduction of armaments.

I am speaking on behalf of a small country which is essentially peaceful, both by conviction and in its own interest, a country that suffered terribly through the war, and to which the war has bequeathed a very heavy burden of financial charges.

We ardently hope for the success of the Conference convened for next February, and we shall take part in it with a keen desire to consolidate peace and lighten the burdens of military expenditure.

In the last few years, Belgium has considerably reduced the effectives of her army and the period of military service; she has, moreover, acceded without delay to all the conventions for the organisation of arbitration and the pacific settlement of international disputes; and, lastly, she has actively and usefully contributed to the work of the Preparatory Commission, on which she was represented successively by M. de Brouckère and M. Bourquin. I may be allowed to mention that I have received many congratulations on the services they have rendered.

But the part the small States have to play in the field of disarmament is naturally limited. Their policy will naturally depend upon that of the great States. That is in accordance, moreover, with the very spirit and letter of the Covenant. To carry out Article 8 fully and faithfully means leaving nothing to empirical formulas. It requires that account shall be taken of national safety and international obligations, of the geographical situation and circumstances of each State.

We must realise that the success of the Disarmament Conference will depend on the atmosphere in which it opens and in which it carries on its work; and its work will inevitably be long and difficult.

If, during the months to come, disquieting incidents occur, arousing passions and creating an atmosphere of fever or unrest, the success of the Conference will undoubtedly be imperilled. It is therefore imperative, in the meantime, to reassure the nations and draw them together, co-ordinating and conciliating their interests.

May I make an appeal to the great Powers? It is true that in our League and at international law all sovereign States are equal; but, in the nature of things and by the force of circumstances, peace and the maintenance of international order depend principally on the great Powers and not on the small. Small States may help the great, but the small States will never imperil the world.

I have listened attentively to the speeches made here by the representatives of the great Powers. They reveal a firm will to peace, and a desire for understanding and co-operation stimulated by adversity and necessity.

We know that conversations have been held between statesmen, and that those conversations will be continued. We hope that they may come to a successful conclusion, and that the action of the Governments will have the calming influence on public opinion necessary for the restoration of prosperity and the moral and economic welfare of Europe and of the world.

The President:

Translation: Dr. Curtius, first delegate of Germany, will address the Assembly.

Dr. Curtius (Germany):

Translation: The general discussion shows that the position of the Assembly of the League of Nations this year has been determined in the main by two facts — the terrible economic depression from which most countries are suffering, and the approach of the Disarmament Conference. These two facts we must bear in mind in any appreciation of the League's work during the past year, or in any attempt to estimate the extent of the assistance which the League is likely to be able to give in present circumstances and the importance of the decisions which we shall be called upon to take this year.

It has often been said, in the last few years — no one, I think, will contest this — that the fate of the Disarmament Conference will be of decisive importance in determining the fate of the League itself. An equally potent factor in shaping the opinion of nations in regard to the League will be the extent to which the latter can help to overcome the crisis from which nearly the whole world is suffering. For this reason I will, like many of the speakers before me on this platform, confine myself in the main to questions relating to the economic and financial problems which are causing us such anxiety and to the problem of disarmament.

The German delegation, I need hardly say, will co-operate fully in the discussions on the other questions on the agenda and will take the opportunity of expounding its views in the competent committees — more particularly, its views on the question of bringing the Pact of Paris into harmony with the Covenant of the League, the question of European Union and the minorities question. I consider, however, that the nations,

whose attention is now riveted on Geneva, will desire above all things to know whether the statesmen assembled here are capable of finding, or at least of helping to find, some way out of the crisis, and whether we are able to offer them reasonable grounds for hoping that, in the burning question of disarmament, tangible results will be obtained by the Conference which is to meet in February.

We are all acquainted with the events which, since our last Assembly, have done so much to aggravate the depression from which we were already suffering then. To the collapse of production and markets has, in many countries, been added financial catastrophe. The dangers of the economic situation have assumed alarming proportions; on the one hand, congestion of raw materials and foodstuffs; on the other, want and famine; concentration of capital and accumulation of gold in a small number of countries and shortage of capital and a crushing burden of interest in others; and then the most terrible manifestation of the collapse of the international economy; unemployment in the industrial countries, which next winter will increase to an extent which it is impossible to see at present, with the resulting army of despairing and desperate men who will be only too ready to lend an ear to extremist and revolutionary influences. No one can deny that the whole foundation of our economic and financial system and, indeed, the whole basis of our civilisation is tottering.

Naturally, the League and its organs have not been indifferent to this disquieting position and its attendant dangers; but here the grave question arises whether the results attained up to the present correspond even approximately to the imperious needs of the times. So far as I have observed, not one of my predecessors on this platform has ventured to answer this question in the affirmative; and I think, therefore, I may take it that we are all agreed that the vital part of our work still remains to be done.

The most important result of the work accomplished up to the present by the Commission of Enquiry for European Union is the report submitted by the economic experts, and now before the League. Speaking at a meeting of the Commission of Enquiry, I said that the report must form the starting-point of a fresh phase in the economic evolution of Europe. The Committee, which had received the fullest powers from the Commission to submit any proposals with a view to improving production and trade in Europe, recommends economic *rapprochement* and economic union as being the most important, — if not the only — means of securing a radical economic recovery in Europe. The report points out that the realisation of such schemes can be pursued only in agreement with the non-European countries and that it should result in a more moderate Customs policy than is followed at the present time. Such guarantees are calculated to dissipate the distrust felt by the other continents as regards these European proposals.

Valuable though the bare statement of these principles of economic *rapprochement* by the Committee of Economic Experts undoubtedly is in itself, we must not leave things there. Under the influence of our discussions here, the Governments should set to work without delay and put this idea of economic *rapprochement* into practice as rapidly and completely as possible. The results achieved by these efforts will serve to show how far the nations of Europe realise the dangers resulting from the economic dissection of Europe and how far the will to co-operate on a broad and practical basis is really present in Europe to-day.

Again, the problem of preferential duties on wheat, which calls for a practical solution, will be another test of the spirit of collaboration in the League. The proposals of the Commission of Enquiry for European Union provide for preferential duties on wheat by way of an exception to the most-favoured-nation clause, such preferential duties being restricted as regards place, specific commodities and time. The objections raised from the standpoint of the most-favoured-nation system are quite comprehensible; but these can be overcome by the guarantees established by the International Conference of November 1930, and should give way in the face of the advantages which the realisation of this plan would have, from the standpoint of general interests.

These are not measures taken in the sole interest of particular countries to which preferential duties might be accorded; still less is there any question of the one-sided interests of those who have declared themselves willing to make sacrifices and to accord preferential duties. I venture to hope that this proposal, which is now beginning, after a long struggle, to make headway, will be accepted. The extra-European countries are also beginning to realise that an increase in the purchasing power of European countries will, in the long run, in view of the fact of world economic interdependence, benefit overseas countries also.

The apprehensions of non-European countries have found eloquent expression in several speeches to which I have listened with the greatest interest, and the position may be summed up, from their point of view, by saying that the League seems to be concentrating its efforts on the economic recovery of Europe, and to be neglecting the extra-European countries. Certain though it is that an increase in the purchasing power of European countries would benefit the non-European countries, and while the latter will reap their share of benefit in what the League hopes to be able to do for European economy, it seems to me none the less desirable that the League should make more energetic and direct efforts than hitherto to remedy the economic crisis in extra-European countries.

It has been proposed, I hear, to set up small committees consisting of a few leading experts to be sent to the principal economic centres in Asia and Latin America to study the situation on the spot with the competent local authorities, with a view to reporting to the Assembly in 1932 and making appropriate suggestions. I think that idea is worthy of serious consideration.

Nevertheless, it may perhaps be possible, even without such a detailed enquiry, or even simultaneously with it to organise in one particular field practical measures for the benefit primarily of extra-European countries. I am thinking here of restrictions and the regulation of their agricultural products. The agricultural depression is undoubtedly even more acute than the industrial depression. Agriculture cannot solve its difficulties to the same extent as industry by means of the organisation and cartellisation of production. Again, the restrictions on production in certain countries and other expedients, such as the accumulation of crops, have, as experience has just shown, given no relief, but have proved useless.

International co-operation alone can furnish a real and effective remedy. All who are acquainted with the position know how great the difficulties are. Practical success in certain fields, such as the International Sugar Convention, which has just

been concluded afresh, show what can be done when there is a real desire for agreement. As regards the agricultural and forestry products in question, the extra-European countries would primarily and directly benefit, while the European importing countries would no longer need to take prohibitive measures, set up insuperable Customs barriers or introduce import prohibitions in order to protect their agricultural products. I hope that the Second Committee will examine these brief suggestions more fully, and that proposals may be submitted to the Assembly.

I now pass from economic problems to the financial problems which are also a feature of the crisis.

The whole international system of money and credit is disorganised. The movement of capital from rich countries to poor countries — so necessary for the maintenance of the economic balance and purchasing power of the latter — has not only almost entirely ceased, but the countries rich in capital have withdrawn to an unforeseen extent the short-term credits they had accorded to the poorer countries.

The creditors, when opening these credits, which have brought in high interest over a period of many years, should have provided for the contingency that, in many cases, the capital would not be invested, in the poorer countries, in such a way as to be immediately recoverable. The holders of the credits might reasonably have supposed that there existed a sort of tacit agreement that the credits would not be withdrawn suddenly or just when they had greatest need of them. Bank crashes and Government intervention in private trade have been the unfortunate but inevitable consequences. These facts may be attributed in the last resort to the international financial situation resulting from political debts. Enormous political payments from one country to another have been effected without any economic counterpart.

These payments have continually had the effect of removing large amounts from the debtor countries, which were already poor in capital, and those countries have thus been forced, in order to protect their currency, to adopt deflationist measures entailing high rates of interest and reduced purchasing power; hence a decrease in imports and increase in exports. If this continues, if the payment of political debts is effected by means of a reduction in imports and a forced increase in exports on the part of the debtor countries, most disastrous consequences must ensue not only for those countries, but also for world economy. This was clearly stressed in the report of the Basle Committee set up by the London Conference.

As the result of this disturbance of international relations in the matter of money and credit, gold is being accumulated in certain financial centres where it is lying idle because no use can be found for it in the form of loans and foreign credits. The gold standard has been one of the principal factors in the economic development of the world during the last century, but there is a risk that it may now efface itself.

It is to the eternal honour of the President of the United States of America that he should so clearly have seen the dangers ahead and have proposed and succeeded in putting through for one year the suspension of payments in respect of political debts. As representative of Germany, I desire to pay my tribute from this platform to the breadth of vision evidenced by the Hoover plan and to testify to the relief it has afforded my country. But, important though such a moratorium undoubtedly is, it is only in the nature of a temporary respite. Several of those who spoke before me have specifically stressed the point that the problem of international political debts necessarily demands, in the general interest, a comprehensive solution which shall really put an end to the crisis. That is the great task before the world.

Obviously, international co-operation in this field can succeed only if every country is prepared to exhaust all the possibilities open to it of surmounting the crisis. The German Government, I may say, has done so, nor has it shrunk from the sternest measures or faltered before the most painful operations. That fact gives me the right to demand, not only in the interests of my own country, but in the general interest, that a resolute attempt shall now be made to accomplish in this field what can be done only by means of international co-operation.

What can the League do towards such co-operation? It cannot, of course, undertake the settlement of the problem of international debts. That problem must still be left to the Governments directly concerned. A whole series of proposals such as have just been discussed at the various meetings here at Geneva must be taken up and dealt with by the League itself; but all international efforts in the economic and financial field, whether the outcome of League or of inter-Governmental action, are subject to one preliminary condition — the restoration of reciprocal confidence in international political relations. Lord Cecil read to us the final words of the report of the Basle experts, and the truth of those words we cannot afford to neglect.

I am glad to note that, in all the speeches during the last few days which have dealt with the present general position, so much stress has been placed on the need for reciprocal confidence. I entirely associate myself with much that was said by the delegates of Great Britain, France and other countries on the subject. But if the League is to fulfil its mission, the Governments represented here must constantly bear in mind the principles on which confidence in the political relations of the States rests, and it is the League's duty to see that effect is given to those principles.

On this matter my point of view may perhaps differ slightly from one or other of the expressions of opinion we have heard, in that I do not attach so much importance to what we have already done at Geneva, but am interested rather in what still remains to be done. Real confidence implies a reciprocal relationship, and confidence between the nations cannot find and preserve a sure foundation unless it is based on a healthy recognition of reciprocal interests and ideas. That foundation must never be shaken, even in a country's time of direst distress. The solution of temporary difficulties must not be purchased at the price of still more serious future difficulties.

All attempts to re-establish the normal movement of commodities and capital are doomed to ultimate failure directly the principles of justice and equality in political relations are neglected. The League is called upon also to guarantee those principles even in cases in which the practical solution of the various economic and financial problems has

not been expressly entrusted to it. If such an attitude could spread from Geneva and really be endorsed by Governments, it would extend from the latter to public opinion in every country; and thus the impatience, the excitability and ready irritation, which are very comprehensible in present conditions, would give place to a calmer, more confident outlook.

We must not try to disguise from ourselves a fact that should be frankly admitted — namely, that in many countries profound scepticism reigns and — what is perhaps worse still — growing indifference to the Geneva institutions. The circles in which this phenomenon is observed are by no means those which do not understand the idea of the League or are hostile to it. On the contrary, it is precisely those people who put their faith in the League that are becoming increasingly disillusioned owing to the absence of tangible results. It would, of course, be absurd to hope for miracles or to expect that our deliberations should provide an immediate remedy for the present distress. What people of common sense want are measures designed to get at the root of the evil and to effect an improvement in the situation. This difficult period of world depression can be turned to account, if it results in the realisation and the strengthening of the conception of real solidarity and of the need for co-operation on a basis of equality.

The German Government will certainly do everything in its power to promote such international co-operation. It is well aware that German interests and the general interest alike imperatively demand such an attitude. Indeed, it was this conception of present-day problems that took us successively to Chequers, Paris, London and Rome. I entirely concur in the view that the League has no reason to be jealous of these direct efforts of responsible statesmen, but has, on the contrary, every reason to encourage them.

The British delegate emphasised the importance which, at every stage in the evolution of international relations, attaches to Franco-German *rapprochement*, which, as he says, should not be confined to words, but should find expression in acts. Lord Cecil may be sure that the German Government fully appreciates the importance of this point. I am happy to say that the coming visit of French statesmen to Berlin will furnish an opportunity for a direct exchange of views, and I trust that results may be obtained in this way which will be of advantage to both countries and, in addition, serve the general interests of the world.

I now come to the second of the great problems with which the League is faced — and it is an urgent problem — disarmament. While the economic depression of which I have spoken is attributable mainly to events that have occurred outside the League, the latter has, on the contrary, been solely responsible from the outset for the manner in which the disarmament problem has been dealt with. Disarmament was proclaimed to the world in the League Covenant, and that was the principal task assigned to the League on its foundation. On that issue the League's fate depends, and that is the issue to be decided by the Conference convened for next February.

Following the example of many speakers who have preceded me on this platform, I also consider it desirable to explain once more before this Assembly — the last before the Conference — views of my country on the essential points. The preparation and work of the Conference is bound to be facilitated if the opinions of the various Governments are explained now as clearly as possible. Why disguise the fact that divergent opinions still exist? Let me state frankly from the outset that I can associate myself with many of the views expressed here up to the present, but not with all of them.

I should like to refer to the speech of the Italian delegate. I listened with the greatest satisfaction to his statements of principle on the relations between the pacific settlement of disputes, disarmament and security. I cannot but entirely agree with M. Grandi when he said that the pacific settlement of disputes and disarmament together constitute the decisive means of strengthening security.

All efforts designed to secure the final and complete abolition of war are bound to remain incomplete until the League has extended the system of the pacific settlement of disputes so as to guarantee a just and equitable settlement of even the most serious conflicts in the political field.

As regards the importance of disarmament as a factor in increasing security, the statements made in the Assembly in 1928 concerning the relationship between the reduction of armaments and increased international security are as true now as they were then. The conviction that not armaments but disarmament furnishes the real element of security is the essential characteristic of the community of States organised into the League of Nations, as opposed to the old methods of international policy. The security of States is a guarantee of peace only if all States participate to the same degree. The Covenant knows only one kind of national security for all its Members. Security based on preponderance of armaments will always imply a state of insecurity and constitute a danger for the other countries which are less strongly armed. It engenders distrust and inevitably revives the idea of the race for armaments, the complete suppression of which was one of the main objects for which the League was created. The feeling of being left without military defences in the face of strongly armed neighbours weighs on a nation and cripples it throughout, as any German who has had an opportunity of observing the effects of that state of affairs on his nation will be prepared to tell you.

It has been pointed out more than once during the last few days that the protection the League affords to its Members will remain purely problematical until the coercive measures at its disposal have been determined by the extension of certain other parts of the Covenant, and until the application of those measures is clearly defined. Nevertheless, I still think that idea leads to false conclusions. We cannot point to the keystone of this peace organisation until we have ensured, by the adjustment of armaments, that the League's executive power shall be brought to bear against any Member of the League, only on a paritative basis and not by means of the support of certain strongly armed States against others.

Disarmament, within the meaning of Article 8 of the Covenant is, therefore, a preliminary condition without which there can be no question of developing the coercive procedure of the League. At the Conference, the real question — the

reduction of armaments — must not be subordinated to questions which cannot be settled until disarmament has become an accomplished fact.

I note with satisfaction that any idea of adjourning the Disarmament Conference has been definitely and categorically rejected by several speakers here. Only after long negotiations did the Council succeed, at the beginning of this year, in agreeing on a date for the Conference. We must at all costs abide by that decision. Our nations, which are impatiently awaiting the Conference, would not understand if any other course were adopted.

The task assigned to the Disarmament Conference is to effect a real and effective reduction of armaments. At the same time the method of achieving the final object enunciated in Article 8 of the Covenant must be clearly established.

In view of the tremendous inequality of armaments, mere limitation at the present level would be equivalent to sanctioning those inequalities, would be tantamount to the failure of the Conference. More than ten years ago, as the result of a lost war, the obligation to reduce their armaments to a minimum was imposed on certain States, including my own country. That obligation has long been fulfilled. I would refer here to the tables showing the position with regard to German armaments, which the German Government forwarded in reply to the League's questionnaire and which have been distributed during the last few days. Those tables show how far Germany has disarmed; she no longer possesses any heavy artillery, any military aircraft, any tanks or submarines. They even show that Germany has, in some respects, kept below the figures authorised by the Treaty of Versailles.

In this connection I must again emphasise one point of primary importance. The counterpart of the obligations assumed by Germany in 1919 is a formal undertaking on the part of the other States that disarmament by Germany should be simply a prelude to general disarmament by the other Powers. German disarmament was to be the first step in a scheme of general disarmament. Twelve years have elapsed since then, and Germany has been a Member of the League for five years, without that undertaking having been fulfilled. If the Disarmament Conference does now at last meet, the German people cannot be asked to agree to any act which would imply the sanctioning of the present armaments position. A large and effective reduction of the armaments of the strongly armed Powers thus constitutes for Germany a preliminary condition for the success of the Conference.

If the Disarmament Conference is to arrive at a result which is politically acceptable, it must put an end, as regards the limitation of armaments, to the existence of different rules of international law for those who were victorious and those who were defeated in the world war. Equality of all States must be the starting-point. There cannot be two standards of weights and measures in the community of nations. The same methods must apply to all as regards the reduction and limitation of the various categories of armaments. Otherwise, the Convention will not fulfil the psychological and moral conditions necessary for the accession of the German people.

I was extremely interested in the suggestion put forward by the first delegate of Italy to the effect that, pending the Conference and while it is sitting, the States should declare their readiness to postpone the execution of new armaments programmes. The German Government as it were anticipated this suggestion in its statement on the occasion of the negotiations concerning President Hoover's plan. I entirely associate myself with M. Grandi's views, and am convinced that the idea of an armaments truce would improve the chances of success at the Conference and facilitate its work. I warmly congratulate M. Grandi on his idea, and trust that it may be possible for all the States concerned to put it into practice. I for my part regard it as self-evident that the mere limitation or armaments as thus contemplated must only be a temporary measure of limited duration.

I cannot conclude my remarks on disarmament without saying that I associate myself with Lord Cecil's appeal to Governments. Let us give our delegates to the Conference the fullest and widest powers. It is the maximum and not the minimum of disarmament that we must aim at in our negotiations. Only if the States — especially the powerfully armed States — make sacrifices in the interests of a courageous, resolute and far-sighted policy of disarmament and peace, can the world be delivered from the nightmare by which it is haunted and which is obstructing it in the performance of its manifold international functions.

It is not merely a matter of saving in the national budgets or of the degrees of security in the different countries. No; I repeat, the fate of the League itself hangs in the balance. If the League fails in this task, it will fall short of the nations' expectations and of our united hopes. The failure of the Disarmament Conference would rob the League of its moral authority in a world of political tension, which is crying out for a solution, a peaceful and harmonious solution.

41. — ENTRY OF MEXICO INTO THE LEAGUE OF NATIONS: ADOPTION OF A DRAFT RESOLUTION PROPOSED BY THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President:

Translation: The Assembly has noted with great satisfaction the acceptance by Mexico of the invitation which is unanimously sent to her to accede to the Covenant and become a Member of the League.

The General Committee has carefully considered the reply received from Mexico and has unanimously asked me to propose the following resolution:

The Assembly,

Having by its resolution of September 8th, 1931, considered as an omission, which should in justice be repaired, the fact that Mexico is not mentioned in the Annex of the Covenant enumerating the countries invited to accede thereto;

Having unanimously decided to repair that omission and therefore to invite Mexico to accede to the Covenant and to lend its valuable support to the League as though it had been invited from the outset;

Having by this exceptional invitation — which must not be regarded as establishing a precedent — formally indicated that it accepts as having been fulfilled from the outset in the case of Mexico the conditions governing the entry of States into the League as set forth in Article 1 of the Covenant;

Noting the reply of the Government of Mexico dated September 10th, 1931, by which it agrees

without reservation to enter the League on the terms announced:

Declares Mexico to have become a Member of the League of Nations and invites the representatives of Mexico to take part as soon as possible in the work of the present session of the Assembly.

If no one has any observations to submit, I shall consider the draft resolution adopted.

The draft resolution was adopted.

42. — (1) COLLABORATION OF WOMEN AND THE PRESS IN THE ORGANISATION OF PEACE. (2) METHOD OF ELECTION TO THE COUNCIL: REPORT OF THE AGENDA COMMITTEE ON THE DRAFT RESOLUTIONS PROPOSED BY THE SPANISH AND BRITISH DELEGATIONS RESPECTIVELY.

The President:

Translation: The Assembly will remember that, at its meeting yesterday morning, it referred to the Agenda Committee for preliminary examination two draft resolutions submitted to it the day before — namely, the resolution proposed by the Spanish delegation on the collaboration of women and the Press in the organisation of peace, and that proposed by the British delegation on the method of election to the Council.

The Agenda Committee met yesterday afternoon and sent me its report, which reads as follows:

"The Agenda Committee first examined the draft resolution submitted to the Assembly by the British delegation at its meeting on Thursday September 10th, 1931 (morning), concerning the method of election to the Council.

"After an exchange of views, in which the British delegation took part, the Agenda Committee decided to propose to the Assembly that the draft resolution submitted by the British delegation should be included in the agenda of the present session, and should be referred to the First Committee for preliminary examination.

"The Agenda Committee then examined the draft resolution submitted to the Assembly by the Spanish delegation at its meeting on Thursday, September 10th, 1931 (morning), concerning the collaboration of women and the Press in the organisation of peace.

"It agreed to recommend to the Assembly that this draft resolution should also be included in the agenda of the present session, with a view to its examination by the Third Committee, the latter being left to decide whether paragraphs *(a)* and *(b)* should be examined by another Committee."

If no one has any observations to make, the proposals of the Agenda Committee will be adopted.

The Agenda Committee's proposals were adopted.

43. — GENERAL DISARMAMENT CONFERENCE: DRAFT RESOLUTION PROPOSED BY THE DELEGATIONS OF DENMARK, NORWAY, THE NETHERLANDS, SWEDEN AND SWITZERLAND: REFERENCE TO THE AGENDA COMMITTEE.

The President:

Translation: At yesterday morning's meeting of the Assembly, a draft resolution was submitted by the delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland concerning the reduction of armaments.

In accordance with precedent, I propose that the Assembly should refer this draft resolution for preliminary examination to the Agenda Committee, requesting the latter to submit suggestions as to the action to be taken on the proposal.

The President's proposal was adopted.

44. — EXAMINATION OF THE QUESTION OF THE ENTRY INTO FORCE OF THE PROTOCOL OF SEPTEMBER 14th, 1929, RELATING TO THE REVISION OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE: PROPOSAL SUBMITTED BY THE DELEGATIONS OF SWEDEN, THE NETHERLANDS, NORWAY, JAPAN, DENMARK, SPAIN AND FINLAND: REFERENCE TO THE AGENDA COMMITTEE.

The President:

Translation: As regards the draft resolution on the above question, I propose that this also should be referred to the Agenda Committee for preliminary examination and report to the Assembly.

The President's proposal was adopted.

The Assembly rose at 1 p.m.

TENTH PLENARY MEETING

Saturday, September 12th, 1931, at 4 p.m.

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45. REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY.
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Report of the Agenda Committee.

President : M. TITULESCO.

45.— REPORT ON THE WORK OF THE LEAGUE OF NATIONS SINCE THE ELEVENTH SESSION OF THE ASSEMBLY : CONTINUATION OF THE DISCUSSION.

The President :

Translation : The agenda consists of the continuation of the general discussion on the report on the work of the League since the eleventh session of the Assembly.

M. Ferrara, first delegate of Cuba, will address the Assembly.

M. Ferrara (Cuba) :

Translation : The inspiring words we have heard from this platform have certainly revived our hopes just when we were most inclined to be depressed, but no expression of goodwill that is not followed by some plan of action can be of any practical value.

This is a serious time for us all, and we must not be afraid to speak the whole truth.

It is a sad thing for our civilisation — indeed, a crying scandal — that, while materials which represent power, such as petroleum and coal, cannot find markets, and essential universal foodstuffs such as wheat, sugar, cotton, coffee, livestock, and the like are lost to the world, the greater part of the population, even in rich countries, lacks the bare necessities of life.

Whatever the explanation, this phenomenon is none the less a slur upon our international social code, a disgrace to our intelligence. The fact that we have to leave stores of wealth unutilised, and at the same time to see vital activities paralysed, must bring home to us the urgent necessity of completely readjusting the general policy of the whole world. We must change our methods and our exclusive systems if the present depression is not to become a veritable catastrophe.

The interdependence of interests and the ever closer relations between all countries resulting from the mechanical spirit of our age preclude all possibility of settling down on the ruins of others. Mankind is to-day one and indivisible, and lives, suffers and rejoices as if it were one person. Nations, great or small, rich or poor, near or far, depend on one another, in bad times as in good.

The present economic depression first began in Europe, and other countries thought they were immune ; but it gradually became general, attacking all countries, especially those which had thought themselves safe from any possibility of collapse. Cuba, for instance, which relying on the enormous riches of its soil and the industry of its people thought that it would never know another crisis, has been harder hit than any other nation. That part of America which is composed of States producing raw materials and foodstuffs has suffered even more than Europe herself from the effects of the European depression.

It could not be otherwise. A European crisis was bound to be a world crisis.

Europe's participation in world trade is so considerable that it represents 52.2 per cent — that is, more than half the trade of the whole world. The United Kingdom and Germany together account for one-quarter of the export trade of the world, and are consequently the biggest buyers of raw materials and basic foodstuffs.

The fall in Europe's purchasing power has, owing to the direct interdependence of economic phenomena, caused greater injury to the American countries than to the European countries themselves.

Indeed, if we measure the consequences of the present depression in terms of the sudden and unexpected fall in the exports of the various countries, we find in Europe — taking the three principal exporting countries — between 1929 and 1930, decreases amounting to 22.4 per cent in the case of Great Britain, 11 per cent in that of Germany, and 15 per cent in that of France.

As regards extra-European countries, in my own country, which has been obliged by dire necessity to limit its output of sugar, exports have dropped by over 50 per cent, while those in the Argentine have fallen by nearly 48 per cent, in Chile by 42 per cent, and in Brazil by 32 per cent.

Everyone has his own diagnosis of the world depression. Without going into the complex arguments of economists, we are persuaded that, in its nature and its form, the present depression depends exclusively on political causes *lato sensu*, and that remedies must be sought in the political sphere.

No one can maintain that the last war increased the wealth of the European belligerent countries. Inflation gave an illusion of prosperity and created rapid fortunes, but the aggregate of wealth fell considerably. A respected French economist, M. Charles Gide, has shown that, after the war, death duties revealed a reduction, ranging from 20 to 40 per cent, in the values of inherited property. Death duties covering a long period are a sure index here; but, even if the significance of this percentage is underestimated, it must be admitted that private wealth has undergone a general reduction in Europe.

It might have been thought that the natural consequence would have been a reduction in public expenditure. In point of fact, however, the budget of nearly every country has increased to an unprecedented extent. If account is taken of the expenditure of the State and of local authorities, a constant increase is observed even in the principal countries. If 100 is taken as representing the public expenditure in 1913, the present gold expenditure may be estimated at 250, even in the most moderate countries, where the increase has been attenuated by currency devalorisation, but there are large countries which have increased their expenditure as much as 400 per cent.

All the Governments have thus been obliged to increase taxation proportionately. The taxes chiefly affected in nearly all countries are the indirect taxes, particularly Customs duties. All protectionist systems, even the most exaggerated, are defended on the ground of budget requirements.

Every protectionist measure has the effect of creating other protectionist measures in the country itself — for every industry asks to be protected — and also in foreign countries, which, in their turn, demand protection.

An old economist, in an oft-quoted phrase, once said: "Of all poisonous bites, the least painful is that of the asp, for it renders its victims unconscious, and they pass from sleep to death." He added that indirect taxes and Customs duties were rather like the bite of the asp.

The world is full of asps at the present time. We allow ourselves to be put to sleep by a fatal illusion, and while the increase in public expenditure is increasing the burden of taxation and reducing the purchasing power of the nations, excessive protectionist measures restrict international trade and suffocate the very industries they were designed to protect.

The restoration of confidence, the reduction of public expenditure and tariff reduction, with the consequent stimulus to trade, are essential conditions for world economic recovery. We therefore feel that the remedy lies mainly in the hands of statesmen.

If monetary causes do exist, those causes, it must be remembered, are also bound up with political considerations. It is obvious that payments cannot be balanced in countries which have to increase their public expenditure and at the same time to restrict exports. There is the old vicious circle. If there are no exports and industry is paralysed, unemployment in its turn entails further expenditure and fresh crises.

Among the countless blunders of post-war policy may be numbered the introduction by creditor countries of the most extreme protectionist measures, regardless of the fact that the debtor nations cannot even pay their debts except from their surplus exports.

Some regard the present crisis as a capitalist crisis, and many think that capitalism is on its trial. Frankly, the very opposite appears to me to be the case. The present depression is the consequence, not of our form of production, but of the difficulties placed by States in the way of the circulation of wealth.

We may talk of the crisis of a system, but it is not that of capitalism, which has always developed in conditions of full commercial liberty; it is rather a crisis of Government intervention.

On statesmen devolves the great task of bringing the economic world back to normal conditions, of reinstating in public life the great principles evolved through long experience, and of liberating us from the present political habit of living from hand to mouth by means of temporary expedients.

The tyrant Petrucci of Siena often used to repeat, during the Renaissance, a remark made by the Emperor Frederick, to the effect that "the times are superior to the brains".

Posterity must not say of us that our brains are inferior to the times in which we live.

The President:

Translation · Mr. Binchy, delegate of the Irish Free State, will address the Assembly.

Mr. Binchy (Irish Free State):

If there is one thing which emerges from the Secretary-General's report, it is the extent to which the League has become a part of the organisation of the international society of our time. Reading through this report, it is difficult to think of any important field of international relationship in which the League does not perform some function or other, and in many respects these functions are such that they could not be performed by any other agency and they are, therefore, of the utmost value.

I have nothing to say here with regard to the substance of the particular matters dealt with in the Secretary-General's report. Many of them doubtless call for detailed and careful consideration, but that, I take it, is not the purpose of this debate. That is rather the task of the various Committees to which the different sections of the report will be referred in due course, and we shall have an opportunity later of reviewing the work of those Committees.

To my mind, the peculiar function of the Assembly is to lay down the general directives upon which all the separate activities of the League and its organs should proceed. I think, therefore, that it may not be unfitting for me to conclude this general debate in which we have to view all the work of the League, not as a number of separate activities, but as a single whole, by asking the question whether any tendencies and developments are emerging which are incompatible with the principles on which the League has been founded and whether action by the League is called for to direct and control these tendencies in the interests of the general welfare of the world. An examination of this kind seems to me to be peculiarly necessary at this particular time.

During the past year, the States of the world have been called upon to deal with problems of grave difficulty and urgency. We have had an economic depression of unprecedented intensity and duration which has given rise to new and unexampled difficulties in the sphere of international finance and commerce. During the year, also, we have been called upon to deal with the problems arising from the work of final preparation for the general Disarmament Conference, and other problems have, in addition, presented themselves, some of them hardly of less importance than those to which I have referred.

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On statesmen devolves the great task of bringing the economic world back to normal conditions, of reinstating in public life the great principles evolved through long experience, and of liberating us from the present political habit of living from hand to mouth by means of temporary expedients.

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Posterity must not say of us that our brains are inferior to the times in which we live.

The President:

Translation: Mr. Binchy, delegate of the Irish Free State, will address the Assembly.

Mr. Binchy (Irish Free State):

If there is one thing which emerges from the Secretary-General's report, it is the extent to which the League has become a part of the organisation of the international society of our time. Reading through this report, it is difficult to think of any important field of international relationship in which the League does not perform some function or other, and in many respects these functions are such that they could not be performed by any other agency and they are, therefore, of the utmost value.

I have nothing to say here with regard to the substance of the particular matters dealt with in the Secretary-General's report. Many of them doubtless call for detailed and careful consideration, but that, I take it, is not the purpose of this debate. That is rather the task of the various Committees to which the different sections of the report will be referred in due course, and we shall have an opportunity later of reviewing the work of those Committees.

To my mind, the peculiar function of the Assembly is to lay down the general directives upon which all the separate activities of the League and its organs should proceed. I think, therefore, that it may not be unfitting for me to conclude this general debate in which we have to view all the work of the League, not as a number of separate activities, but as a single whole, by asking the question whether any tendencies and developments are emerging which are incompatible with the principles on which the League has been founded and whether action by the League is called for to direct and control these tendencies in the interests of the general welfare of the world. An examination of this kind seems to me to be peculiarly necessary at this particular time.

During the past year, the States of the world have been called upon to deal with problems of grave difficulty and urgency. We have had an economic depression of unprecedented intensity and duration which has given rise to new and unexampled difficulties in the sphere of international finance and commerce. During the year, also, we have been called upon to deal with the problems arising from the work of final preparation for the general Disarmament Conference, and other problems have, in addition, presented themselves, some of them hardly of less importance than those to which I have referred.

National public opinion still tends to regard the very existence of an international problem as a reproach to the League of Nations. That is obviously unfair, but it is a fact, and it is a fact that requires to be emphasised, inasmuch as the existence of the problems to which I have referred tends to create a pessimistic frame of mind towards the League of Nations and may produce a diminution in that degree of public support on which the efficacy of the League rests. I mention it here to show that the very existence of the League of Nations depends to a large extent on its ability to reduce the likelihood of these vital problems arising, as well as upon its ability to make rapid and effective contributions to their solution if and when they do arise.

I have no intention of initiating a discussion on events which we have left behind us, but I do think that we must make an earnest and deliberate effort now to safeguard the position of the League. For that reason, we must consider whether the organisations and methods which we have evolved are effective in the circumstances to which the events of the last few years have brought us.

Let me take first the efforts of the League to deal with economic problems. In the year 1927, the World Economic Conference was held. That Conference proceeded on the principle of universality; its conclusions were based upon the principle that the economic difficulties of the time could be regarded as a problem which lent itself to treatment by the immediate worldwide application of a uniform remedy.

In 1929, when the League came to make provision for carrying out the recommendation of the World Economic Conference that the States of the world should proceed to a lowering of excessive tariff barriers by means of collective action, it proceeded upon the same principle. That recommendation was referred to a Conference to which all the States of the world without distinction were invited. When that Conference met, however, it assumed, as if by a process of natural selection, a definitely Continental character. The problems themselves which the Conference was convened to consider were regarded as being of a regional, and not of a universal, character; and, tacitly, both the States which were represented at that Conference and those which were not appeared by their action to lend colour to the idea that the solution of economic difficulties which are peculiar to, or which specially affect, particular States can most usefully, in the first instance, be sought by the collaboration of the States concerned. After that Conference, the efforts of the League to promote concerted economic action among States became more and more efforts to promote that action among the States of Europe.

The next stage in the development of this phase was the publication of the French memorandum of May 1st, 1930. The broad principle of that memorandum was that the geographical position of the States in this part of the world creates among them a certain community of interests, and, as suggested in the memorandum, a Commission was set up to deal with the peculiar difficulties and problems of Europe, as a first step towards an economic solution on a wider basis. For the past twelve months, that Commission has been considering European economic problems. It has tried to approach them as a problem susceptible of solution by the immediate application of a uniform remedy equally applicable to all the States of Europe. Within the limits of Europe itself, it tried to preserve the principle of universality.

But, while the European Commission was engaged upon that task, it was being outstripped by events which were taking place outside the Commission, and even outside the League itself. In different parts of Europe, individual States were coming together and, without reference to the League, were starting to deal with difficulties on a regional basis.

A year's intensive effort to solve European economic problems on uniform principles of general application throughout Europe has not achieved the necessary measure of success. In the meantime, the new tendency in the direction of regional arrangements has been growing. No doubt there is much to be said both for and against this new development. It has already become manifest that opinions with regard to it are sharply divided.

It cannot be ignored that this new tendency, as followed up to the present in the economic field, in the absence of some effective method of League co-ordination, has given rise to alarm in certain countries whose trade and commerce may be prejudiced as a result of regional agreements which have been, or are likely to be, concluded and that there is great danger of the growth of an atmosphere of suspicion and ill-feeling between nations which would be fatal to international co-operation and peaceful economic progress. Nor can we afford to forget that rivalry and jealousy which have their origins in the economic field have invariably tended in time to have reactions in the political relations between States, with results which it is unnecessary to emphasise.

It therefore behoves us to give immediate and earnest consideration to this movement towards regional arrangements with a view to the prevention of the growth of international ill feeling and to the preservation of the prestige of the League. We may not like this movement; we may feel that it is contrary to all the principles which this Assembly has been affirming and re-affirming since the League was established. But it is clear that we cannot ignore it. And once we recognise its existence as a fact, can we deny that safeguards must be sought which will secure that regional and fractional agreements shall be integrated into the general system in such a way that the dangers feared may be averted?

I think that our experience of the problem of disarmament leads us to similar conclusions. It is manifest that the difficulties of the individual State in connection with disarmament lie mainly in the limited problem of its own security. In other words, the difficulties which lie in the way of disarmament are largely of a regional character. Events have shown that disarmament is not a single general problem; that it is constituted by a large number of special limited problems, and the measure of success hitherto achieved in this field has resulted from a recognition of that fact. In the case of disarmament, as in the case of the economic problem, while we here in the League have been attempting to build from above, individual States and groups of States have started to construct from below.

I am not going to multiply examples of this development, this tendency of States to take action in groups outside the auspices of the League. Its existence has been frankly and fully recognised, both in the discussions in this Assembly and elsewhere. May not this tendency be to some extent due to a certain lack of harmony between the exact nature of the international problems with which we have been dealing and the methods which we have been employing in our endeavours

to solve them ? If that is so, then I think that the situation calls for appropriate action on the part of the League.

In the first place, let me refer now to the danger of condemning too hastily and without qualification the tendency to which I have referred. If the methods which we have been following here, the method of universal solutions, the process of building from above rather than from below, had achieved a greater measure of success, we would, I think, have been justified in regarding innovations with suspicion. But, taking things as they are, we must be very careful lest, by pronouncing too hasty a judgment, we should debar ourselves from the use of methods of international collaboration which, properly conceived and directed by the League, might be fruitful in their results. I think we must be doubly careful in the present case, because the development to which I have referred is a natural growth, and natural growths of this kind usually have their roots very deep down in the structure of society. Society, whether national or international, has a way of devising new means to provide for its needs.

The League is not at this moment called upon either to approve or to condemn this development. But we must accept it as a fact, and I think we must go further and accept it as evidence of other facts which we have hitherto taken into account either insufficiently or not at all. We must definitely realise now that the structure of international society is not what we have hitherto assumed it to be in the hypothesis on which we have proceeded. International society cannot be regarded as being composed solely of individual States. It also comprises a number of larger or smaller international societies. It is necessary to take account of this fact in devising means for dealing with international problems. While there can be no question of abandoning the ideal of universality upon which this League of Nations was founded, we must recognise that this ideal may have to be obtained progressively. There may be intermediate stages; what cannot be accomplished in one step may be accomplished in two or more.

Let me remind you that there is nothing in the Covenant to prevent regional combinations the objects of which are not inconsistent with its terms. Let me remind you, too, that universality is important, not as the means, but as the end. Accordingly, the task before us is, not to approve or condemn the tendency which I have described, but to recognise its existence and to endeavour to control it with the purpose of ensuring that it will further the objects which we Members of the League have in common. This I consider to be one of the vital problems confronting the League. My Government believes that the League must evolve a technique which will enable it to exercise a sufficient influence upon these groupings, their formation and subsequent conduct, to ensure an ultimate harmony between their objects and the objects which we have pursued in common here for the past twelve years.

If the League cannot do this, then I fear very much that its main activities will be narrowed and that much of the effort which we have expended here for the past twelve years will have been in vain.

I do not propose to attempt to define at this stage a League technique of the kind that my Government considers essential. What is required is something which will enable the League of Nations — and by the League in this connection I mean the Assembly, the Council, the Secretariat, the technical organisations; in fact, all the League's executive machinery — something which will enable the League to perform substantially the same functions and to exert substantially the same measure of directing influence in the case of these regional arrangements as it has performed and exerted in the case of all the international arrangements which have been negotiated or concluded under the auspices of the League since its establishment.

If the League of Nations can successfully evolve a technique of this kind, I do not think that the tendency towards regional groupings will injure the prestige of the League or imperil the attainment of the objects which we have put before it. The ultimate responsibility for the development and operation of such a technique must, however, rest upon the States which compose the League. It is among the Members of the League that this tendency has grown up, so that we ourselves can make its effect upon the League what we will.

If the Members of the League desire to conclude regional commercial conventions and regional political treaties, they should be prepared to abide by the letter and by the spirit of their obligations under the Covenant and the declarations which they have made here. They should be prepared to consider the general rules under which regional agreements should be negotiated. They should even be prepared to accept a certain measure of control by the League — in regard to the principles, at least, in accordance with which such arrangements should be concluded. If the Members of the League of Nations are not prepared to do this: if groups and blocks of States are formed outside the auspices of the League; if the States concerned take up the attitude that the internal arrangements of those groups and their policy towards other States are solely their own concern outside the jurisdiction of the League and its organs; if in this way groups of States are formed within which and between which the principles of the Covenant are a dead letter, then I think the League will have become merely an empty framework outside of which will be found the realities of international life.

If, on the other hand, the Members of the League are prepared to adapt and to bring within a universal framework the methods which they have devised to meet their particular international needs, the League of Nations will have become the real forum of the world.

The President:

Translation: As the list of speakers is now exhausted, I shall close the discussion on the work of the League of Nations since the last Assembly.

I should like to thank the delegations who have been good enough to accede to my requests. Thanks to their zeal, we have been able to terminate the discussion in the space of five days, at the same time leaving two afternoons free for meetings of Committees.

46. — GENERAL DISARMAMENT CONFERENCE: DRAFT RESOLUTION PROPOSED BY THE DELEGATIONS OF DENMARK, NORWAY, THE NETHERLANDS, SWEDEN AND SWITZERLAND: REPORT OF THE AGENDA COMMITTEE.

The President:

Translation: The Agenda Committee has met this afternoon, under the chairmanship of Dr. Hyder. It examined the draft resolution relating to the reduction of armaments submitted by the

delegations of Denmark, the Netherlands, Norway, Sweden and Switzerland at the meeting of the Assembly on Friday, September 11th. It decided to propose to the Assembly that the draft resolution should be included in the agenda of the present session, and referred to the Third Committee for consideration. If no one has any objection, I shall consider this proposal adopted.

The proposal was adopted.

47. — EXAMINATION OF THE QUESTION OF THE ENTRY INTO FORCE OF THE PROTOCOL OF SEPTEMBER 14th, 1929, RELATING TO THE REVISION OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE: PROPOSAL SUBMITTED BY THE DELEGATIONS OF SWEDEN, THE NETHERLANDS, NORWAY, JAPAN, DENMARK, SPAIN AND FINLAND: REPORT OF THE AGENDA COMMITTEE.

The President:

Translation: The Agenda Committee also examined the proposal concerning the entry into force of the Protocol of September 14th, 1929, relating to the revision of the Statute of the Permanent Court of International Justice, submitted by the delegations of Sweden, the Netherlands, Norway, Japan, Denmark, Spain and Finland, and decided to propose to the Assembly that this proposal also should be placed on the agenda, and referred to the First Committee for consideration.

If no one has any objection I shall consider this proposal adopted.

The proposal was adopted.

The President:

Translation: I should like to accord my warm thanks to the Chairman of the Agenda Committee for his prompt compliance with my request, which has enabled us to take a decision at the present meeting.

The Assembly rose at 5 p.m.

ELEVENTH PLENARY MEETING

Monday, September 14th, 1931, at 3.30 p.m.

CONTENTS:

48. LIMITATION OF THE EXPENDITURE OF THE LEAGUE. Adoption of a Draft Resolution submitted by the Fourth Committee.

49. ELECTION OF THREE NON-PERMANENT MEMBERS OF THE COUNCIL.

President: M. TITULESCO.

48. — LIMITATION OF THE EXPENDITURE OF THE LEAGUE: ADOPTION OF A DRAFT RESOLUTION SUBMITTED BY THE FOURTH COMMITTEE.

The President:

Translation: The Chairman of the Fourth Committee has asked me to place on the agenda of the present meeting a draft resolution on which he considers it desirable that the Assembly should express an opinion without delay, in order that the Committee may take account of it in their work.

The draft resolution which has been distributed to the delegations reads as follows:

The Assembly,

Being convinced that it is imperative not further to increase the budget of the League for 1932, which will have to provide for the expenses of the International Disarmament Conference, and hoping that it will even be possible to reduce the draft budget:

Makes a strong appeal to its Committees to follow the principles of economy dictated by present circumstances;

Requests these Committees to limit and, if possible, to reduce to the indispensable the programme of work to be undertaken in 1932, and especially to abstain, as far as practicable, from making recommendations which might involve avoidable expenditure.

I will ask the Rapporteur of the Committee, M. Politis, who is also its Chairman, to explain to the Assembly the considerations which led the Fourth Committee to submit this draft resolution to us.

M. Politis (Greece), Chairman and Rapporteur of the Fourth Committee:

Translation: On behalf of the Fourth Committee, I have the honour to propose to the Assembly the adoption of the draft resolution distributed to-day.

The Fourth Committee, which is responsible for the sound administration of our finances, has felt strongly and unanimously, from the outset, that, at a time when the world economic and financial crisis is forcing all the States to observe the strictest economy, it is the League's duty to follow their example. That duty is the more urgent in view of the fact that, owing to the convening of the Disarmament Conference, the coming financial year will involve extraordinary expenditure to the amount of approximately four million Swiss francs, or nearly one-fifth of our normal budget.

Economy has already been aimed at in the framing of the draft budget. The most laudable

attempts have been made to reduce expenses. The Supervisory Commission has, nevertheless, had to make further reductions, and the Fourth Committee in its turn will have to examine the possibility of additional restrictions.

The Fourth Committee feels, however, that the same spirit of economy should guide the work of the other Assembly Committees, and that this point should be brought to their notice so that, without condemning the League to stagnation, or even to an undue slackening of its activities, they may shape those activities as far as possible in such a way as to avoid expenditure which is not indispensable. The Fourth Committee accordingly asks the Assembly to request the various Committees to be guided by a spirit of economy and to limit, and if possible reduce to the indispensable minimum, the programme of work for next year, abstaining more particularly from making recommendations which might involve avoidable expenditure.

The Fourth Committee is satisfied that the Assembly will share its anxiety in this matter and will adopt the draft resolution which it now submits as a question of urgency and without reservation. May I add that it hopes that, in order the better to emphasise the significance of your approval, that approval will be unanimous.

The President:

Translation: If no delegate wishes to speak, I shall consider the Fourth Committee's draft resolution unanimously adopted.

The draft resolution was adopted unanimously.

The President:

Translation: I propose to communicate to the chairmen of the other five Committees the reasons which led the Fourth Committee to submit its proposal to the Assembly.

49. — ELECTION OF THREE NON-PERMANENT MEMBERS OF THE COUNCIL.

The President:

Translation: The next item on the agenda is the election of three non-permanent Members of the Council.

Following the practice of my predecessors in this office, I would remind you of the provisions of the Assembly resolution of September 15th, 1926, making rules dealing with the election of the nine non-permanent Members of the Council, their term of office and the conditions of re-eligibility.

Article 1, paragraph 1, reads as follows:

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

Before opening the ballot, I would again remind you of the provisions of Rule 22(*a*) of the Rules of Procedure of the Assembly, which apply in this case.

The rule reads as follows:

"1. The Members whose representatives are to sit on the Council as non-permanent Members of that body shall be selected by the Assembly by secret ballot.

"2. Where several seats are to be filled, the election shall be made by voting a list of names. Any ballot paper containing more names than there are seats to be filled shall be null and void."

"3. No Member shall be elected at the first or at the second ballot unless it has obtained at least the absolute majority of the votes. If, after two ballots, there still remain seats to be filled, a third ballot shall be held upon a list consisting of the candidates which obtained most votes at the second ballot, up to a number double that of the seats still to be filled, and those members shall be elected which obtain the greatest number of votes.

"4. If two or more Members obtain the same number of votes and there is not a seat available for each, a special ballot shall be held between them; if they again obtain an equal number of votes, the President shall decide between them by drawing lots."

In computing the absolute majority prescribed for the first and second ballots, I think the Assembly will agree with me that, as at previous sessions, we should here, by analogy, apply the rule contained in the Assembly resolution of September 15th, 1926, concerning "the rules dealing with the election of the nine non-permanent Members of the Council, their term of office and the conditions of re-eligibility".

This resolution lays down that the Assembly shall pronounce separately, by secret ballot, upon each request for re-eligibility. The number of votes cast shall be determined by the total number of voting papers deposited, blank or spoilt votes being deducted.

In electing the non-permanent Members of the Council, blank or spoilt voting papers must not be counted when the number of votes is reckoned. The absolute majority should be calculated on the basis of the total number of valid voting papers.

If no one has any remarks to make, I shall assume that the Assembly, adopting the precedents of previous sessions, considers that this practice should be maintained. *(Agreed.)*

I would emphasise the point that, to be valid, voting papers must bear the names of States and not the names of representatives of States. Further, any voting paper containing more than three names will be void.

May I ask Viscount Cecil of Chelwood, first delegate of the British Empire, and Dr. Curtius, first delegate of Germany, to come to the platform and act as tellers?

(Viscount Cecil of Chelwood and Dr. Curtius took their places on the platform as tellers.)

The President:

Translation: We will now proceed to ballot by roll-call.

(The ballot was taken.)

The President:

Translation: The result of the ballot is as follows:

Number of votes cast . . .	50
Voting papers blank or spoilt	2
Voting papers valid	48
Absolute majority	25

The votes obtained by the States are as follows:

China	48
Panama	45
Spain	43
Hungary	2
Mexico	2
Portugal	2
Belgium	1
Bulgaria	1

I declare that China, Panama and Spain, which have obtained an absolute majority, are duly elected non-permanent Members of the Council for a period of three years. I have pleasure in offering my congratulations to those States, and I trust that their collaboration on the Council of the League may be most fruitful.

I wish also to thank the tellers for their kind assistance.

The Assembly rose at 4.45 p.m.

TWELFTH PLENARY MEETING

Wednesday, September 23rd, 1931, at 10 a.m.

CONTENTS:

50. PARTICIPATION IN THE WORK OF THE THIRD COMMITTEE OF STATES NOT REPRESENTED IN THE ASSEMBLY.
Proposals of the Third Committee and of the General Committee of the Assembly.

51. CREDENTIALS OF DELEGATES.
Second Report of the Committee on Credentials.

52. WELCOME TO THE DELEGATION OF THE UNITED STATES OF MEXICO.

53. ERECTION OF A MONUMENT IN THE CITY OF SANTO DOMINGO, CAPITAL OF THE DOMINICAN REPUBLIC (ISLAND OF SANTO DOMINGO OR HAÏTI), TO THE MEMORY OF CHRISTOPHER COLUMBUS.
Adoption of a Draft Resolution presented by the Delegations of Bolivia, Chile, Colombia, Cuba, the Dominican Republic, Guatemala, Haiti, Panama, Paraguay, Peru, Uruguay and Venezuela.

54. PENAL AND PENITENTIARY QUESTIONS; IMPROVEMENTS IN PENAL ADMINISTRATION.
Report of the Fifth Committee.
Resolution.

55. TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.
Report of the Fifth Committee.
Resolutions.

56. CHILD WELFARE.
Report of the Fifth Committee.
Resolutions.

57. TRAFFIC IN WOMEN AND CHILDREN.
Report of the Fifth Committee.
Resolution.

58. PROTECTION OF MINORITIES.
Report of the Sixth Committee.

59. MANDATES.
Report of the Sixth Committee.
Resolution.

President: M. TITULESCO.

50. — PARTICIPATION IN THE WORK OF THE THIRD COMMITTEE OF STATES NOT REPRESENTED IN THE ASSEMBLY: PROPOSALS OF THE THIRD COMMITTEE AND OF THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President:

Translation: Before inviting you to discuss the agenda, I feel it my duty to inform you of certain measures which I have taken, with the consent of the General Committee, since the last plenary meeting of the Assembly.

At six o'clock on the evening of Saturday, September 19th, I received from M. Munch, Chairman of the Third Committee, a letter stating that the Third Committee thought it desirable to invite the representatives of countries which had taken part in the work of the Preparatory Disarmament Commission, together with the countries invited to the General Disarmament Conference to assist, in an advisory capacity, in the Third Committee's discussions on the resolution relating to an armaments truce. The following were the countries concerned: Afghanistan, the Argentine Republic, Brazil, Costa Rica, Egypt, Ecuador, Salvador, Turkey, Union of Soviet Socialist Republics, and United States of America.

The Chairman of the Third Committee left it to the President of the Assembly to decide on the procedure to be followed in forwarding these invitations, whether through the Council or through any other channel.

Being anxious to safeguard the Assembly's prerogatives, I felt that, when the Assembly was sitting in plenary session, it was not for the Council to forward an invitation extended by the Assembly, but that the latter should take such measures as might be necessary through its own organs.

In view of the urgency of the Third Committee's request and in consideration also of the fact that that Committee had been unanimous and that its views were thus representative of all the delegations to the Assembly, I felt that it would not perhaps be expedient to convene a plenary meeting of the Assembly, as that is always bound to involve some delay.

I thought that, with the assistance of the General Committee, I myself might come to a decision on

behalf of the Assembly and take the necessary measures. This I accordingly did. I convened a meeting of the General Committee that same evening and consulted it as regards the procedure to be followed and the other relevant questions arising out of the Third Committee's unanimous suggestion.

After examining these various questions, the General Committee of the Assembly adopted the following resolution:

"The General Committee of the Assembly,

"Having taken note of the request formulated by the Third Committee to the effect that the States not represented at the Assembly which participated in the work of the Preparatory Disarmament Commission, together with the States invited to the General Disarmament Conference, should be requested to participate, in an advisory capacity, in its discussions on the draft resolution concerning an armaments truce;

"Notes that the President of the Assembly, having regard to the urgency of the matter and in view of the decision of the Third Committee, and especially of the unanimity of that decision, can, in agreement with the General Committee, take a decision in the matter without further procedure;

"Considers that steps should be taken to carry the Third Committee's proposal into effect.

"Requests the President of the Assembly to take the necessary steps with a view to giving immediate effect to the present decision and to inform the Assembly of his action in the matter at its next plenary meeting".

Acting on this resolution, I immediately addressed on Saturday night to the ten States I have mentioned an invitation to take part in the work of the Third Committee and, if possible, to appoint representatives for that purpose who would be able to come to Geneva at once.

I have received acceptances from Costa Rica, the United States of America, Egypt and Turkey, and the representatives of those countries, who have already arrived — or are about to arrive — at Geneva, will take part in the Third Committee's proceedings.

The Assembly will welcome with feelings of satisfaction these representatives of countries which are desirous of collaborating with it in the great work of disarmament. The Argentine Republic and the Union of Soviet Socialist Republics, both of whom replied sympathetically to the invitation addressed to them, stated that, owing to the shortness of the time at their disposal and to material circumstances, it would not be possible for them to appoint representatives. The Government of the Union of Soviet Socialist Republics, whose reply has been published in the *Assembly Journal*, states that it would willingly associate itself, subject to certain conditions, with an armaments truce.

Such are the steps I took as President, in pursuance of the Third Committee's request, and such are the results that have followed. I was anxious to inform the Assembly in detail, in order that it might feel quite sure that its prerogatives have been jealously safeguarded.

The Assembly approved the action taken by its General Committee.

51. — CREDENTIALS OF DELEGATES: SECOND REPORT OF THE COMMITTEE ON CREDENTIALS.

The President:

Translation: The first item on the agenda is the presentation of the report of the Committee on the Credentials of Delegates.

As delegations have been informed through the *Journal of the Assembly*, the Committee on Credentials was requested by me as President to examine the messages accrediting the representatives of the United States of Mexico to the Assembly.

M. de Agüero y Bethancourt, Chairman of the Committee on Credentials, will address the Assembly.

M. de Agüero y Bethancourt (Cuba), Chairman of the Committee on Credentials:

Translation: The Committee appointed by the Assembly to examine the credentials of delegates met again at the offices of the League Secretariat at 4 p.m. on September 15th, in order to ascertain whether the representatives of Mexico were duly accredited to take part in the work of the Assembly.

The Secretary-General of the League handed to us the following telegram which he had received on September 14th from the Secretary of State for Foreign Affairs of the United States of Mexico:

"I have the honour to inform you that the President of the Republic has appointed as delegates of Mexico to the League of Nations:

"M. Genaro ESTRADA, Secretary of State for Foreign Affairs;

"M. Emilio PORTES GIL, Minister of the Republic in France, former President of the Republic;

"M. Fernando GONZALES ROA, delegate on various international Committees.

"As substitute delegates:

"M. Eduardo SUAREZ, Head of the Legal Department at the Ministry for Foreign Affairs;

"M. Manuel GOMEZ MORIN, former Under-Secretary for Finance;

"M. Alfonso REYES, Ambassador of the Republic in Brazil.

"As Secretary-General:

"M. Salvador MARTINEZ DE ALVA, Director of the the Mexican Office at Geneva.

"And as Secretary *per interim*:

"M. Alfredo MARTINEZ BACA."

"As the delegates now in America cannot come to Geneva immediately owing to the distance and the shortness of time available, M. Portes Gil will represent Mexico at the present Assembly.

"I have the honour to ask you, Sir, and through you, the League of Nations, to note this communication and to accord your assistance to the Mexican delegation; I would take this opportunity of assuring you of the sincere and constant co-operation of Mexico and of her representatives".

After examining this telegraphic communication, the Committee is of opinion that the representatives of the United States of Mexico are duly accredited.

The President :

Translation : The Assembly has heard the report of the Committee on Credentials.

If no one has any observations to submit, I shall consider that report adopted.

The report of the Committee on Credentials was adopted.

52. — WELCOME TO THE DELEGATION OF THE UNITED STATES OF MEXICO.

The President :

Translation : It is my pleasant duty to invite the Mexican delegation to come and take the places reserved for it in this Assembly.

(The Mexican delegation took their seats in the Assembly.)

To-day, for the first time, the representatives of the United States of Mexico have taken their place among us, and it is with deep and sincere pleasure that I offer them, on behalf of the Assembly, a most cordial welcome.

The fifty-three nations Members of the League assembled here have made a spontaneous gesture, an unprecedented gesture, but also an exceptional gesture. Desirous of repairing what they considered an injustice, they invited the noble Mexican nation to join them, to associate in their work and thus to extend still further that great network of international goodwill which, under the ægis of the League, to-day covers almost the whole globe.

Mexico understood the value and the significance of the Assembly's gesture, and, actuated by a broad spirit of collaboration, responded readily to our appeal.

It is a deep pleasure to us all to see an increase in the number of States represented at Geneva. The Assembly has always felt that the object of the authors of the Covenant would never be fully attained until the League comprised all the nations of the world, seeking in peaceful co-operation instead of by force, ways and means of meeting the ever-growing difficulties with which the whole of mankind has to contend.

Mexico's contribution to the League will be characterised by the two essential qualities of her proud and noble race — courage and loyalty. Of these she has already given us proof. In responding to our appeal, in showing that she is not daunted by the heavy tasks imposed upon the League to-day, Mexico has manifested her determination to battle courageously in our ranks against the difficulties of the present hour.

In unreservedly accepting the obligations of the Covenant, Mexico has shown her loyalty towards all the nations of the world ; and by her acceptance of our invitation, too, she swells the ranks of the Latin-American delegations, who are so deeply valued by the League because their untiring work and ready co-operation are derived from the greatest treasures of the human heart — idealism and disinterestedness.

The Mexican delegates will see how great a place Latin America holds among us. We are happy to make that place still larger to-day, and we are always waiting to enlarge it again and make room for other American States whose absence, doubtless only temporary, has not abated the goodwill we feel for them.

As President of the Assembly may I add that it is not only the States that we welcome here but also their representatives themselves. The fact that the Geneva spirit has come into being and has vanquished so much opposition is largely due — there can be no doubt of it — to the strong personal friendship which unites the statesmen who are called upon to co-operate closely in carrying out the League's aims. That friendship, too, can always be extended.

The Mexican delegates may be sure that it will be extended to them as to others, and they will find us ever ready to show, in the daily work we shall henceforth do together, that we hold them in the same warm regard that I have voiced in welcoming them to-day.

The first delegate of Mexico, M. Portes Gil, has asked to speak. I invite him to address the Assembly.

M. Portes Gil (Mexico) :

Translation : On behalf of my country I should like to thank the President of the Assembly and the delegates for their generous welcome. You may be assured that Mexico values and appreciates the cordiality with which she has been asked to become a Member of the League of Nations and the very satisfactory terms of that invitation.

In order to convey her gratitude in a practical and useful manner, Mexico offers her services to the League in a spirit of co-operation and goodwill, with a view to the attainment of the ideals of understanding and international collaboration which the League is pursuing.

The fact that Mexico has for years endeavoured to obtain for her working classes really humane conditions of life constitutes the best of guarantees that we have come here inspired with every intention of promoting the welfare of mankind and thereby achieving world peace.

Mexico has accepted the invitation to join this organisation with a feeling of pride and confidence, convinced as she is that her loyal efforts will help to facilitate the tremendous task which the League has undertaken.

The friendly terms in which Mexico was addressed by the representatives of the different countries which submitted and supported the motion and the unanimous approval of this Assembly have largely contributed to efface any memory of the situation which existed before to-day.

I consider that the delegates have thereby earned not only the gratitude of Mexico, which I have great pleasure in voicing here, but the gratitude of the League, for which they have gained an additional Member and one which — I may be allowed to proclaim it here with just pride — will work with zeal and enthusiasm and bring its disinterested contribution to the attainment of the League's ideal.

53. — ERECTION OF A MONUMENT IN THE CITY OF SANTO DOMINGO, CAPITAL OF THE DOMINICAN REPUBLIC (ISLAND OF SANTO DOMINGO OR HAITI) TO THE MEMORY OF CHRISTOPHER COLUMBUS : ADOPTION OF A DRAFT RESOLUTION PRESENTED BY THE DELEGATIONS OF BOLIVIA, CHILE, COLOMBIA, CUBA, THE DOMINICAN REPUBLIC, GUATEMALA, HAITI, PANAMA, PARAGUAY, PERU, URUGUAY AND VENEZUELA.

The President :

Translation : The next item on the agenda is a draft resolution concerning the erection of a

monument in the city of Santo Domingo to the memory of Christopher Columbus. This draft resolution, which was presented to the Assembly by the delegations of Bolivia, Chile, Colombia, Cuba, the Dominican Republic, Guatemala, Haiti, Panama, Paraguay, Peru, Uruguay and Venezuela, has been duly communicated to the Assembly and reads as follows :

The Assembly,

Views with entire satisfaction the happy initiative of the Government of the Dominican Republic, adopted officially and unanimously by the twenty-one sovereign States of the New World represented at the fifth and sixth International Pan-American Conferences held in Santiago de Chili and Havana, to erect, in the city of Santo Domingo, capital of the Dominican Republic (Island of Santo Domingo or Haiti), at one time the centre of the discovery and colonisation of the meridional hemisphere, a lighthouse monument to perpetuate the sentiments of admiration and gratitude of humanity towards Christopher Columbus, the discoverer of the New World and one of the greatest benefactors of mankind;

Considering that the great lighthouse monument will be raised within the central airport of the Antilles and that it will be the guide to sea and air navigation for the greater part of the Atlantic and the Caribbean Sea, a circumstance which places the proposed work within the aims of the League of Nations ;

Considering also that the above-mentioned first universal homage to the man who did so much to extend our knowledge of the globe, will house in adjacent palaces a library and museum of documents relating to Columbus, and other sources of intellectual culture, at the disposal of humanity, thus coming within the intellectual co-operation activities of the League ;

Expresses a vote of deep sympathy with the happy initiative of the Dominican Republic, an initiative which, besides being an act of homage due to such a genius as Columbus and such a nation as Spain, creates and will sustain perpetually around it elements propitious to the progress and development of international communications and, consequently, propitious to the development of goodwill between the States of both continents and the perfection of human intercourse.

As soon as I received the draft resolution, I submitted it to the Agenda Committee, which, after examining it, proposed in its report that the draft should be included in the agenda of the present session, but left it to the General Committee to decide upon the procedure to be followed for submitting it to the Assembly.

In agreement with the General Committee I shall, if no one has any objection, propose that this draft resolution be adopted unanimously. The Assembly would thus be expressing its appreciation of the happy initiative of the Dominican Republic, which constitutes a just tribute to the génius of Columbus himself, and at the same time creates and will immortalise factors favourable to the progress and development of international communications and hence of goodwill between the States of the two continents and calculated to assist the perfecting of human relations.

The draft resolution was adopted unanimously.

54. — PENAL AND PENITENTIARY QUESTIONS : IMPROVEMENTS IN PENAL ADMINISTRATION : REPORT OF THE FIFTH COMMITTEE : RESOLUTION.

The President :

Translation : The next item on the agenda is the discussion of the report of the Fifth Committee on improvements in penal administration (Annex 3, document A.70.1931.IV).

(On the invitation of the President, M. Alà, Chairman of the Fifth Committee, and M. Pella, Rapporteur, took their places on the platform.)

The President :

Translation : M. Pella will address the Assembly.

M. Pella (Roumania), Rapporteur :

Translation : In submitting to you the results of the Fifth Committee's work on the problem of penal administration, I think it unnecessary, particularly in a matter which concerns the humanising of the system for the enforcement of penalties, to inflict a penalty on you by reading a somewhat lengthy report.

I shall confine myself therefore to a short summary of the more important questions dealt with by the Fifth Committee. The draft resolution unanimously adopted by the Committee dealt with three problems — namely, the progressive unification of penal law, co-operation between States for the prevention and suppression of crime and, lastly, the execution of the penalties and preventive measures of detention, or, more precisely, the question of the treatment of prisoners.

As regards the first problem, certain delegates pointed out that the activity of the League in this domain had already been most productive. The Conventions for the suppression of international offences such as traffic in women and children, slavery, traffic in drugs, obscene publications and, quite recently, counterfeiting currency have all tended to show that States were desirous of presenting a united front against these crimes by means of the unification of the indictments in the laws of the different countries and of the fundamental principles for the suppression of the crimes in question.

These international conventions were framed or completed under the auspices of the League. Further, more numerous draft conventions have been examined by the League, and I might mention by way of example those dealing with the forging of cheques, shares, bonds and other documents of value.

In view of the importance of the work already done by the League and by various independent institutions, the Fifth Committee considered that the best method to follow would be to ask certain specially qualified organisations in what manner the assistance of the League of Nations might be of value with the object of achieving such unification.

Since I maintained in the Fifth Committee the need for the progressive unification of penal law, I desire, in my own personal capacity, to state that there is no question of the unification of the criminal law of States as a whole. There is no question of attacking and abolishing, through international unification, institutions which are deeply rooted in the life of each nation and which have contributed, in all countries, to the development of criminal law. The progressive unification of penal law must aim at establishing certain fundamental principles for the suppression of crime; even when there is a question of uniformity as

regards such principles, which have a doctrinal significance, unification can of course be attained first of all in matters in which they have an international application — for instance, in the case of international crimes and offences.

It is important, therefore, to select these questions carefully, beginning with those in which international unification appears to be most urgent and most practicable. In other words, progress might be made wherever the way has already been prepared by international conventions signed and ratified by a number of States.

Again, consideration could certainly be given to regional unification in regard to questions which, although not yet ripe for uniform solution in the legislation of all countries, nevertheless admit of unification as between such countries as have acquired common elements of civilisation: I have in mind the common elements resulting from community of race or from the common circumstances which attended the historical development of certain nations.

Such elements, moreover, have had a great influence in the formation of a legal mentality to some extent common to the nations in question. Unification of this kind, more restricted in space, but at the same time more extensive in its scope, also represents one of the surest means of preparing the ground for the progressive unification of penal law.

The solution of these problems in the internal penal law of States will, moreover, be greatly facilitated by a general phenomenon which cannot be disputed — the influence of the international spirit on the juridical conceptions of the civilised nations, the effect being in some degree to internationalise municipal law.

As regards the second problem — international co-operation for the combating of crime — this is obviously the concern not of municipal but of international penal law. Although incontestably crime in general must no longer be regarded as a legal entity, but rather as a pathological phenomenon of a social nature, it is evident that we must endeavour to perfect rules of international penal law, as constituting the foundation of international co-operation for the repression of crime.

The work of certain Conferences or Committees of the League, in regard to extradition, the communication of judicial and extra-judicial documents in criminal matters, and international police co-operation, prove that it is no new problem that is being submitted to the League.

In this sphere, as in that of the progressive unification of penal law, the Fifth Committee proposes that the Assembly should obtain the opinion of certain organisations as regards the manner in which the assistance of the League might be of value and, when the replies of these organisations have been received, that the States Members should be asked whether they wish the League to lend its assistance in the solution of such questions also.

The third problem dealt with in the draft resolution is the execution of the penalty and preventive measures.

In this connection, as the report states, a penalty can no longer in these days be regarded merely as the infliction of pain, as a means of expiating a crime. Apart from quite exceptional cases, when the criminal has to be eliminated, a penalty is to be looked on as a means of readapting the offender to social life; as regards the execution of the penalty, in certain countries too much room is left for arbitrary administrative methods; in other words, the execution of penal sentences entailing deprivation of liberty is, as has been said, exempted from the application of the principles which must govern all criminal law.

While in these days crime is no longer regarded as an abstract notion, and it is the character of the delinquent that must be kept in view, those responsible for supervising the execution of the penalty obviously have quite as important a task as those who pronounce it. A penalty executed in a barbarous spirit would fail in its real aim, which is to reform and humanise the delinquent. The League of Nations cannot, therefore, ignore the social and humanitarian aspect of this problem.

In this connection, we may mention an extremely pertinent remark by the representative of the British Empire on the Fifth Committee to the effect that, unlike the other evils which the League is trying to remedy in its social and humanitarian work, and which are due to natural causes or to individuals acting contrary to the laws of certain countries, the particular evil in question is almost always the fault of a Government.

No progress can be made, therefore, except with the voluntary co-operation of Governments, and the League's action here might be extremely effective.

In relation to this question, the Fifth Committee had before it standard minimum rules for the treatment of prisoners drawn up by the International Penal and Penitentiary Commission. Many problems might be brought up in this connection. I will merely mention the treatment of juvenile delinquents, habitual criminals, abnormal criminals, political offenders, and certain problems relating to the separation of offenders, to the progressive system designed to avoid the risk of moral contagion and to solitary confinement. Other questions might be mentioned, for example, open-air labour, work in mines, and — last but not least — the burning question of deportation.

As regards convict labour, I would mention certain problems such as the quantity of work given to a prisoner, its duration, the protection of workers in prisons, and remuneration for work; nor can we ignore the very delicate problem of discharged prisoners and the perfecting of measures for their assistance.

The mere mention of certain of these questions, by way of illustration, shows that the Fifth Committee is not at present in a position to discuss the substance of the problem of the treatment of prisoners. It considered it preferable to propose to the Assembly that it should refer the standard minimum rules to the International Penal and Penitentiary Commission with a view to their reconsideration in the light of the replies and observations received.

After receipt of the Commission's reply, it would be expedient to consult the Governments on the question whether the League could best assist in this connection by co-operation with the International Penal and Penitentiary Commission or by setting up a special Committee of the League.

I cannot conclude my statement without stressing point 2 of the draft resolution, which

provides for the development of the policy of co-operation between the League and organisations dealing with penal and penitentiary problems.

In point of fact, the League has latterly been following the work of certain institutions dealing with these problems: the Howard League, the International Penal Law Association, and the International Penal Law Union have been consulted by the League on the standard minimum rules for the treatment of prisoners; the Secretary-General of the International Penal and Penitentiary Commission attends all the meetings of the Child Welfare Committee; the League Secretariat sent a representative to a Congress organised at Prague last year by the International Penal and Penitentiary Commission and was represented, by the Legal Adviser of the League of Nations and by a member of the Legal Section, at the Congress of the International Penal Law Association at Bucarest in 1929, at the meeting of the International Bureau for the Unification of Penal Law in 1929, and at the Third Unification Conference, organised by the Bureau at Brussels in 1930.

I have mentioned, merely by way of illustrations, a few of the institutions which deal with prison problems on an international plane and which are already in touch with the League of Nations. As regards point 2 of the draft resolution, the Fifth Committee earnestly desires to encourage the Secretariat in this field by requesting it to develop the policy of co-operation with all organisations dealing with the grave problems connected with the prevention and suppression of crime and with the prison system.

If you will allow me to forget for one moment my temporary position as Rapporteur and to think of myself in my permanent capacity as a professor of penal law, I should like to express to the Secretary-General the profound satisfaction felt by all learned circles which are dealing with these problems at the interest with which he has followed their work. For one fact is of incontestable importance: that the League represents primarily a moral force directed against evil, and it cannot remain indifferent to the increase in crime, which is keeping pace with the continuous transformation and internationalisation of contemporary social life, by becoming international itself. It is for Governments to decide whether the League shall intervene directly in this question or not. We must not forget, however, that all history testifies to the uses and pacific power of penal law, which is itself called upon to combat the hostile forces of nature and those unfortunate aberrations of the passions which lead individuals and communities towards the abyss of crime.

The proceedings of the Fifth Committee resulted in the framing of the following draft resolution, which was adopted unanimously and is now submitted to the Assembly for approval:

The Assembly,

Having been invited by the Council in January 1930 to consider the best way in which the League of Nations could co-operate with the International Penal and Penitentiary Commission and other organisations in their efforts to assist in the improvement of prisons in accordance with modern economic, social and health standards;

Having noted the observations of the States Members and non-members of the League of Nations and of the organisations which have been consulted regarding the Standard Minimum Rules for the Treatment of Prisoners (see document C.620 M.24.1930.IV);

Considering that, if the improvement of penal administration by co-operation between Governments is to receive the support of the League of Nations, the latter will need the advice and assistance of a body of experts;

Considering, further, the importance of the efforts which have already been made, both by means of a number of international conventions and by certain organs of the League of Nations and various institutions, to achieve a gradual unification of penal law and to establish co-operation of States in the prevention and suppression of crime:

Requests the Secretary-General:

(1) *To refer to the International Penal and Penitentiary Commission the replies and observations received regarding the Standard Minimum Rules for the Treatment of Prisoners, and also the Report and Minutes of the Fifth Committee, and to ask it to reconsider these rules in the light of the aforementioned replies and observations;*

(2) *To develop the policy of co-operation with organisations dealing with the international aspect of penal and penitentiary problems;*

(3) *To ask the International Labour Office to continue its study in connection with prison labour;*

(4) *To forward the Report and the Minutes of the Fifth Committee to the International Penal Law Association, the International Bureau for the Unification of Penal Law, the International Criminal Police Commission, the International Penal and Penitentiary Commission, the Howard League for Penal Reform, the International Law Association, the International Penal Law Union, and any other international organisations which may be proposed by the Governments to the Secretary-General, and to ask them in what manner they consider that the assistance of the League of Nations might be of value with a view to achieving a gradual unification of criminal law and the co-operation of States in the prevention and suppression of crime;*

(5) *After having received the observations of these organisations, to forward them, together with the Report and Minutes of the Fifth Committee, to the States Members of the League, and to ask them whether they wish the League of Nations to lend its assistance also in regard to the questions referred to in No. 4;*

(6) *After having received the answer of the International Penal and Penitentiary Commission on the Standard Minimum Rules, to ask the Governments of States Members of the League whether they consider that the League could best assist in connection with the treatment of prisoners by co-operation with the International Penal and Penitentiary Commission, or by setting up a special Committee of the League to study this problem.*

The Secretary-General is asked to submit a report to the next Assembly on all questions contained in this resolution.

The President:

Translation: The first speaker on the list, Count Carton de Wiart, delegate of Belgium, will address the Assembly.

Count Carton de Wiart (Belgium):

Translation: I should like, with your permission, to make a few brief observations on behalf of the Belgian delegation, though I would add that we accept the conclusions of the report which has just been read.

The question dealt with in the report consists of two parts, the first of which relates to the prison system. As we know, a memorandum on this system has been published by the Howard League, which has introduced this problem into our discussions, on the ground that the treatment of prisoners should be regarded more and more from a humanitarian point of view. The memorandum itself has been communicated to the Governments and also to a number of qualified organisations, and the only step to be taken for the moment is, as indeed is proposed in the Fifth Committee's report, to refer the observations of the Governments and of the organisations consulted to the International Penal and Penitentiary Commission.

I would merely mention, among the observations furnished by certain organisations, the remark of the Child Welfare Committee to the effect that, where children are concerned, there should be no question of prison. As the Committee says, there is absolute antinomy between the terms "child" and "prison". We therefore hope that the International Penal and Penitentiary Commission, to which the results of this consultation have been submitted, will, if it thinks fit, draw up a general body of rules, which will have been revised and completed, and that the problem will then be deliberated afresh and without previous commitments.

A second very important question has been submitted for the first time by the Fifth Committee: unification of penal law and international co-operation in the prevention and suppression of crime. This question, which is a new one, has given rise to certain apprehensions on the part of several delegations.

Naturally, no decision which the Fifth Committee may propose can in any way commit us for the future. My own delegation considers that the League should follow up the enquiries undertaken with a view to securing a certain measure of unification in penal law.

Not only, as our eminent Rapporteur has just said, are there certain offences which must, by their nature, be regarded as offences of an international character, such as the traffic in women and children, the traffic in drugs, obscene publications and counterfeiting currency, forging bills of exchange or cheques, but all offences tend, by reason of the faster *tempo* of our civilisation, to assume an international character, and technical progress itself is opening up to what may be termed the *iter criminis*, a field of activity which simply ignores our narrow frontiers.

It seems desirable that, subject to reservations made necessary by differences of civilisation and climate, the goddess of justice, Themis, should not present too different a countenance to men, according to the mere frontiers within which they live.

Unification of penal law and co-operation between the nations with a view to the more effective combating of crime are demanded alike by conscience and clear interest, and it is thought that these considerations, and the expression given to them in the League (which is nothing but a concrete form of the solidarity uniting all nations, which are in reality members of the same body), should lead to the creation of collective rights and duties.

However — and this is my final point — the deliberations of the Fifth Committee and the conclusions submitted to us must leave us an entirely free hand for the future. These new problems of the unification of penal law and co-operation in the prevention and suppression of crime will first be submitted for an opinion to the qualified organisations, which will be asked what methods they consider the League should adopt in dealing with them. Not until the replies from these organisations have been received will the States themselves be consulted as to whether they desire the League to deal with this question, which is still quite new to it.

On these conditions, and subject to these reservations, we heartily endorse the conclusions of the Fifth Committee, which have been so competently explained from this platform by Professor Pella, whose legal erudition has long been recognised.

The President:

Translation: Lord Lytton, delegate of the British Empire, will address the Assembly.

Lord Lytton (British Empire):

I want, in a very few words, to call the attention of the Assembly to the difficult position in which my delegation was placed by the proceedings in the Fifth Committee on this subject. We had on our agenda the report of the Secretary-General dealing with the subject of penal administration and I was prepared to express the views of my delegation on that subject.

The discussion opened, however, with a long report from the Roumanian delegate, the Rapporteur, which travelled far beyond the subject on the agenda and dealt with such large questions as the unification of criminal law and international co-operation in the suppression of crime.

I submitted to the Committee that this wide extension of the subject was not only outside our agenda but was, in fact, beyond the competence of the Fifth Committee. As, however, the sense of the Committee was clearly against me, I did not press my objection, and the discussion, both in the Fifth Committee and in the Sub-Committee to which the matter was referred, took place, not on the report of the Secretary-General, but on the wider report submitted by our Rapporteur.

The Assembly will notice that the report now before it, together with the speech of the Rapporteur which introduced it, deals with subjects which, I submit again, with all respect, the Fifth Committee has no mandate to discuss. They are matters which only a committee of legal experts would be qualified to consider.

This report was presented to us at a late hour on Monday night and I had to content myself with a statement to the effect that my delegation would accept no responsibility for those portions of it which went beyond the range of penal administration.

I only raise the subject now in order to express the hope that, in future, some means may be found of preventing the recurrence of such a procedure. I cannot help feeling that it is contrary to the best interests of the League itself that new subjects should be introduced in this way without notice and without affording delegations any opportunity of obtaining instructions from their Governments upon them.

The President :

Translation : Mlle. Campoamor, delegate of Spain, will address the Assembly.

Mlle. Campoamor (Spain) :

Translation : I should like to begin with a reference to what has just been said by the delegate of the British Empire, though from a rather different point of view. I am really in a difficult position, as I must first say, on behalf of my delegation, that there was, at the outset, full agreement with regard to the report both in the Committee and in the Sub-Committee.

The difficulties to which the wide range covered by M. Pella's report — in so many respects a thoroughly scientific and excellent one — was likely to give rise had been foreseen, and it was with a view to taking into account the reservations of the British delegate that the fourth and fifth conclusions of the report merely asked that the observations of various organisations concerned, which are of importance from the scientific standpoint and which have been studying these questions for many years, should be forwarded to the States Members of the League.

I should like to point out, in particular, that the last two paragraphs of the report, which deal with the codification of penal law and the co-operation of States in the suppression and prevention of crime, originated in a proposal submitted to the League in 1924 for the co-operation of the States in combating crimes at ordinary law.

All the other suggestions and enquiries subsequently undertaken by the various organisations are taken from the report just submitted to you, and, in 1930, on the occasion of the International Lawyers' Congress, a proposal relating to the possibility of suppressing international offences was also studied.

It may therefore be said that the report is simply a collection of the desiderata submitted by the various scientific organisations to the League.

The gradual unification of penal law ought of course to be studied by a committee of experts, but it should be confined to the factors constituting the solidarity of peoples personified by the League, and should take into account the elements of the offence — that is to say, the special factors of climate and of race which vary so greatly in each country, as well as the general biological and social elements which are the same everywhere.

International offences are becoming more frequent every year, and those who commit them constitute a sort of criminal State, against whom various international organisations have had to contemplate bringing to bear what Garufalo calls the solidarity of the nations in the campaign against crime.

I do not think it expedient or advisable to consider or examine these important, complex, and far-reaching questions, and will confine myself, on behalf of my delegation, to supporting points 4 and 5 of the conclusions of the report. At the same time, I should like to allay the fears expressed by the British delegate, who has thought fit to make a reservation. This reservation may be considered redundant, since the two points of the conclusions I have just mentioned merely deal with the transmission of the Report and Minutes of the Fifth Committee to the seven international organisations enumerated.

In point 5 of the draft resolution, it is stated that, after having received the observations of these organisations, the Members of the League of Nations, to which they will be referred, will be asked whether they wish the League also to study the questions referred to in No. 4.

I must say that our work on the Sub-Committee was considerably facilitated by the sympathetic attitude of the British delegate. We were thus enabled to arrive at the present result, which takes into account both the aspirations voiced by the Rapporteur and the very just and legitimate reservations of the British delegation.

In conclusion, I beg to support the report, and I would ask the British delegate to recognise that we are all in agreement here, as we were in the Sub-Committee, since we are adopting a procedure which in no way affects the ideals of the various countries with regard to the suppression of international offences.

The President :

Translation : M. Alâ, delegate of Persia, Chairman of the Fifth Committee, will address the Assembly.

M. Alâ (Persia), Chairman of the Fifth Committee:

Translation : I should like to say that this draft resolution is the outcome of a compromise unanimously accepted by the Sub-Committee and the Fifth Committee, and that it covers the three points mentioned in the report.

The President :

Translation : As no one else has asked to speak, I shall regard the report of the Fifth Committee and the accompanying draft resolution as adopted.

The draft resolution was adopted.

55. — TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS : REPORT OF THE FIFTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the discussion of the report of the Fifth Committee on the question of the traffic in opium and other dangerous drugs (Annex 4, document A.65.1931.V).

(On the invitation of the President, M. Sawada, Rapporteur, took his place on the platform.)

The President :

Translation : M. Sawada, Rapporteur, will address the Assembly.

M. Sawada (Japan), Rapporteur : It is with great pleasure that I present to this Assembly the report of the Fifth Committee on the activities of the League during the last twelve months in regard to the opium question. In laying the report before you, I wish to invite your special attention to the more important questions which engaged the consideration of the Fifth Committee.

In the first place, the most outstanding event during the period under review was the convocation by the League of a Conference for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs and the conclusion of a Convention for that purpose. By virtue of this Convention, the League is in possession of an effective instrument for combating the evils due to the abuses of drugs. The underlying idea of this Convention is to subordinate the economic aspects of the manufacture to higher humanitarian and moral aims. Thanks to the system established by this Convention and also by the Geneva Convention of 1925, already in force, there will be at the League a sort of central counting-house for the world traffic in drugs. By this system, each Government is called upon to account for any discrepancy which may

exist between its imports and exports, even to a small quantity of several kilogrammes.

Among the other important features of this Convention, I may say that this instrument covers a far larger number of drugs than are covered by the preceding conventions. Provision is made for a complete system of estimates and their supervisory organs, and the new Convention will strengthen the powers of various League organisations, especially the Advisory Committee and the Permanent Central Opium Board.

It is a cause of satisfaction to note that out of fifty-seven countries which participated in this memorable Conference, thirty-six have already signed the Convention. December 31st next is the last date set for signing it. It is my sincere hope that many more States will sign the Convention and join in this great crusade for combating one of the most dangerous social evils of modern times.

In this connection, I have great pleasure in informing you that the number of countries which have ratified or acceded to the Geneva Convention of 1925 now amounts to forty-seven. This Convention heads the list of all the League Conventions as regards the number of ratifications received.

Among the questions discussed, the Fifth Committee took the view that the limitation of the manufacture of drugs is a first step towards a subsequent limitation of the production of raw materials, and therefore welcomed a resolution proposed by the delegate of Panama. This resolution asks that all material which may serve as a basis for discussion at a Conference for the limitation of production should be collected. After discussion, the Committee adopted unanimously the following resolution:

The Assembly,

Taking note of the wish of certain Governments that a conference should meet in the near future to consider the possibility of limiting and controlling the cultivation of the opium-poppy and the cultivation and harvesting of the coca-leaf; and

Taking note also of the decision reached by the Council at its sixty-second session, in January 1931, to ask the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs to consider the possibility of summoning a conference of the Governments concerned and to report to the Council on the subject:

Asks the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs and the competent Sections of the Secretariat of the League of Nations to undertake, as soon as possible, the collection of all material that may serve as a basis for the discussions of a Conference on the Limitation of the Production of Opium and the cultivation and harvesting of the coca-leaf, and for that purpose to send a questionnaire to the Governments Members and non-members of the League.

Another resolution of considerable importance was also adopted at the suggestion of the Polish delegate, which was to the effect that the Secretariat should collect and analyse all legislation relating to narcotics. The terms of this resolution are as follows:

The Assembly,

Recalling the recommendation adopted by the tenth Assembly instructing the Secretariat to draw up a list of the laws and regulations at present in force in the different countries on the traffic in opium and other dangerous drugs with a view to the preparation of a compilation or analysis of this legislation;

Observing that the performance of this task has had to be delayed owing to the necessity of preparing for the work of the Conference on Limitation:

Expresses the wish that the Secretariat, within the limits of the funds at its disposal, should undertake the preparation of this compilation of laws with a view to publishing it as soon as possible after the entry into force of the Convention for limiting the manufacture and regulating the distribution of narcotics, and that this compilation should embrace all laws or regulations concerning the supervision of the manufacture of and trade in narcotics and the measures taken to combat the drug habit.

The Committee has taken note with satisfaction of the declaration made by the various delegations as to the measures adopted by their Governments in controlling the traffic in narcotics with a greater efficiency, and I should like to draw your particular attention to the part of my report which gives a detailed account of these declarations.

In presenting my report to the Assembly, I should fail in my duty if I ended without expressing the hope that the Conference which is to meet at Bangkok, Siam, on November 9th of this year, at the invitation of the Siamese Government, will make a further important advance in the campaign against the abuse of opium.

With these remarks, I propose the following draft resolution:

The Assembly adopts the report of the Fifth Committee and the resolutions contained therein.

The President:

Translation: As no one else has asked to speak, I shall consider the report of the Fifth Committee and the accompanying resolutions adopted.

The draft resolutions were adopted.

56. — CHILD WELFARE: REPORT OF THE FIFTH COMMITTEE: RESOLUTIONS.

The President:

Translation: The next item on the agenda is the examination of the report of the Fifth Committee on child welfare (Annex 5, document A.71.1931.IV).

(On the invitation of the President, Countess Apponyi, Rapporteur, took her place on the platform.)

The President:

Translation: Countess Apponyi, Rapporteur, will address the Assembly.

Countess Apponyi (Hungary), Rapporteur:

Translation: I do not propose to read the report on Child Welfare, which has already been distributed. I simply wish to direct your attention to the points which I consider most important — namely, the questions of assistance to foreign minors and the execution of maintenance orders for children abroad, which exceed the limits of the competence of the Child Welfare Committee. As these questions concern, not only children, but adults, the Council decided, at its meeting on May 20th last, to set up a temporary special Committee to investigate them. At its meeting on September 4th, it named twelve

countries the Governments of which would be invited to nominate experts to form this special Committee. It took into consideration the interest manifested at previous international conferences by certain countries in questions relating to assistance, and also the desirability of having emigrant and immigrant countries represented.

The Council also fixed the first session of this special Committee for October 1932, unless circumstances should call for any change.

On the proposal of the delegate of the British Empire, the Fifth Committee unanimously decided, in view of the special importance, during the present crisis, of the treatment and prevention of juvenile delinquency, to request the Assembly to make an urgent recommendation to the delegates of the countries which have not yet established special juvenile courts to press for this reform, and for the association of women therewith to the fullest extent authorised by the national legislation.

The Fifth Committee recommends that the Assembly should inform the Child Welfare Committee of the great importance it attached to the improvement of the position of illegitimate children, requesting it at the same time to maintain on its programme, among other questions, the examination of the best means of facilitating the marriage of parents with a view to legitimising the children.

I should like to emphasise once more the need for a solution, even if only temporary, of the question of assistance to foreign minors, for to a great extent the future fate of all mankind depends on the conditions which govern the children's existence and the spirit which governs their education.

The Fifth Committee therefore submits to the Assembly the following draft resolutions:

I. The Assembly,

In view of the special importance during the present crisis of the treatment and prevention of juvenile delinquency:

Decides to make an urgent recommendation to the delegates of the countries which have not yet established special juvenile courts to press for this reform, and for the association of women therewith to the fullest extent authorised by the national legislation.

II. The Assembly takes note of the Child Welfare Committee's report on the work of its seventh session, recommends that the Committee continue its work in conformity with the suggestions and decisions contained in that report, and expresses its satisfaction with the work done.

The President:

Translation: As no other delegate has asked to speak, I shall consider the report and the accompanying draft resolutions adopted.

The draft resolutions were adopted.

57. — TRAFFIC IN WOMEN AND CHILDREN: REPORT OF THE FIFTH COMMITTEE RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the Fifth Committee on the question of the traffic in women and children (Annex 6, document A.72.1931.IV).

(On the invitation of the President, Mrs. Plumptre, delegate of Canada, took her place on the platform.)

The President:

Translation: Mrs. Plumptre, Rapporteur, will address the Assembly.

Mrs. Plumptre (Canada), Rapporteur:

The report of the Fifth Committee on the traffic in women and children is now in the hands of the delegates. I shall, therefore, only call attention to two or three salient points.

The report shows how actively the Traffic in Women and Children Committee is carrying on its work, with the able co-operation of the Secretariat of the League.

The Fifth Committee concurs, although with regret, in the decision that financial conditions do not permit of the printing of the Digest of Laws relating to this traffic which has been prepared by the Secretariat. It respectfully urges, however, that the Assembly will regard this work as temporarily postponed and not as completely abandoned.

It is very encouraging to note recent accessions to the 1921 Convention for the Suppression of the Traffic in Women, but we must regret that there are still twelve States Members of the League which have not acceded and five others which have not ratified their signatures. The abstention of Members constitutes a very serious weakness in the work of the League, for the traffic in women is organised internationally and will only be suppressed by equally well-organised international action.

During the past year, the Traffic in Women and Children Committee has devoted particular attention to the activities of the *souteneur*, and the report before you contains a resolution suggesting a study of the effect of penalties inflicted upon these human parasites, who are mostly quite young men, living upon the proceeds of the degradation of others.

Women police have proved themselves so successful in combating the activities of the agents of this traffic that the Fifth Committee requests the Assembly to bring this matter particularly to the attention of those States Members of the League which do not already employ women in their police service.

The circulation of obscene publications, with which we would include obscene films, has a direct importance on the traffic in women and children. Obscene postcards are frequently used as the first means of approach to children and young people, and as these and other similar publications emanate mainly from a few centres and are distributed to all parts of the world, it is obvious that international action is required to secure their suppression.

The work upon which the Fifth Committee has reported clearly demonstrates the importance of a central body, like the League, whose humanitarian operations are not confined within national barriers. The traffic in women and children is only one manifestation of a worldwide network of underground, criminal activities in which are interwoven the illicit traffic in habit-forming drugs, the circulation of obscene publications of all kinds, the issuing of counterfeit money and varied forms of smuggling. In all these activities the risks are great, but the potential gains are greater in the eyes of the dangerous criminals who are engaged in them. To make the risks greater than the rewards requires the united efforts of the legislative, judicial and police forces of the world, supported by an informed and intelligent public opinion; and the fact that certain Members of the League have not accepted

the Convention seriously weakens the international offensive against these criminals.

In the discussions of the Fifth Committee, it was emphasised that the need for complete international co-operation in the fight against these evils — and especially the traffic in women and children — is particularly urgent at this time, when economic depression and widespread unemployment are forcing many to seek new methods of earning money. Money is scarce: everyone has to work harder than usual to earn it; and, therefore, among others, the agents of this traffic will be particularly active and persistent. On the other hand, unemployment, with consequent suffering from cold and hunger, may predispose many women and girls to consider ways of earning money and to listen to proposals which, in easier times, would be utterly repulsive to them.

We would, therefore, through this Assembly, respectfully urge all States Members of the League which have not already done so to accede to the various Conventions of the League; and, by implementing to the full the responsibilities which all signatories have undertaken, to do their share in safeguarding those who, hard pressed by poverty and discouragement, are in peculiar need of friendship and protection.

On behalf of the Fifth Committee, I have now the honour to present to the Assembly the report and draft resolution embodying the recommendations of the Committee. The draft resolution reads as follows:

The Assembly,

1. Having taken note of the report of the Traffic in Women and Children Committee, welcomes the new accessions to the 1921 Convention for the Suppression of the Traffic in Women and Children, and expresses the hope that further ratifications will be registered in 1932:

2. Considers that the studies already made on the part played by souteneurs *in this traffic show the need for further consideration of this subject;*

3. Recommends that the Traffic in Women and Children Committee should consider the possibility of ascertaining, with special reference to the recurrent conviction of habitual offenders, the results of the penalties inflicted on souteneurs, *as defined in Article 1 of the Additional Draft Protocol of the International Convention of 1921 for the Suppression of Traffic in Women and Children;*

4. Commends to the attention of the Members of the League the draft protocol (document C.267.M.122.1931.IV, page 9) supplementing the 1921 Convention, submitted for their observations;

5. Thanks the Traffic in Women and Children Committee for its work and invites it to continue its efforts to suppress this infamous trade, especially at this time, when unemployment and economic distress afford special opportunities for the activities of its agents.

The President:

Translation: If no one desires to speak, I shall consider the report of the Fifth Committee and the accompanying draft resolution adopted.

The draft resolution was adopted.

58. — PROTECTION OF MINORITIES: REPORT OF THE SIXTH COMMITTEE.

The President:

Translation: The next item on the agenda is the discussion of the report of the Sixth Committee on the protection of minorities (Annex 7, document A.67.1931.I).

(On the invitation of the President, M. Motta, Chairman of the Sixth Committee, and Baron Yrjö-Koskinen, Rapporteur, took their places on the platform.)

The President:

Translation: Baron Yrjö-Koskinen will address the Assembly.

Baron Yrjö-Koskinen (Finland), Rapporteur:

Translation: I have the honour to present to the Assembly the report unanimously adopted by the Sixth Committee on the protection of minorities.

The President:

Translation: As the Assembly will have noted, this report is simply an account of the discussions in the Sixth Committee.

If no one wishes to speak I shall consider the Sixth Committee's report adopted.

The report of the Sixth Committee was adopted.

59. — MANDATES: REPORT OF THE SIXTH COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the report of the Sixth Committee on the question of mandates (Annex 8, document A.68.1931.VI).

(On the invitation of the President, Dr. Lange, Rapporteur, took his place on the platform.)

The President:

Translation: Dr. Lange, Rapporteur, will address the Assembly.

Dr. Lange (Norway) Rapporteur:

Translation: The work in connection with mandates forms one of the most important tasks entrusted to the League. It is very natural, therefore, that every year the Assembly should deal with this question which, as you know, is particularly entrusted to the Council under the terms of the Covenant.

The work relating to mandates consists in supervising the administration of the mandated territories on behalf of the international community, and noting how far and by what means the mandatory Powers are performing the task entrusted to them of helping those countries, which might be described as minors, and educating them in preparation for independence.

The purpose, as it were, of the institution of mandates is the eventual acquisition of independence, and this year the problem has arisen of determining under what conditions a country should be recognised as having reached a stage in its development at which it can cease to be a mandated territory and acquire independence.

The Permanent Mandates Commission studied this question with great thoroughness, and the Council and Sixth Committee have both expressed their great appreciation of its work. The Rapporteur to the Council declared that, in the conditions defined by the Mandates Commission, the Council now possesses a criterion for determining, in individual cases, whether a country is ready to pass from the status of a mandated territory to that of independence.

I shall not go into details as regards either the criterion or the report, but I feel it my duty to point

out to the Assembly the importance of this fact. It may be said that, in this connection, the year 1931 will rank as an important date in the history of the League.

I shall confine myself, then, to submitting the draft resolution which the Sixth Committee has instructed me to present to you, and which reads as follows:

The Assembly,

Having taken note of the work accomplished by the mandatory Powers, the Permanent Mandates Commission and the Council in regard to the execution of Article 22 of the Covenant:

(a) *Renews the expression of confidence in them voted by the past sessions of the Assembly and again congratulates them on what has been achieved through co-operation between them;*

(b) *Expresses its gratification at the constructive and particularly useful work which the Council has just performed with the help of the Permanent Mandates Commission in determining the criterion to be applied when it is proposed to bring to an end the mandate regime in respect of a country placed under that regime;*

(c) *Specially notes in the Council's resolution on this question the importance attached to the maintenance of the principle of economic equality and to guarantees for the effective protection of racial, linguistic and religious minorities.*

(d) *Expresses the hope, as in previous years, that through the prosecution of the joint efforts of the mandatory Powers, the Council and the Permanent Mandates Commission, the mandatory system may continue to ensure the achievement of the ideal of civilisation proclaimed in Article 22 of the Covenant.*

The President:

Translation: If no one desires to speak, I shall consider the report of the Sixth Committee and the draft resolution adopted.

The draft resolution was adopted.

The Assembly rose at 12.45 p.m.

THIRTEENTH PLENARY MEETING

Thursday, September 24th, 1931, at 10.30 a.m.

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60. — WORK OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION: RESOLUTIONS PROPOSED BY THE SIXTH COMMITTEE.

The President:

Translation: The first item on the agenda is the discussion of the resolutions proposed by the Sixth Committee on the Work of the Commission of Enquiry for European Union (document A.66. 1931.VII).

(On the invitation of the President, M. Motta, Chairman and Rapporteur of the Sixth Committee, took his place on the platform.)

The President:

Translation: M. Motta, Rapporteur, will address the Assembly.

M. Motta (Switzerland), Rapporteur:

Translation: You have before you the draft resolutions proposed by the Sixth Committee concerning the work of the Commission of Enquiry for European Union. I wish merely to explain in a few words the meaning and scope of those resolutions.

I may mention first of all that the reports submitted to the Assembly by the Commission of Enquiry for European Union were examined by two Committees, the Second and the Sixth. The Second Committee had to examine the technical side of the work of the Commission. This examination has been completed and the results will be found in the reports which the Second Committee will submit to the Assembly on the economic and financial work done during the past year.

The Sixth Committee had only to examine the question of the constitution and organisation of the European Commission and its methods of work; in particular it had to decide as to the advisability of continuing the Commission's work during the year about to begin.

All the delegations without exception agreed that the results obtained were satisfactory and that consequently the work of the Commission for European Union must be perseveringly continued.

The delegations also agreed unanimously that the criteria laid down by the Commission for European Union as regards its constitution and organisation were in complete accordance with the letter and spirit of the resolution adopted by the Assembly on September 17th, 1930.

These criteria may be summarised as follows: The European Commission is a commission of enquiry of the League of Nations. It will submit its reports to the Assembly every year. The Commission has as its Secretary the Secretary-General of the League. It can have recourse to the technical organs of the League. The extra-European States Members of the League have the right, if they think necessary, to take part in the meetings in order to submit their observations. The European Commission can further establish liaison — and has done so — with the Governments of States which are not Members of the League.

If I were to define the nature and essence of the European Commission, I should say that it was an organ of the League of Nations, conceived in the spirit of the Covenant and seeking to draw closer bonds of solidarity between the European States, while bearing in mind that even problems which are apparently European are frequently connected with others of interest to non-European States.

The Sixth Committee recommends that the European Commission should have recourse, whenever possible, to the technical organs of the League. It requests it, and even recommends it, to refer directly to the League any problems which it might have examined, but which ought to be examined on a more elaborate scale than that involved by the continent of Europe alone — on a world scale, in fact.

We were anxious to consult the Second Committee as to whether the technical organs of the League were equal to meeting, with the necessary rapidity and elasticity, any demands which the European Commission might make upon them.

The reply we obtained from the Second Committee was entirely satisfactory. The general rule then is as follows: The European Commission must have recourse, for its technical work, to the technical organs of the League; but there are exceptions to every rule, and it may happen that, in particular cases, the European Commission may usefully set up special committees outside the technical organs of the League.

As this is a question of some importance, I should like to read you a passage from a letter which the Chairman of the Second Committee sent to the Sixth Committee and which bears upon the very points I have just mentioned. This passage is as follows:

> "After having obtained information as to the organisation and methods of work of these permanent organs, the Second Committee considered that, as a general rule, and apart from certain special cases which may arise, these organs seem to be in a position to afford the Commission of Enquiry for European Union such co-operation as it may have to ask of them.
>
> "The budget of the Financial Section and the Economic Intelligence Service for the year 1932 does not, however, provide for any meeting in addition to the three regular sessions of the Financial Committee and the three meetings of special committees which the normal work of the Financial Committee will probably render necessary.
>
> "The scheme for an International Agricultural Mortgage Credit Company prepared by the Commission of Enquiry for European Union has involved, in respect of preparatory work during the present year, an expenditure of 27,981 Swiss francs for meetings and 8,820 Swiss francs for costs of printing. The Financial and Economic Intelligence Section will not be in a position to meet calls involving similar expenditure during 1932."

You have seen from the second resolution submitted to you that the Government of the Union of Soviet Socialist Republics has asked the European Commission to examine and, if possible, draw up a Pact of Economic Non-Aggression, and you will at once realise that the question oversteps the frontiers of the European continent. This, then, is one of the questions which should, according to the general rule, be treated by the League itself and by its technical organs. Nevertheless, for special reasons, which all the delegates have finally accepted, the Sixth Committee is of opinion that the question of the Pact of Economic Non-Aggression must be considered, examined and dealt with by a special committee which the European Commission has decided to appoint, subject to the approval of the Assembly.

It should therefore be understood, if you accept the Sixth Committee's proposals, that the Assembly will be, as it were, ratifying the institution, by way of an exception, of this special committee for this purpose.

Since, however, this subject is of a worldwide character, you should ask the Commission of Enquiry for European Union to invite some non-European States to take part in the work of the special committee, and, in accordance with the opinion of the Second Committee, reinforced by the discussions of the Sixth Committee, we propose that you should decide that the special committee of the Commission of Enquiry for European Union should be extended to include the following States: Australia, Canada, Chile, China, India, Japan and Uruguay.

I have now only to express the sincere and ardent hope that the institution of the Commission of Enquiry for European Union may prove more and more beneficial to Europe and to the other parts of the world.

Undoubtedly Europe, more than any other continent, is about to undergo profound modifications in its economic and social structure. It would be too much to speak of it as a "revolution"; I will call it a progressive, but rapid, evolution.

The fact that the Commission of Enquiry for European Union may be summoned without delay when occasion so demands and that it can thus establish useful contact between the Governments, if serious and urgent circumstances arise, seems to me to have a symbolic as well as a real value. It bears witness to the determination of the European Governments to co-operate as closely as possible and to hold the helm fast in the hour of grave responsibility.

I therefore submit to the Assembly the following draft resolutions:

1. *The Assembly notes with satisfaction the results of the work done by the Commission of Enquiry for European Union;*

It approves the report of the Commission of Enquiry regarding its constitution, organisation and methods of work;

It requests the Commission to pursue the work undertaken in conformity with the principles laid down in the resolution of September 17th, 1930;

It recommends it to have recourse whenever possible to the technical organs of the League of Nations and to refer to the League the settlement of any problems which it thinks capable of solution on a world scale;

It requests the Commission to submit a report on its further work to the next session of the Assembly.

2. *The Assembly approves the proposal of the Commission of Enquiry for European Union that it should itself set up a special committee to study a Pact of Economic Non-Aggression.*

The Assembly decides that the following States shall be invited to take part in the work of this special committee on an equal footing with the members which the Commission of Enquiry may appoint:

Australia,	*India,*
Canada,	*Japan,*
Chile,	*Uruguay.*
China,	

The Council is requested to invite the Government of the United States of America also to send a representative to the special committee if that Government considers it desirable.

The President:

Translation: The first speaker on the list, M. Flandin, delegate of France, will address the Assembly.

M. Flandin (France):

Translation: I have only a few short remarks to add to M. Motta's verbal statement, to which we have all listened with great interest. I simply wish to make three observations: first, it was never the intention of those who initiated the movement that was to lead to the constitution of the Commission of Enquiry for European Union to form a rigid organisation from which the extra-European States should be systematically excluded. On the contrary, we were glad to think that this Commission, while naturally concerned primarily with European problems, would deal with their international and even inter-continental aspects as a matter of course, and that the extra-European countries would thus have an opportunity of usefully assisting in the Commission's work. There is no inconsistency from this point of view between the work of the Commission of Enquiry and the intervention of extra-European States. This I would make a point of reiterating, that there may be no *arrière-pensée* or ambiguity in the matter.

Secondly, I should like to point out that the Commission of Enquiry was never intended by its founders to pass over the eminent services which the technical organs of the League are in a position to render. Indeed, it was provided from the outset that recourse should be had to these technical organs, whenever this could usefully be done. There is thus no competition — nor can there be any — between the work of the Commission of Enquiry and the regular work of the League technical organs, which is as a rule attended by conspicuously successful results.

There is nothing, then, in the recommendation to prevent the technical organs of the League from being utilised for the special objects of the Commission of Enquiry, and the resolution submitted to you is entirely satisfactory from that standpoint. It affords us every satisfaction, since, as M. Motta has said, recourse to the technical organs of the League, which should be as wide as possible, does not exclude the carrying out of special enquiries by the Commission of Enquiry or its committees, should this be found necessary, even without the assistance of those technical organs.

This procedure may be expedient and even necessary. The technical organs of the League generally hold their sessions at fairly long, though regular, intervals. Nevertheless, in certain cases of emergency—and no one will deny that, at the present time, urgent cases may arise — it may become necessary rapidly to summon special committees. We should, I think, congratulate ourselves that such committees have functioned — especially during the past year — for they have very rapidly arrived at practical conclusions to which effect should be given without delay, and this might not have been the case if we had had to set in motion more cumbrous machinery for the examination of the proposals before the Commission of Enquiry.

Before concluding, I desire to emphasise once more how very opportune the establishment of the Commission of Enquiry has proved in the present circumstances of worldwide depression. Its work is directed towards one object: the finding of a common policy and the discovery of means to remedy by joint effort a situation that might become really serious.

The Commission of Enquiry is, I venture to say, an integral, living and active part of the League, and I should like to take this opportunity of associating myself with M. Motta's tribute to the Commission, and of offering it a cordial welcome and every encouragement to continue, in the future as in the past, its useful work.

The President:

Translation: Mr. Collins, first delegate of Australia, will address the Assembly.

Mr. Collins (Australia): The resolutions submitted by the Sixth Committee on the work of the Commission of Enquiry for European Union indicate

that a special committee is to be set up to study a proposal for a Pact of Economic Non-Aggression, and that it is intended to invite Australia, among other States, to take part in this work.

While I desire to express the thanks of my Government for the invitation to Australia to be represented on this projected committee, I should like to point out that I have not had an opportunity of consulting my Government on the subject, and am therefore unable to say definitely whether Australia will be able to participate in the work contemplated — work which seems to apply primarily to Europe only.

I am glad to learn from another document not under discussion at the moment (document A.75. 1931.II.B.) that, in connection with economic *rapprochement*, the Second Committee expressed its views in the following terms :

> " The Committee is naturally bound to consider the effects such efforts might have on relations between the European countries and countries in other parts of the world. "

The Second Committee further stated that it was glad to know that the proposals in this connection had been surrounded with guarantees for the purpose of safeguarding the interests of other countries. This, I think, is all-important. It is the predominant note in the constitution of the League ; that is, its universality, and, in deciding whether acceptance of a seat on the proposed special committee is possible, Australia will certainly be guided by the important pronouncement of the Second Committee with regard to guarantees to which I have referred.

The President :

Translation : As no one else has asked to speak, I shall consider the resolutions of the Sixth Committee adopted.

The draft resolutions were adopted.

61. — WORK OF THE INTERNATIONAL COMMITTEE ON INTELLECTUAL CO-OPERATION : REPORT OF THE SIXTH COMMITTEE : RESOLUTION.

The President :

Translation : The next item on the agenda is the discussion of the report of the Sixth Committee on the work of the International Committee on Intellectual Co-operation (Annex 9, document A.69.1931.XII).

(On the invitation of the President, M. Motta, Chairman of the Sixth Committee, and M. Sato, Rapporteur, took their places on the platform.)

The President :

Translation : M. Sato will address the Assembly.

M. Sato (Japan), Rapporteur :

Translation : As my report has been distributed in French and English to all the members of the Assembly, I shall simply add a few words to supplement what is said in it. What I should like to make clear — very briefly — is the significance of the discussions in the Sixth Committee on questions of intellectual co-operation. Those discussions revealed the profound and universal interest that is taken in the work of intellectual co-operation and the variety of problems it covers. Three meetings were devoted to the examination of the questions referred to the Committee, and the representatives of nineteen delegations spoke. Professor de Reynold, Rapporteur of the Committee on Intellectual Co-operation, and M. Bonnet, Director of the International Institute of Intellectual Co-operation, gave the Committee useful and interesting explanations. The unanimous impression was that, in this field, the League had made progress, that it was boldly attacking living problems, and that it was now in a position to facilitate intellectual relations, the exchange of ideas and collaboration in education between our various countries, and thus help them to get to know and understand one another better.

It was long thought that, in intellectual matters, individualism held the field. Indeed, under the pressure of urgent problems, there was perhaps a tendency to think that men engaged in research and scientific work could not directly co-operate with statesmen and men of action, and it seemed as if the two categories would have to work in different directions. It seemed as though the League, which was endeavouring in the political field and in the various technical matters to establish fresh contacts, and fresh means of mutual assistance and co-operation, would be powerless to render similar services to the intellectual world.

These doubts, I hope, are now dispelled. True, the work undertaken is still in its initial stages, but we are already in a position to submit to the Assembly definite achievements and a programme of action. As you will see from the report approved by the Sixth Committee, the same methods of joint work, liaison and recourse to competent authorities which made it possible for the League's technical work to develop, are being applied by the Organisation for Intellectual Co-operation. Thus, eminent representatives of our various civilisations and cultures can now work together in the interests of common progress.

The work of intellectual co-operation becomes the nucleus of a great undertaking, in which, not only the Ministries of Education and Fine Arts and the national official institutions are collaborating, but also the big private organisations interested in questions of culture and education. This institution is proving its usefulness as a means of co-ordinating these activities and avoiding waste of time and useless dispersion of effort. The League is now assisting those engaged in science and research and is giving them, by its pacific efforts and its example of collaboration, an opportunity of pursuing their eminently useful activities, which are themselves an earnest of worldwide peace and happiness.

I will now read the draft resolutions submitted by the Sixth Committee :

The Assembly :

Having noted the reports of the International Committee on Intellectual Co-operation and of the Governing Body of the International Institute of Intellectual Co-operation (documents A.23 and A.24.1931) ;

Noting with great satisfaction the results achieved during the year by the Intellectual Co-operation Organisation as a whole, and expressing its gratification that the reorganisation effected last year has made it possible to carry on, in the most effective way possible, the international work of liaison and co-ordination which in the intellectual sphere appears essential to the future of the League of Nations :

I.

(1) *Approves the work undertaken in the different branches of intellectual activity and the programme of work drawn up for the coming year;*

(2) *Recognises the existence of the Intellectual Co-operation Organisation, comprising the International Committee on Intellectual Co-operation which is the advisory body of the League of Nations; the commissions and committees dependent on it; the International Institute of Intellectual Co-operation, its executive organ, and the International Educational Cinematographic Institute, these two institutes having been placed at the League's disposal under the conditions laid down in their respective statutes: and the National Committees on Intellectual Co-operation, whose representatives may be called upon to meet occasionally in conference on the proposal of the International Committee on Intellectual Co-operation;*

(3) *Is glad that special importance is being attached to education and that a plan has been drawn up by the International Committee on Intellectual Co-operation for promoting international co-operation in this respect and for spreading still further among the young a knowledge of the League of Nations and mutual understanding among the peoples;*

(4) *Expresses its satisfaction at the measures proposed to ensure regular co-operation between the official institutions dealing with the protection of intellectual rights;*

(5) *Has noted with satisfaction the new work undertaken to ensure an objective and disinterested study of the major international problems through the institutes engaged in the scientific study of international relations, and of the programme drawn up by the Committee of Arts and Letters for the League of Nations to assist, by arranging for regular intellectual exchanges in the international sphere, in defending the interests of culture and civilisation;*

(6) *Approves the steps taken by the Committee in response to the Chinese Government's request and anticipates the most happy results from this co-operation;*

(7) *Approves the summoning of a meeting of the National Committees on Intellectual Co-operation in 1934.*

II.

(1) *Draws the attention of the Members of the League of Nations to the experiments being made by a certain number of countries with regard to the use of broadcasting as a means of education;*

(2) *Approves the step taken by the Committee on Intellectual Co-operation in asking the Institute to undertake an enquiry, in co-operation with the other competent organisations, into the educational aspects of broadcasting. Recommends that this enquiry should cover all the international questions raised by the use of broadcasting in regard to good international relations;*

(3) *Asks the States Members of the League to encourage the use of broadcasting to create better mutual understanding, to secure a more thorough comprehension of the international character of a large number of urgent problems, to permit of a more complete appreciation of the task of the League of Nations and of the aims which it has before it and requests the International Institute of Intellectual Co-operation to get into touch for that purpose with the principal national and international broadcasting organisations.*

III.

Drawing the attention of the States Members of the League of Nations to the initiative taken by the City of Berne and the invitation addressed to them by the Federal Government to participate in the Exhibition of Popular Arts in 1934;

Having regard to the Council's resolution of September 2nd, 1927, and the Assembly's resolution of the 22nd of the same month:

Urges the Members of the League of Nations to associate themselves with this great international manifestation and to take suitable steps for this purpose.

The Assembly,

Having noted the report of the Governing Body of the International Educational Cinematographic Institute:

Expresses its gratification at the results achieved;

Is happy to note the progress of the preparatory work for the Conference for the abolition of Customs barriers for educational films;

Expresses its satisfaction at the gratifying development of the International Review of Educational Cinematography.

The President:

Translation: M. Costa du Rels, delegate of Bolivia, will address the Assembly.

M. Costa du Rels (Bolivia):

Translation: The report which has just been discussed throws into relief the multiplicity of the problems which have arisen in connection with organisation; it shows also that intellectual co-operation, however imperfectly it may be appreciated to-day in the troubled times through which we are passing, is perhaps one of the League's most important functions, constituting as it does the very mainspring of its being. I have already paid my tribute to the International Committee on Intellectual Co-operation and to the International Institute of Intellectual Co-operation, which, under the guidance of its excellent pilot, is now in full sail launched on its glorious enterprise.

If then the League, in the words of the poet, is simply a company of minds, intellectual co-operation represents the active communion of those minds. The results it has achieved — the creation of ideas, the invention of forms, and (still in the words of the poet) the interpretation of facts — must have already had a most salutary influence on the relations between the peoples. For — this may be a platitude — it is in the field of intellectual co-operation that we first see the beginnings of cordial relations, and, as time goes on, interpretation follows, mutual comprehension dawns, and, little by little, human passions are cooled and purified as it were in a lustral spring.

Thus there is prepared and consolidated that spiritual disarmament, without which the other oft-quoted material disarmament must be illusory and deceptive. All panaceas — security, disarmament and arbitration, in whatever order they are placed, according to the point of view — would be ineffective unless preceded by the spiritual preparation of mutual confidence.

That is the essential word: confidence — confidence between nations and between individuals —

confidence, the new philosopher's stone. But, in the meantime, what are those people doing who, for twelve years, have been busy working out theories and recommending infallible remedies? Their voices have not held the masses; nor have figures made any impression. Technical — that is, artificial — means will not secure the happiness of the peoples.

When these modern day-dreamers see their theories collapsing — when, for instance, they witness that strange phenomenon, the evaporation of monetary tokens — these modern workers of miracles cry in all good faith: "We can do nothing: the cause is psychological".

Thus it is that intellectuals are called upon to help them out of their difficulty and to drown with their voices the noise of that super-machinery which claimed to rationalise the brain of man, but has simply destroyed his faith and broken his courage. Upon them devolves the task of preaching the return to the simple life and repeating the words of the Bible: "Drink ye every one the waters of his own cistern".

If that old truth is to be restated and understood anew, we must have brotherliness among the peoples. Humanity is the source to which we must look for the ideal of right — not merely the *notion* of right, which is quite a different thing. It is the humanist — and by humanist, I mean the complete intellectual — that is called upon to propagate this truth.

If the nations have lost the power to love one another, at least they still have sufficient curiosity to want to know one another.

That curiosity is a step towards confidence in space and time, which raises history to a higher cultural level. The intellectual is, admittedly, in some sort superior to the politician, dogged as the latter is by demagogues. Thanks to his independence, his intelligence and sensibility, he is better able to anticipate the aspirations of the nations and to make them articulate; he is better able to analyse the essential elements of happiness which the nations are pursuing.

It may be objected that the intellectual lives in a world remote from realities. This may be so, but he is a part of reality as we know it. Meridians and parallels are imaginary geographical lines, but they serve, none the less, to determine real positions in space; and, when all is said and done, is it not the intellectual's duty to trace out lines and indicate the general procedure to be applied in determining situations of fact? That is the tremendous rôle of thought which so-called men of action still persistently refuse to recognise.

Here I may perhaps be allowed to indulge in a personal reminiscence. I still seem to see, during the unforgettable meetings of the Permanent Committee on Arts and Letters, Paul Valéry and Thomas Mann sitting opposite one another, only separated from one another by the width of a table, gazing at one another — their faces suddenly transfigured by a common thought. We all understood, and that was a wonderful moment — I appeal to my learned friend and colleague, Mlle. Vacaresco, to bear witness to the effect produced by that moving though silent meeting at Geneva between two men who exercise over the *élite* of their countries an influence which many statesmen would envy them. Believe me, the cause of peace made more progress during that minute than during the long technical discussions in the course of which national prejudicies so often clash and offend one another.

Was I right in maintaining that intellectual co-operation is the very mainspring of the League?

The preponderating rôle played by the intellectual in the fundamental evolution of which we already see a few premonitory signs obviously entails responsibilities. But let us not lose heart: the term intellectual spells culture, and culture means creation, progress, perfection, purification, of the instincts and, above all, a refinement of the tastes. There are the guarantees!

Thus persuaded, borne onwards by that living community of minds which we call intellectual co-operation; thinkers, writers, savants and artists, bring from the four corners of the world the humble contributions of their individual genius. There is no thought in their minds of individual triumph. Men efface themselves before the beauty of an idea. The ideal alone remains. The most illustrious man is only an instrument like the rest. Famous to-day, lionised to-morrow, perhaps unknown the day after, he will, like the obscure artisan of former times, have helped to confer on the League the glorious anonymity whose imprint cathedrals bear. Believe me, that will be one of the greatest victories — the victory of the mind — ever recorded in the annals of mankind.

The President:

Translation: Mlle. Vacaresco, delegate of Roumania, will address the Assembly.

Mlle. Vacaresco (Roumania):

Translation: After the excellent and very full report of M. Sato and the admirable speeches made before the Sixth Committee and in the Assembly, it would almost seem that there was nothing left for me to say to you on the subject of the Committee on Intellectual Co-operation. Yet I feel I should address you as the mouthpiece of the Permanent Committee of Arts and Letters, which held its first session last July. The finest and most eminent minds of our time take part in the work of that Committee. They bear illustrious names, and I venture to mention their work in the presence of the men who compose this Assembly, the men who have most at heart the destiny of mankind, who respond most readily to ideas and movements making for the progress of mankind's happiness.

In the choice of the subject-matter of my speech, I have been guided by a personal consideration. It is already three years since from this platform I added to your already serious problems a philosophic problem, and to your arduous and arid tasks "the destiny of man", an expression which I must ask you to believe does not conceal any reference to finance or Customs; for even granted a perfect Customs system or the abolition of Customs altogether, and the complete fulfilment of all our concrete desires, the destiny of man would none the less be in danger, would none the less present mystery to be solved. For man, even amid the happy conditions which I shall depict, might still be at a loss in the midst of his conquests, bewildered, uncertain which way to turn. It is that man, the man of the future, for whom you and I and all of us must work.

I further ventured three years ago to speak to this Assembly, which is a little uneasy but always indulgent where I am concerned, of the cinematograph and the countless crowds it attracts. Although I have a horror of dry-as-dust statistics, I venture to remind you here, before the whole world, or almost the whole world, of the 65,000 cinemas that exist, with their audiences numbering a hundred million. Is it any wonder if we are rather appalled at the possibilities latent in this art, which draws masses of spectators and shows them on the film the beauty of doing as little as possible: A workman, a lucky adventurer, marrying the girl millionaire at the shortest notice. After seeing such a spectacle a man may well ask himself what is the use of work.

Then you have heard our eloquent colleague, the British delegate, Dame Edith Lyttelton, calling the attention of the Committee to the potentialities for good or ill of wireless broadcasting. This means that we are faced with the rule of the machine. The machine has fastened upon everything — art, poetry, civilisation. Let us then keep vigilant watch on the machine, and, when thinking of the moral duty we dream of creating, the moral unity that will serve as a basis for peace, let us remember this, that unity of mind, unity of thought, unity of heart can lead only to death, the death of art. And what a prospect! The decay of popular art, its relegation to a museum together with prehistoric relics, tradition reduced to a vague, modish mannerism!

We are engaged on founding a new society; but in doing so, must we not plead guilty to thinking too little of man, without whom no society can exist?

These are the fears that beset my heart: and, remembering me as a poet, remembering my sex, you have been indulgent with me when, though conscious of my over-persistence, I have come to lay my fears before you.

The Committee on Intellectual Co-operation has founded a Permanent Committee of Arts and Letters. At the very beginning of its first report, I find, or rather my lyric muse, hesitant and quavering, has heard, a clear answer to my fears.

The Permanent Committee on Arts and Letters has only been in existence for a few months; yet it has already made a brilliant, a magnificent beginning. The report announcing its existence is signed by two Frenchmen, one a writer of verse and prose, a great leader of modern thought, the other a brillant and learned professor at the Sorbonne: I refer to M. Paul Valéry and M. Henri Focillon.

This report bears witness to the delight in synthesis, the subtle taste for analysis, which characterise the French race.

Some words of the report deserve to be quoted, — indeed the same might be said of the whole report:

> "The League of Nations implies an association of minds.
>
> "It ought to form a bond of union between those who enrich the life of the mind by creating ideas, inventing forms and combinations of thought, or discovering and interpreting facts.
>
> "Only by the spontaneous communication of mind with mind can this association find expression."

It is this communication of mind with mind that the Permanent Committee on Arts and Letters has in view. It takes many forms. The Committee realises that the creator must have mastery over the creature, thet it is time man learned to control the machine and use it for his own ends. The Committee does not reject co-operation, and has drawn up a series of questions to lay before the intelligentsia. It asks the Institute of Intellectual Co-operation to catalogue discs and films — no light task, but one which I am sure it will perform admirably under its young and able Director, M. Bonnet.

In conclusion, I will say — though you know it perhaps better than I — that to-day we are faced, not only with this financial and economic crisis, which has become a veritable nightmare, a dreadful spectre evoked by each in turn, but with a crisis of idealism. A summons to spirituality is sounding throughout the world. All of you are concerned to-day with the study of man, the desire to place him in his rightful position in the universe, to widen his realm of thought, to put him in tune with the infinite, to subdue time to eternity.

We shall be parting in a few days' time. You will each carry back to your own capital the light reflected from your thoughts. You will try to shed it abroad. Do not forget that the mask of time must be torn off and eternity revealed. If around us shadows are gathering, if confidence seems to be taking wing and faith is waning, let us remember that across the troublous seas of uncertainty, in the gathering darkness, where false gods are locked in mortal combat, the clear beams of the League of Nations are shining forth. Let us lift up our eyes to the League. Let us honour it and pass on its ideas to others.

Allow me, your poet, to address to the League that cry of unwavering hope which must find an echo in all your hearts.

The President:

Translation: M. Buero, delegate of Uruguay, will address the Assembly.

M. Buero (Uruguay):

Translation: When we consider the results obtained during the past year by the Organisation of Intellectual Co-operation and the programme it has drawn up for the coming months, we cannot but be struck by the importance of the questions with which it has dealt, both from the immediate standpoint of active and vital co-operation between the various nations and that of the future of international relations.

The first characteristic of this activity is that there now exists complete, adaptable and well-balanced machinery for intellectual co-operation, that this machinery is in motion and brings the various national cultures into contact, ensuring regular exchanges between them. All the wealth of procedure created by the League during the ten years of its existence is successfully employed in the service of intellectual co-operation. The Council has the assistance of a Committee consisting of the most representative persons in the world of art, science and letters, and this Committee is, especially since the general reorganisation carried out last year, assisted by a number of specialised Committees, which bring together highly qualified experts, and which can give the main Committee the most enlightened opinions on the various questions submitted to its competence.

Thus officially, through the central organisation for intellectual co-operation — I mean the Committee on Intellectual Co-operation and its committees of experts — we can survey the various ranks in our educational hierarchy, from the universities down to the departments for primary education, the ministries of fine arts, the big libraries, and the research institutes which deal, in a detached atmosphere of disinterested investigation, with the great international economic and political problems of the day.

In addition to this interchange of ideas which the League has instituted, between our great official institutions under the aegis of its Committee on Intellectual Co-operation and the various bodies working for it, there has grown up a close and extensive network of national organisations which pursue the high ideal of bringing together intellectuals irrespective of frontiers and ensuring a better mutual understanding between nations. I might mention, for example, the National Committees for intellectual co-operation, which are steadily increasing in number and activity, the big international associations which group together the various organisations engaged in this useful

work, and all who take an interest in the education of young people, the progress of culture and the future of peace.

This brings us to a second essential feature of the work undertaken: it bears the definite imprint of universality. An increasing interest is being shown in intellectual co-operation, not only in Europe, but in Asia and in South America. In the latter continent, four National Committees have been created this year, and contacts with the Institute of Intellectual Co-operation, the League of Nations and the various countries belonging to the League have become closer and more frequent.

The programme that has been drawn up includes another feature to which I should like to call attention, for I consider it the most important of all for the future of the League and of the world. Never has so much encouragement been given within the League to everything relating to the instruction of youth. True, in each successive Assembly since 1920 we have tried to launch and encourage a universal movement for instruction in the aims and objects of the League and its ideals in order to accustom school-children to the new international methods instituted immediately after the war as a normal means of conducting world affairs.

But to-day we have become more ambitious. The International Institute of Intellectual Co-operation will this year convene a committee of experts, consisting of directors of higher education, who will deal directly with the common problems of our universities. Again, higher officials for elementary education, constituting another committee, will draw up a regular programme of co-operation in regard to elementary education.

Hardly had the schools begun to use wireless, that new means of instruction and admirable instrument of international *rapprochement*, than we find the Committee and the Institute taking up the question, studying it and instituting a vast enquiry. I need not point out what an asset in the future it will be for peace if there is a reasoned, judicious and properly directed control of these new resources which science has put at the disposal of educationists.

This brings me to another point. Speaking generally, all the new activities of intellectual co-operation aim at being practical, at rendering service, at fulfilling requirements. That is not the least interesting aspect of the work on foot; distant countries will be the first to appreciate it.

In the domain of art, to quote one example, the Museums Office has taken steps to encourage the creation, in our national centres of education, of pedagogical collections of engravings and casts which will enable pupils to see at a glance, under the guidance of their teachers, the evolution of art in the great epochs of civilisation. The Office also proposes, next year, to promote, especially in distant countries, the creation of new workshops for casts in which can be reproduced, under excellent conditions from an artistic standpoint and at a moderate cost, the masterpieces of sculpture in the possession of the great centres of art at Athens, Rome, Paris, London and Berlin.

I could give many other examples; they can be found in the domain of political economy, and in organised co-operation in the exact or natural sciences or in *belles-lettres*.

In this connection, I would direct your attention to the satisfactory agreement concluded in regard to the regular publication of the Ibero-American classics under the auspices of the Institute of Intellectual Co-operation. Two volumes, "Historiens chiliens" (selections) and "Le Diamant au Brésil", by Joachim Felicio dos Santos, have already appeared. Two other volumes, "Facundo" by Sarmiento (Argentine) and "Morceaux choisis", by J. Nabuco (Brazil), are being prepared. A list of the best works has been drawn up by a highly qualified Committee.

Everything then points to the same conclusion — that intellectual co-operation is forging between the Members of the League a new link which may one day be the strongest that unites us.

The President:

Translation: As no one else has asked to speak, I shall consider the report of the Sixth Committee and the accompanying draft resolutions adopted.

The draft resolutions were adopted.

62. — WORK OF THE ECONOMIC ORGANISATION: REPORT OF THE SECOND COMMITTEE: RESOLUTIONS.

The President:

Translation: The next item on the agenda is the discussion of the report of the Second Committee on the work of economic organisation (Annex 10, document A.75.1931.II.B).

(On the invitation of the President, M. Janson, Chairman of the Second Committee, and M. Rollin, Rapporteur, took their places on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Rollin (France), Rapporteur:

Translation: I have the honour to submit to the Assembly the Second Committee's report on economic questions. The text before you was accepted unanimously by all the delegations. The report was, I can assure you, discussed carefully and at length. One newspaper, referring to our proceedings, said: "There was much discussion, even on adverbs, which, in diplomacy, are very important". It added: "The impression was of a tapestry embroidered over a volcano". That was an acknowledgment of the conscientious work accomplished in an atmosphere of calm and objectivity, despite the difficulties with which we have had to contend.

Unanimity presupposes a real effort at conciliation on both sides. I was a witness of this and take this opportunity of paying a tribute to all my colleagues and of thanking them for their sympathy and valuable collaboration. Unanimity does, unhappily, owing to the mutual concessions which it demands, militate against vigour of thought and tends to restrict the meaning and scope of resolutions; but, when all is said and done, it is something to have succeeded in agreeing on a minimum of ideas and desires in regard to particularly complex and delicate questions, which give rise to so much controversy and evoke so many conflicting, though legitimate, interests.

We have heard many speakers — all, in virtue of their ability, eminently qualified to speak — and all opinions have been given an impartial hearing. Some of them, surrounded by a calm and serene philosophy, indifferent to the tribulations of the century, have pointed out how relatively ineffectual

our solutions were, in relation to the present happenings. Those people still pin their faith to the free play of economic laws and advise us to allow the storm to pass, to keep a hand on the rudder and to wait until the nations have learnt by their own sufferings that sacrifices are necessary. This crude and rather depressing stoicism elicited a merry conceit from the Greek delegate, who — very aptly — quoted an argument from one of Æsop's fables: There was once a good man who lived in a period of crisis and who, though very poor, possessed a donkey, and determined — on account of the hard times — to accustom the gentle and obstinate creature not to eat. He gradually reduced its rations to almost nothing. This plan yielded most satisfactory results, until one day the poor fellow found his donkey dead. "What a pity", he cried: "my donkey has died just as he was getting used to not eating anything!"

Æsop, we all know, was a wise man, and the fable proves it. It is, unfortunately, only too true that there are limits beyond which human privations and sacrifices cannot go. The doctrine of free trade, at a time like the present, when many of its most sturdy partisans are wavering, has found eloquent defenders on our Committee.

We can hardly be surprised at this, unless we have forgotten the tremendous hopes and enthusiasm which free trade first aroused, in the middle of the last century. Cobden and Bastiat saw in it the dawn of an era of cheapness and hailed it as the herald of international peace. One of its protagonists went so far as to say: "Free trade is Christianity in action". I do not think, however, that the merchants of Manchester, any more than those of Paris or Berlin, have anything in common with Christmas angels. As a minimum statement, we can only say that events have not fully justified these prophecies.

What, then, are we to do? What solution are we to recommend? That terrible mark of interrogation reveals the painful, almost tragic, character of our position in the present circumstances as representatives of our sorely tried countries.

The peoples of the world are going through a crisis without precedent in its extent, duration and intensity, and we are all acutely conscious of that crisis. We can discern the causes of the evil and the perils which are already upon us or threaten us. All of us, with the same goodwill, sincerity and fervour, desire to remove them.

We have heard appeals addressed from the Assembly platform by the most qualified authorities, who have drawn attention to the gravity of present problems and the urgency of solving them, and we should like to be able to respond by deeds to these poignant appeals. We realise that salvation is only to be found in the union of peoples, which to-day are so closely dependent on one another that they may be compared to limbs of the same body, none of which can be sick or unhealthy without all the others being immediately affected. We should like to foster their economic relations in the ardent hope that this exchange of interest will pave the way for intellectual and moral *rapprochement*. But we find ourselves faced with grim barriers on which our intentions stumble, if they do not fall.

Failing a complete solution, we have to look for fragmentary and partial ones; but, when we apply them to realities, we feel they are fragile and inadequate. International solidarity calls for sacrifices, but the national communities which have to accept them are immediately filled with unrest and anxiety.

The work before us is long, but our sufferings require immediate relief, and time presses. We should like to go full speed ahead; time is a factor which it is impossible to disregard. We should like to open up ample communications between the peoples, to multiply and strengthen the bonds which unite them, and to create community of interest between them; but we are hampered at every turn by the prejudices accumulated by age-long selfishness and misunderstandings. Our great scheme of economic union requires confidence, and confidence has still to be created. Cruel is the conflict between human intentions guided by the spirit of Geneva and the brutal force of realities. We must not fear to emphasise this conflict, for the nations we represent must realise it.

Does this mean that we must give way to a gloomy fatalism and to purely negative pessimism? Can we allow it to be said that we can do nothing but bow before the storm and wait for greater sufferings to bring a useful lesson to mankind? We have no right to do so. Without illusion, but without discouragement, we must apply ourselves to bringing the national communities to an understanding of the principles laid down in the recommendations of the 1927 Economic Conference and the Conferences of 1929 and 1930, in the remarkable studies made by the economic organs of the League, and in the conclusions of the Commission of Enquiry for European Union.

We must call upon the Governments to examine with the greatest attention the resolutions adopted by the technical experts with regard to the solutions to be applied to the economic crisis.

Should we confine ourselves to these recommendations? The Second Committee does not think so, and it has reached an agreement of principle on several proposals. These — while they certainly do not provide a general and final solution for our present ills — suggest remedies which, although only partial, may none the less be genuinely effective if supported by the goodwill of the peoples.

With great penetration and wisdom, the Sub-Committee of Economic Experts recently, at the beginning of its admirable report, emphasised the primary importance of the part played by lack of confidence in aggravating the world situation. This report says:

> "The growing international distrust is accentuating the effects of the crisis, increasing the obstacles to the normal circulation of capital and obstructing to an ever-increasing extent the whole mechanism of international trade. Lack of confidence not only entails stagnation of capital, reluctance to lend abroad and refusal to enter into long-term undertakings, but also tends to paralyse and retard all forms and phases of economic life. The result is a flagging of the spirit of enterprise, the postponement of programmes already decided upon, the abandonment of the search for new markets, the limitation of the purchase of raw materials to daily requirements, the dismissal of workers, excessive caution instead of productive activity and stagnation instead of progress."

These wise words must be heard. Governments must learn the lesson they contain, must instruct their public opinion and silence the disturbing

elements and the authors of hatred, fear and distrust in order that the peoples, instead of looking backwards with regret and revengeful feelings, may resolutely advance in a new spirit and with free hearts towards a true economic solidarity, the source of wellbeing and pacification.

The report now before you comprises the whole of the work accomplished with perfect consistency by the League of Nations and its research organisations and by the Commission of Enquiry for European Union, in the economic field; it includes clearly defined principles, recommendations to the Governments, concrete solutions and results already achieved which can now be definitely set down to the credit of the League.

In order to give you some idea of the scope and importance of this work, I need only enumerate the problems dealt with: Concerted economic action, the Commercial Convention of 1930, economic *rapprochement*, international economic agreements, agricultural questions, the organisation of trade in cereals, a preferential tariff for the purchase of cereals from Central and Eastern European States, the co-operative association of agricultural production and consumption, veterinary conventions, the International Mortgage Credit Company, unemployment — and, among the measures best calculated to mitigate it, the execution of big public works — the most-favoured-nation clause, the treatment of foreigners, unified Customs nomenclature, indirect protectionism, marks of origin, unification of laws relating to bills of exchange and cheques, national economic councils and their co-operation in the work of the League, economic tendencies liable to influence world peace, and the Pact of Economic Non-Aggression.

At the conclusion of its deliberations on all these questions, which I have, of course, been unable to do more than mention, the Second Committee adopted various draft resolutions which should lead to action and results, and which you will find embodied in the report.

No doubt these draft resolutions which are expressed in terms that some, including your Rapporteur, consider too vague, bear witness to a divergence of views and interests such as is bound to arise in an assembly of the nations, and do not afford a solution for all the evils that afflict our several countries. Nevertheless, such as they are, they show that, in spite of inevitable difficulties and apparent contradictions, the modern world is progressing towards unity and economic solidarity.

In truth, this is no more than the genesis of this new universe; we cannot really judge of the extent of the metamorphosis now proceeding, but we feel that some great thing is in process of creation. The important thing is not to allow sullied hands to destroy the seeds, but to create an atmosphere favourable to their development.

Nothing great or decisive — this cannot be too strongly emphasised — can be achieved in the economic domain if the essential psychological factor of confidence is lacking. It is essential that this truth should be brought home to all Governments, that they should teach it to their countries, that they should do everything in their power to propagate it.

At the present moment, M. Pierre Laval, the head of my Government, and M. Aristide Briand, the Minister for Foreign Affairs, are about to cross a frontier which has been the scene of so many painful conflicts. Deliberately, in spite of difficulties, resolute and sincere of heart, they are setting forth to accomplish a great act which, if the peoples were able to realise it, may form a new starting-point for the real, loyal and lasting *rapprochement* which is everywhere awaited as constituting one of the surest guarantees of security and peace.

I propose, therefore, on behalf of the Second Committee, the adoption of the following draft resolutions:

1. *The Assembly,*

Recognising that the normal exchange of commodities between the nations is seriously hampered by frequent changes in Customs tariffs *and, generally, by instability in commercial policy;*

Considering the statement made by the Sub-Committee of Economic Experts to the Commission of Enquiry for European Union to the effect that the increasing disparity of tariffs greatly complicates the task of maintaining stability in the monetary and credit system of the world:

Earnestly hopes that every country will try to the utmost possible extent to avoid any such change in tariff or commercial policy as would tend to suspend commercial agreements or to increase the economic disequilibrium and further disturb the general balance of payments. It also recommends that such agreements, where they do not exist, should be concluded on as liberal a basis as possible.

2. *The Assembly,*

Having noted the resolutions Nos. I and III to VI (document A.38.1931) adopted by the Commission of Enquiry for European Union as a consequence of the report of its Co-ordination Sub-Committee;

Being informed that the Commission of Enquiry did not feel able to put these resolutions into effect until they had been submitted to the Assembly:

Approves these resolutions and requests the Council to take the necessary action to put them into effect.

In particular, as regards the report of the Sub-Committee of Economic Experts the Assembly,

(a) *Considering that closer economic co-operation is one of the essential conditions for relieving and overcoming the present economic crisis;*

Considering that the report of the Sub-Committee of Economic Experts *suggests methods for attaining this object;*

Recognising that the seriousness of the crisis and the distress that the coming months will bring require a speedier application of all useful remedial measures:

Notes the resolution of the Commission of Enquiry for European Union inviting the European Governments to present, if possible before January 1st, 1932, their observations on the said report; it recommends the report to the attention of all the Governments;

(b) *Having noted the resolution adopted by the Commission of Enquiry for European Union regarding the appointment of a special committee to study the* extension of a system of special facilities *to agricultural products other than cereals;*

Considering that such extension would raise difficult questions of principle, in particular as regards the relations between such a system and the most-favoured-nation clause:

Deems it desirable that the findings of the special committee referred to above should be examined by the Economic Committee before being submitted to the Commission of Enquiry for European Union.

3. The Assembly,

Considering that among the means likely to contribute to better organisation of production, the World Economic Conference, and more recently the Sub-Committee of Economic Experts, have expressed the opinion that, under certain conditions and guarantees, the development of international economic agreements *may exercise a beneficial influence on the organisation of production and the regulation of trade;*

Draws the attention of the Governments to the recommendations of the economic experts in this connection.

It requests, in particular, the Governments and the League of Nations to devote their attention to studying the means of ensuring that international economic agreements should be organised and operated in the general interest and with due regard to all interests concerned in accordance with the recommendations of the economic experts and the relevant chapter in the report of the World Economic Conference.

It draws special attention to the necessity of measures to ensure as wide publicity as possible for these agreements, making it possible to follow their activities so as to safeguard all legitimate interests, particularly those of consumers, whether countries or persons.

It further requests the Economic Committee of the League of Nations to resume and push forward its consultations concerning the most important branches of production.

4. The Assembly,

Seeing that, among the measures of international solidarity calculated to mitigate the effects of the economic depression and to assist the resumption of activity which would benefit the workers of all countries, consideration should be given to the execution of important public works *jointly undertaken by public or private groups on European or extra-European territory;*

Seeing, further, that the problem has already been approached by the Commission of Enquiry for European Union and has been laid before the competent organs of the League of Nations;

In order to expedite the examination of these programmes, to co-ordinate them on an international scale, to hasten their putting into effect and to follow their execution:

Invites the Council of the League of Nations to instruct the Committee of Enquiry set up by the Communications and Transit Organisation, to which should be added representatives of the International Labour Office and possibly of the economic and financial organs of the League, to undertake these various tasks.

This Committee will examine the concrete proposals of the various Governments, particularly from the point of view of the utility and productivity of the works proposed.

It will report to the Council of the League of Nations. The Commission of Enquiry for European Union will be called on to give its opinion on the proposals relating to Europe.

5. The Assembly notes with satisfaction that the draft unified Customs nomenclature *prepared after an urgent request from the Assembly by the Sub-Committee of Experts appointed for the purpose has now been completed.*

It considers that the adoption of an agreement to utilise a uniform Customs nomenclature would facilitate the development of international economic relations.

Considering that the great advantages resulting from the adoption of such a common instrument will generally compensate for the difficulties of adjustment which its adoption may entail, it agrees with the procedure suggested by the Economic Committee and the Sub-Committee of Experts and approved by the Council.

It therefore earnestly appeals to all Members and to the States non-Members of the League of Nations to which the draft unified Customs nomenclature will shortly be submitted to examine the draft without delay, so that they may be in a position to forward their replies to the Secretariat as soon as possible.

6. The Assembly notes with satisfaction the valuable results of the two International Conferences for the Unification of Laws on Bills of Exchange, Promissory Notes and Cheques, *and strongly urges the Governments of the States concerned to take steps to ensure that the instruments of ratification of these Conventions shall be deposited as soon as possible, and in any case before the expiry of the time-limits provided.*

7. The Assembly,

Considering that it would be desirable to associate with the work of the League of Nations institutions (National Economic Councils) *representing the most important economic and social elements in certain States;*

Considering that institutions of this nature already exist—although with different methods and with different powers—in a number of countries, especially in Europe;

Convinced of the desirability of utilising these institutions as much as possible in the work of improving international economic relations:

Requests the Council to seek the most appropriate means of providing for the co-operation of National Economic Councils in the work of the League of Nations.

The President:

Translation: As no one else wishes to speak, I shall consider the report of the Second Committee and the accompanying draft resolutions adopted.

The draft resolutions were adopted.

63. — DISPUTE BETWEEN CHINA AND JAPAN: COMMUNICATION BY THE PRESIDENT OF THE COUNCIL.

The President:

Translation: Before the Assembly passes to the next item on its agenda, M. Lerroux, President of the Council, wishes to make a communication.

The President of the Council will address the Assembly.

M. Lerroux (Spain), President of the Council:

Translation: As President in Office of the Council, I have a communication to make to the Assembly.

The question of the dispute between China and Japan is being examined by the Council. Consultations are in progress with the representatives of the two countries on the Council and we hope that a satisfactory conclusion will be reached.

The Council hopes to be able to make a statement to the Assembly as soon as circumstances allow. Meanwhile, it has asked me to assure the Assembly that it is devoting to this question the time and attention that is fitting in view of the interest of peace and of the respect due to the two parties concerned.

The President:

Translation: I think I may make a statement which for the moment will obviate any discussion. It is clear that, as long as the dispute has not been submitted to the Assembly, it is for the Council to discuss the facts and to seek some means of appeasement. But in circumstances like the present, it is most essential that the League should be able to count on the support of public opinion in all countries. That support will certainly not be withheld if our action is in accordance with what is expected of us. It will not suffice, therefore, for the Council to remain in session continuously, and as far as possible in public, until the maintenance of peace is assured. It is necessary, further, that the Assembly should not adjourn without giving expression to the interest felt by all Members of the League in the success of measures of such paramount importance to our institution.

We hope, therefore, that the Council will make a further communication to us on this subject before the close of our session, in order that the Assembly may express its views on this dispute.

64. — OPENING OF A CONVENTION FOR THE REGULATION OF WHALING: REPORT OF THE SECOND COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the Second Committee on the opening of a Convention for the Regulation of Whaling (Annex 11, document A.64.1931.II.B).

(On the invitation of the President, M. Braadland, Rapporteur, took his place on the platform.)

The President:

Translation: M. Braadland will address the Assembly.

M. Braadland (Norway), Rapporteur:

Translation: I have the honour to submit to you a report on the subject of a Convention for the Regulation of Whaling. The main object of the draft Convention annexed to the report is to secure the adoption by the greatest possible number of countries of certain rules intended to prevent, in the interest of the whaling industry itself, the destruction of a source of wealth available to all.

The draft before you is the outcome of work begun in 1925 as the result of an Assembly resolution, adopted in the previous year, for the creation of a Committee of Experts.

After a preliminary examination, the Economic Committee came to the conclusion, in July 1929, that international measures might be contemplated to ensure the protection of whales and that such measures were actually urgent.

The Norwegian Government meanwhile had prepared a Bill providing that its whalers throughout the world should observe certain rules with a view to putting an end to the incomplete utilisation of the whales taken. These rules were framed with a view to obtaining valuable biological information.

The draft Convention which you have before you, and which follows the main lines of the provisions of the Norwegian law, is the outcome of a thorough study of the question by a Committee of Experts. After being recast by the Economic Committee, the draft Convention was submitted by the Council to all Members of the League and to the non-Member States for their observations.

Finally, the Committee of Experts appointed by the Governments studied the question once more, taking into account the observations and suggestions received. Thus the draft before you is the result of patient and careful work by qualified persons and has already been under consideration by the Governments.

For the provisions of the Convention, I shall refer you to the report. Article 12 provides that the information collected by whalers shall be regularly communicated by the Governments of the contracting parties to the International Bureau for Whaling Statistics at Oslo, for the purpose of comparing such information.

I take this opportunity of thanking the League for the honour thus conferred on my country, which will do everything in its power to fulfil the task entrusted to it. As I have already said, this is an urgent matter; I venture then to make an urgent appeal from this platform to all Governments, that the Convention may be signed and ratified as soon as possible.

I should like to stress the fact that the co-operation of countries which have not at present a direct interest in the question is an essential condition if the Convention is to have the full effect desired. Those countries can now, without any sacrifice on their part, guarantee by their signature that the rules of the Convention shall not be evaded, but shall be recognised as binding on everyone, and, if one of those countries later on starts a whaling industry, it will profit by the results of the Convention thus concluded with the Governments concerned.

As regards my own Government, I have pleasure in announcing that I am prepared, in virtue of the full powers conferred upon me, to sign the Convention this very day.

In conclusion, I propose the following draft resolution:

The Assembly,

Convinced of the importance and urgency of regulating whaling by means of an international agreement prohibiting the taking or killing of certain kinds of whales which have become extremely rare and of making the fullest possible use of the animals the catching of which is still permitted;

In view of the fact that the attached Convention differs from that communicated to the Members of the League and non-Member States by Circular Letter No. 158, of July 3rd, 1930, only as regards certain minor points of drafting, and that no substantial changes have been introduced therein:

Decides to open the said Convention immediately for the signature of Members of the League and non-Member States, and expresses the hope that the largest possible number of States will accede thereto without delay.

The President:

Translation: Mr. Collins, delegate of Australia, will address the Assembly.

Mr. Collins (Australia): It is my intention, on behalf of the Government of the Commonwealth of Australia, to sign the Convention for the Regulation of Whaling. My Government, however, has

instructed me to say that it may be necessary at the time of ratification, to make a reservation concerning the limitation of the powers of the Commonwealth Government with regard to fishing.

Under Article 1 of the Convention the contracting parties agree, within the limits of their respective jurisdictions, to carry out the Convention and to punish any infractions of its provisions. Therefore, any Commonwealth legislation on the subject would necessarily be limited to " Australian waters beyond territorial limits ", and it is in consequence of this constitutional difficulty that the reservation to which I have referred may become necessary at the time of ratification.

The President:

Translation: If no one else wishes to speak, I shall consider the report and the accompanying draft resolution adopted.

The draft resolution was adopted.

The President:

Translation: As the draft resolution submitted by the Second Committee has been adopted, the Convention, the text of which is appended to the report, becomes open for signature immediately by the States Members and non-Members of the League.

I have been asked to inform those members of the Assembly who possess the necessary powers that the Convention is open for signature and that they can sign it in Room 110 at the Secretariat.

65. — WORK OF THE ORGANISATION FOR COMMUNICATIONS AND TRANSIT: REPORT OF THE SECOND COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the Second Committee on the work of the Organisation for Communications and Transit (Annex 12, document A.76.1931.VIII).

(On the invitation of the President, M. Costa du Rels, Rapporteur, took his place on the platform.)

The President:

Translation: M. Costa du Rels, delegate of Bolivia, Rapporteur, will address the Assembly.

M. Costa du Rels (Bolivia), Rapporteur, read his report and the following draft resolution :

The Assembly,

Takes note of the work undertaken by the Organisation for Communications and Transit since the last Assembly and in particular of the success achieved by the Conference for the Unification of Buoyage and Lighting of Coasts, the Conference for the Unification of River Law and the Conference on Road Traffic;

Expresses its confidence that the Organisation will do its utmost to secure the entire success of the co-operation established with the National Government of China for the study of questions of public works in which its assistance has been requested;

Likewise expresses its confidence that the Transit Organisation will endeavour to take suitable steps to comply with requests for advice in respect of public works which it may receive from the various Governments; such as the requests for advice referred to in the report of the Commission of Enquiry for European Union.

The President:

Translation: As no one has asked to speak, I shall regard the report of the Second Committee and the draft resolution adopted.

The draft resolution was adopted.

66. — WORK OF THE HEALTH ORGANISATION: REPORT OF THE SECOND COMMITTEE: RESOLUTIONS.

The President:

Translation: The next item on the agenda is the discussion of the report of the Second Committee on the Work of the Health Organisation (Annex 13, document A.60.1931.III).

(On the invitation of the President, M. Fierlinger, Rapporteur, took his seat on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Fierlinger (Czechoslovakia), Rapporteur:

Translation: Two years ago I had the honour to report to you on the work of the Health Organisation, and on that occasion I emphasised the growing importance of that work, which is becoming more and more systematised and is being extended to an ever-growing number of countries in all continents.

While the efforts of the other organs of the League are necessarily concentrated on certain weak points in the world, the Health Organisation is at the disposal of every country which desires to consult it on any technical point or wishes for its opinion on the reorganisation of its health services. Its salient features are its universality and its entirely non-political character; and these in themselves go far to enhance the prestige of the League in both hemispheres.

The work of the Health Organisation is extremely varied, and I have been unable in my report to deal adequately with the different problems with which it has successfully dealt. I have mentioned only the most important tasks in the various branches of health, undertaken in co-operation with the different Governments — such as, for instance, the study of the different methods for the serological diagnosis of syphilis, the enquiry into the causes and prevention of infant mortality in Roumania and the work of the special Commissions, such as the Leprosy Commission, the Malaria Commission, etc.

I should like to emphasise the social and economic importance and significance of these problems, such as the study of rural hygiene undertaken on the proposal of the Spanish Government. The problem is how to preserve intact and to increase that vast reservoir of health, the rural population, so as to be able to draw upon it for renewed vigour for our anæmic civilisation, debilitated by town life. The Spanish Government's proposal redounds to its credit and clearly shows us the direction which Spain's national aspirations are taking. Her desire is unselfishly to serve humanity and to stimulate social and moral progress.

Spontaneous unanimity was displayed in the discussion regarding China, whose people have been the victims of an appalling catastrophe caused by natural forces and need effective international assistance. This catastrophe, which has already claimed so many victims, might undoubtedly have other disastrous consequences, if millions of men were left without shelter or food or the means of combating epidemics.

It is not selfishness which prompts us to take energetic measures to combat this evil; it is our common duty towards that great country, China. We hope that all the Governments, and especially those which have suitable technical organisations in the Far East, will respond to the appeal which the French delegation, supported by the Japanese delegation, very appositely added to the resolution proposed by the Committee. This appeal is a fresh proof of the international solidarity which the League is endeavouring to encourage between all nations whether Members or non-Members of our great organisation.

The few examples I have mentioned to illustrate the work of the Health Organisation lead me to hope that the lofty aims pursued by our Assembly in the matter of health will come to be more and more widely understood and that the Assembly will, as in previous years, approve the report and the accompanying draft resolutions, which read as follows:

I. The Assembly,

Having noted the reports on the work of the Health Organisation of the League of Nations since the last session:

Recognises with satisfaction the value of the methods of international co-operation employed by this Organisation;

Notes with satisfaction that the experience acquired by the Health Organisation is being made available to the States Members of the League to an ever-increasing extent;

Expresses the hope that steps will be taken to give the widest and most rapid distribution to the information collected by the Health Organisation concerning the practical and scientific health work, carried out in the different countries, which is of international interest;

Views with interest the work accomplished on rural hygiene, and hopes that the task undertaken in this field will be extended so that the rural populations of all countries may benefit in the near future;

Approves the work carried out by the Health Organisation since the last session of the Assembly;

And congratulates that Organisation on the results obtained, which give fresh proof of the concentration of its efforts on definite tasks, and the universality of its work.

II. The Assembly,

Regarding the danger of the spread of epidemics and the loss of life as a result of the terrible disaster in the Yangtse valley, both as a humanitarian problem of the first magnitude and a matter of international concern,

Recalling the assistance rendered in similar circumstances by the Health Organisation through its Epidemic Commission in Poland and Greece in 1921 and 1923;

Convinced of the need to show clearly and concretely the sympathy of humanity for the victims of this appalling catastrophe;

Invites all the Member States of the League of Nations, and non-Members, and particularly those in close contact with the Far East, to respond, so far as is in their power, to any request that may be made to take all possible measures for relief in the flooded areas of China, in co-operation with the League of Nations;

Requests the Council to take the necessary steps to render the international co-operation effective.

The President:

Translation: As no one has asked to speak, I shall consider the report and the accompanying draft resolutions adopted.

The draft resolutions were adopted.

67. — CO-OPERATION OF WOMEN AND OF THE PRESS IN THE ORGANISATION OF PEACE: REPORT OF THE THIRD COMMITTEE: RESOLUTIONS.

The President:

Translation: The next item on the agenda is the discussion of the report of the Third Committee on the co-operation of women and of the Press in the organisation of peace (Annex 14, document A.73.1931.IX).

(On the invitation of the President, M. Munch, Chairman of the Third Committee; and M. Buero, Rapporteur, took their places on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Buero (Uruguay), Rapporteur:

Translation: I do not think it is necessary to read the report, as it has been distributed to all the delegations.

The Spanish proposal, in which the Assembly showed particular interest, included two questions, one relating to the Press and the other to the co-operation of women. In the Committee, with the Spanish delegation's approval, we framed two separate proposals, which are reproduced in the document before you.

The Spanish proposal concerning the co-operation of women reached us at a particularly opportune moment. Now, when the League is undertaking what may perhaps be decisive work in the organisation of peace, the co-operation of women may be indispensable or, at all events, of very great value in creating an atmosphere favourable to the proceedings of the forthcoming Disarmament Conference and to the pacification of those Chauvinist passions which subsist practically everywhere — a dark inheritance of the past.

As M. de Madariaga, delegate of Spain, pointed out during the discussion in the Third Committee. the influence of women in the training of young people is decisive at the age when young minds receive their first impressions, which may perhaps play a large part in the mentality of the future citizen, and, as I mention in the report, what is suggested is not official co-operation but simply the non-official co-operation of women in the organisation of peace and the maintenance of good understanding between peoples.

If these considerations are approved by the Assembly, the Committee proposes that you should accept the draft resolution included in Part I of the report.

The other part of the report and the second draft resolution concern the co-operation of the Press in the organisation of peace. It is so explicit in itself that there is no need for me to go into details. I therefore propose the adoption of the following draft resolutions:

I. The Assembly,

Convinced of the great value of the contribution of women to the work of peace and the good understanding between the nations, which is the principal aim of the League of Nations,

Requests the Council to examine the possibility of women co-operating more fully in the work of the League.

II. The Assembly,

Considering that the organisation of peace demands an international spirit freed from all prejudices and misconceptions,

Convinced of the necessity of ensuring that Press information shall be as impartial and complete as possible,

Requests the Council to consider the possibility of studying, with the help of the Press, the difficult problem of the spread of false information which may threaten to disturb the peace or the good understanding between nations.

The President:

Translation: M. de Madariaga will address the Assembly.

M. de Madariaga (Spain):

Translation: The Spanish delegation desires to thank M. Buero for the excellent report which he has presented on its two proposals.

As regards the first of those proposals, the Spanish Government has shown by the composition of its delegation that it is in full sympathy with the tendency which has been displayed, in connection with this motion, to suggest that women should form part of the delegations. The Spanish delegation feels, however, that that question was not really the starting-point of its motion and that it might perhaps betray a lack of tact to suggest to Governments what they ought to do when forming their delegations.

The same applies with perhaps even greater force to the other question submitted to the Committee concerning the composition — whether more or less feminine — of the big international meetings and in particular of the Disarmament Conference. The Spanish delegation deems it necessary to adhere strictly to the feeling which inspired its motion, a feeling certainly shared by the majority of the Third Committee — namely, that the co-operation of women should be restricted, for the time being at all events, to the specific functions of women in their own countries and in their own homes — namely, that they should concern themselves with creating the moral atmosphere indispensable to the League's success. Naturally, the other questions raised by delegates who are in favour of a greater extension of feminine participation in public life are not affected. My Government and my delegation reserve full liberty with reference to any decision for the future.

As regards the Press, we wish to say quite plainly that it would be truly surprising if a Government formed as the result of a violent reaction in the country — violent, that is, in substance, for the reaction was peaceful in form — against a long period of censorship should submit to the Assembly, which owes its existence to liberty of conscience, any suggestion for limiting the freedom of the Press. The Spanish delegation desires to state categorically that such a thought has always been and always will be remote from its intentions. My delegation will never accept any restriction of liberty, even if it be necessary to bow before the evils of liberty.

There is, however, one very definite point beyond which the Spanish motion on the Press is not intended to go — that is, the moment when the news has become known and has been published. What happens prior to that moment does not concern the censorship. The latter can operate only after the Press has published its news. Then only can there be any right to criticise or perhaps to ascertain whether the news is false, to discover the source of the news and to decide with whom the responsibility rests. But we do not think this constitutes a field of research which it is legitimate or perhaps even necessary for the League to explore.

I wish to revert, however, to my first point, to the necessity of maintaining intact freedom of thought and opinion, and I have no hesitation in affirming, on behalf of my delegation and my Government, that we should even be prepared to abandon all idea of remedying the evils resulting from false news, if that meant jeopardising liberty, which we prize above all else.

The President:

Translation: As no one has asked to speak, I shall consider the report of the Third Committee and the accompanying draft resolutions adopted.

The draft resolutions were adopted.

68. — COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE OF NATIONS IN TIMES OF EMERGENCY: REPORT OF THE THIRD COMMITTEE.

The President:

Translation: The next item on the agenda is the discussion of the report of the Third Committee on communications of importance to the League of Nations in times of emergency (Annex 15, document A.74.1931.IX).

The President:

Translation: M. Buero, Rapporteur, will address the Assembly.

M. Buero (Uruguay), Rapporteur:

Translation: The report before you contains information which the Committee has felt that it should place before the Assembly relating to certain measures to be adopted by the League in times of emergency. I do not think I need add anything further, since the information in question has been obtained from the Secretariat, but I am at the disposal of those who may wish for any further details.

The President:

Translation: As no one has asked to speak, I shall consider the Third Committee's report approved.

The Assembly approved the report of the Third Committee.

69. — EXTENSION OF THE TERM OF OFFICE OF THE SPECIAL COMMITTEE OF FIVE FOR THE ORGANISATION OF THE SESSIONS OF THE ASSEMBLY: ADOPTION OF A DRAFT RESOLUTION PROPOSED BY THE GENERAL COMMITTEE OF THE ASSEMBLY.

The President:

Translation: At its meeting this morning, I directed the attention of the General Committee to the desirability of extending the mandate of the Special Committee of Five which had been instructed to consider, in the interval between two sessions of the Assembly, what improvements might be made in the organisation of the conditions of work of the Assembly.

The Special Committee of Five has done some very useful work. Several of its suggestions have been adopted by the Assembly and have been found to be extremely valuable — for example, that of simultaneous translation. It would be expedient accordingly to enable the Committee, between the twelfth and thirteenth sessions, to ascertain once again, on the basis of the experience obtained, whether further improvements could be recommended.

The General Committee decided accordingly to propose to the Assembly that it should extend the term of office of the Special Committee, and requested me in consequence to submit to the Assembly the following draft resolution:

The Assembly,

Congratulates the Special Committee of Five for the organisation of sessions of the Assembly on the results of its work and thanks it for the most valuable advice which it has hitherto given the Assembly;

Decides to extend for one year the term of office of the Special Committee of Five and requests it to submit new suggestions to the Assembly at its next plenary session.

The draft resolution was adopted.

70. — PARTICIPATION IN THE WORK OF THE THIRD COMMITTEE OF STATES NOT REPRESENTED IN THE ASSEMBLY: COMMUNICATION BY THE PRESIDENT.

The President:

Translation: Following on the information which I gave the Assembly yesterday morning concerning the invitation which it addressed to various States not represented in the Assembly to take part, in an advisory capacity, in the proceedings of the Third Committee relating to the proposed armaments truce, I have the honour to state that another reply has been received from one of the Governments — Brazil — invited in these circumstances: that Government informs me that it will send an observer to represent it at the proceedings of the Third Committee.

The Assembly rose at 1.15 p.m.

FOURTEENTH PLENARY MEETING

Friday, September 25th, 1931, at 10 a.m.

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President: M. TITULESCO.

71. — APPOINTMENT OF A SPECIAL COMMITTEE TO STUDY THE EXISTING SYSTEM OF ELECTIONS TO THE COUNCIL; REPORT OF THE FIRST COMMITTEE: RESOLUTION.

The President:

Translation: The first item on the agenda is the discussion of the report of the First Committee concerning the appointment of a special committee to study the existing system of elections to the Council (Annex 16, document A.56.1931.V).

(On the invitation of the President, M. Scialoja, Chairman of the First Committee, and Viscount Cecil of Chelwood, Rapporteur, took their places on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

Viscount Cecil (British Empire), Rapporteur:

The resolution I have to put before you is extremely brief, and I hope quite uncontentious. It reads:

The Assembly requests the Council to appoint a special committee to study the existing system of elections to the Council and to report to a future session of the Assembly on any reforms which may appear desirable.

It is not proposed that the Committee should work with undue haste, but it is proposed that it should be appointed so that the subject can be ventilated. I think this procedure is in every way preferable, rather than that suggestions should be made by individual members to the Assembly of any reform that might occur to them, which would probably be done without sufficient regard to the interests of all concerned. It is much better that, in the first instance, the matter should be impartially examined, and if any results arise out of that examination, the Assembly would have to consider them.

The only other remark I wish to make is that the terms of the resolution have been purposely made as wide as possible, so that the Committee may be able to consider the question of the enlargement of the Council, if necessary, though I personally would rather regret a change in that direction.

The President:

Translation: As no one wishes to speak, I shall consider the draft resolution proposed by the First Committee adopted.

The draft resolution was adopted.

72. — AMENDMENT OF THE COVENANT OF THE LEAGUE OF NATIONS IN ORDER TO BRING IT INTO HARMONY WITH THE PACT OF PARIS: REPORT OF THE FIRST COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the First Committee on the amendment of the Covenant of the League of Nations in order to bring it into harmony with the Pact of Paris (Annex 17, document A.86.1931.V).

(On the invitation of the President, M. Rolin, Rapporteur, took his place on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Rolin (Belgium), Rapporteur:

Translation: I am submitting to you, on behalf of the First Committee, a resolution for postponement; but if I may be allowed to make the distinction, this decision for postponement has been taken, not with resignation, but with confidence. This is the third year that this question has been before the Assembly, and when I say this is a confident postponement, it is because I have a profound conviction that we have considerably reduced our divergencies of view and are approaching a solution.

Last year, in the report which he submitted from this pl..tform on behalf of the First Committee of the Assembly, my predecessor, M. Cassin, told you that the First Committee had been held up by political difficulties and that various delegations had expressed the opinion that, although the legal aspect had been adequately examined, the political aspect had not as yet. In our opinion, too much is made of this sort of distinction, which is so often drawn between political and legal questions. In practice, this may have a certain interest, but only if these questions are not divided into watertight compartments.

The First Committee is no doubt the Committee for legal questions, but I shall not surprise you when I say that all your various committees, especially when they draw up draft conventions, are doing legal work, perhaps not always in the best possible way, but it is legal work. So you will not bear any ill-will to the First Committee if, in connection with the essential work of the Covenant of the League, it has been obliged to consider political problems, sometimes in a general and abstract manner and sometimes, I admit, in a concrete way. We found that some of us felt misgivings on particular points. We dealt with them as frankly as possible and, I may add, as discreetly as possible. It was in this spirit that we worked, and we arrived, I think, at bases providing greater possibilities of ultimate agreement.

Furthermore, if we have been concerned with questions of policy, it has been in the highest sense of the word, and our discussions, as one of our colleagues pointed out, have sometimes had a philosophical bias rather than any other and have bordered on the common ground where politics and law meet.

What was the question before us? The amendment of the Covenant in order to bring it into harmony with the Pact of Paris. This expression "harmony" is particularly suggestive. The aim was to avoid discord between the Pact of Paris and the Covenant: the Pact, which prohibits resort to war as an instrument of national policy, and the Covenant, which still allows recourse to war against a State refusing to have recourse to arbitration, against a State refusing to carry out an arbitral sentence, against a State refusing to carry out a unanimous recommendation of the Council and, finally, against a State which, in presence of a report of the Council adopted by a majority, refuses to wait for three months, as prescribed by Article 15 of the Covenant.

These were known as licit wars; for we are all agreed that the legal value of the Paris Pact is not the point, and that what is prohibited for signatories of the Paris Pact by that Convention is likewise prohibited in their relations as between Members of the League, since it would be impossible to allow that rules of international law exist from certain points of view and not from others.

We see that from the moral standpoint it is to the interest of public opinion or of the student, the scholar who studies the Covenant, that there should be no uncertainty, that nothing should be allowed to remain in some texts which is disallowed by other texts, that the prohibition to have recourse to war by those who are at the same time signatories of the Paris Pact and Members of the League should, as it were, be codified: but we realised that the work of bringing these instruments into harmony presented a loftier, a more complex aspect. We realised that to take this prohibition to have recourse to war embodied in the Paris Pact and to incorporate it in our

social organisation was liable, in the nature of things, to have certain repercussions.

We have in the League an organisation designed for the purpose of maintaining peace, which makes provision, in the event of any threat of war or actual war, for measures of collective intervention, of joint action. We must consider what repercussions the adoption, the consecration of the rule prohibiting recourse to war would have on the functioning of our institution.

The problem has various aspects: first, the constitutional aspect, the statement of the new principle of prohibition to have recourse to war, and we thought that this very simple formula — which encountered practically no difficulty among us — would be sufficient; there was apparently a tacit acceptance at least of the preference expressed last year by the First Committee for finding a single formula, to be substituted for the various specific prohibitions scattered through the Covenant, which should embody the very simple principle that, so far as Members of the League are concerned, they renounce the right to have recourse to war.

Various questions, various difficulties were, however, raised by certain of our colleagues. Several of them were concerned with the question of legitimate defence, and we wondered whether it might be necessary to provide expressly in the Covenant for the right of legitimate defence. That question proved simple. The right of legitimate defence is provided for in the Covenant, though not expressly so. Why should it be expressly included in the event of revision? The right of legitimate defence is simply the application of a general principle of law — to employ an expression of the Permanent Court of International Justice — the principle that, when an agreement has been entered into on a bilateral or multilateral basis and one of the parties evades its obligations, the other parties are automatically released from theirs.

That is the *non adimpleti contractus* clause. A State violates its undertaking not to have recourse to war; it has no right to demand that the other parties shall respect that same obligation.

The definition of legimitate defence, and especially the limitative definition of the various material aspects under which legitimate defence might occur in practice, was a problem also considered this year by the Third Committee. The latter gave up the attempt to formulate a solution and we do not feel any more competent to do so than they.

Legitimate defence is a conception which exists in municipal law, although the character and conditions of such legitimacy are not, to my knowledge, defined in any law. It is a principle of conscience, a principle of common sense, a concept which perhaps defies definition in abstract terms, but which in practice presents no difficulty.

In order, however, to indicate somewhat more precisely the various solutions or complications that might be encountered in practice, we have, like the Third Committee, indicated in a footnote to our report a very important, if not decisive, passage, by my compatriot M. de Brouckère, which occurs in a report to the Council on the application of Article 11.

Certain problems were also raised in regard to the right of spontaneous intervention. As you know, Article 16 provides that a violation of the undertakings of the Covenant places the violating State in a state of war with all the other States, and provides for the immediate application of economic sanctions and for a later application, generally on the recommendation of the Council, of military sanctions. The point to be determined was whether provision was to be made for such assistance also as an exception to the prohibition to resort to war, and we seem to have agreed that no such exception should be specified expressly, that here again it was not so much a question of an exception as the simple application of the principle of law, since the State which violates its undertakings is not entitled to demand the execution of those undertakings by the other parties to the Convention.

We considered the question whether one factor in the problem, the appreciation of legitimate defence, could be affected by special conditions, and on that point also we did not feel obliged to recommend, for our future work, any specific solution, since it seemed to us that sufficient indications were already to be found in the general body of the League principles.

These Conventions are of several types. Some are reciprocal and are recognised and approved by the League, being included among the special Conventions which Article 21 defines as engagements for securing the maintenance of peace.

When the League organs, whether the Convention has been concluded under their auspices or merely referred to them, have found that it is actually of such a character, the question is already settled in advance and the Council of the League can take account of these Conventions as a matter of course, their character having been thus unanimously recognised. We have one example of this which seems likely to take effect this very year: the Third Committee is drawing up a Convention to reinforce the means of action at the disposal of the Council; the Convention does not confer on the Council the power to prescribe provisional measures, but it gives to this power, which the Council already has, a legal effect which those measures have not hitherto possessed.

It is understood that anyone who violates such provisional measures after having signed the Convention will find himself *de jure* and not only *de facto*, according to the Council's view, presumed to be an aggressor, if there is no other means of determining the aggression.

No one, I think, raised any objection in the Third Committee to the possibility, for Members of the League, of framing certain rules of this nature which will, beyond all doubt, have certain effects beyond the scope of the actual relations between the Members, since the Council of the League and the Members which have not signed the Convention in question will have the right to invoke it, if necessary, when establishing the aggression.

Lastly, the question arose whether later on, when the moment comes to draw up definitive texts, it would be necessary to catalogue the measures of constraint that might be employed either as reprisals or in execution of arbitral awards, and which measures should be prohibited, since resort to war was strictly prohibited in the wording contemplated. On that point also we considered that the definition of these concepts should be left to experience, to the concrete development of international law, to international jurisprudence, or that, at all events, it was not in the Covenant, which forms the body of constitutional rules, that provision should be made for the solution of this particular difficulty.

We affirmed one essential point — and this is certainly a big revolution even in regard to the execution of arbitral awards — namely, that resort to war in the strict sense of the term was comprised in the general prohibition, but that, as a consequence

of this, the task which devolved upon the Council of considering the measures necessary to ensure execution took on a fresh importance and significance, that that task became a particularly imperative one for the Council, that the Council could even, in the last resort, in the face of States which persisted in their attitude, authorise measures of military execution by way of exception in serious cases, but that, in such cases, the measures prescribed by the Council would take on an entirely different character, that they would not, any more than in the case of legitimate defence, constitute a resort to war, but would represent concerted action in perfect conformity with the principles of the Covenant.

Having thus examined the fundamental principle of the prohibition of resort to war, its principal repercussions were next considered with a view to ensuring the desired harmony.

The most familiar aspect, and the one which is very generally placed already on a plane with the principle of prohibiting recourse to war, is the problem of the pacific settlement of disputes. As things stand, the Covenant allows States the choice between arbitration or judicial settlement, on the one hand, and recourse to the Council on the other. Arbitration or judicial settlement implies findings which are binding upon the parties and to which effect must be given. Recourse to the Council, even when the Council is unanimous, produces only a limited effect, since, in the Covenant as it stands, war is prohibited against a State which fails to comply with the unanimous recommendations of the Council; but the Covenant does not provide for any obligation to carry out its recommendations, and the Council has no means of guaranteeing such execution, even when its recommendations are unanimous.

Many delegates therefore held quite logically that, if war is prohibited in every case, a final settlement of the dispute must also be assured in every case.

Two methods seemed feasible. The first and simpler was to extend arbitration or judicial settlement by means of contractual undertakings. This we are trying to do, and considerable progress has been made through the Optional Clause of the Statute of the Permanent Court and the General Act of Arbitration. Tempting as it may be to carry things to their logical conclusion, it is better in this matter not to attempt to hurry States, not to try to break down such resistance as is still manifested in somewhat rare cases, not to impose on all, by means of amendments which would doubtless not be ratified, so big a step as general arbitration. This solution was therefore abandoned, at all events, in the form of an amendment.

The second solution contemplated was to confer upon the recommendations of the Council — at any rate, its unanimous recommendations — a binding effect, to entrust the Council with the task of ensuring their execution and, even, in cases in which the Council might be divided, to provide that it would then be under the obligation to refer the parties to arbitration or judicial settlement. This amounted, indirectly, to much the same result — namely, the exercise of constraint on Members. The problem, however, was further complicated by the fact that a certain number of States in favour of compulsory arbitration were not prepared to grant to the Council arbitral or judicial powers or to give its decisions executory and compulsory force, even with the guarantee that the Council could, by a majority, apply for an advisory opinion to the Permanent Court of International Justice.

It seemed that, provisionally, account should be taken in the report of the fact that it would doubtless not be possible to go beyond the point indicated last year in the First Committee's report and that it must suffice to ensure for the unanimous recommendations of the Council a moral effect, in the sense that it would be provided that the Council shall ask States to conform to its unanimous recommendation and that Members of the League which are third parties shall not be able to give assistance to a State refusing to do so.

Thus there is to be no legal obligation laid down in the Covenant, but a certain moral pressure, and provision is made for certain sanctions in the event of violations of that moral obligation.

From a logical standpoint, this may not perhaps be very satisfactory; from a political standpoint — which is dear even to jurists — it is perfectly viable. The States have set this great example by accepting, in the Pact of Paris, the prohibition of resort to war, although the obligation in regard to a pacific settlement is actually far less stressed than in the Covenant.

We consider that this is an example by which we might profit and that, psychologically, it is not astonishing that States should be unanimously prepared to renounce recourse to violence as a means of settling their disputes, even if they are not quite clear in their own minds what pacific methods should be chosen to arrive at a solution.

I now come to the last and perhaps the most important aspect of the problem, in regard to which it seemed the most difficult to reconcile the divergent points of view. I do not say that we reached unanimity, but I have no fear of being contradicted when I say that we understood each other better, that each of us appreciated the force of his opponent's argument and perhaps the points in the argument which we had been defending with equal conviction; thus, as you may see, it is already possible dimly to discern what will probably be the solution of to-morrow.

What was the main argument last year, the one which has still, I think, the greatest number of supporters? Although as Rapporteur I cannot give you any details, that argument was that, on this essential point, it is impossible, among all the kinds of war prohibited by the Covenant, among all the possibilities of illicit resort to war, to point to certain categories to which sanctions would be applied and others which would escape. Conscience demanded, we may say, that no distinction should be allowed, because we considered that to say that in certain cases Members of the League, after taking note of the violation of an undertaking, could simply wash their hands of the whole matter, would be to undermine at the outset the moral and legal force of this radical prohibition to resort to war.

We have been accused, to begin with, of attaching too much importance to the problem of sanctions; it was averred that the function of the League, its *raison d'être*, was not to be a repressive judge, whose duty it would be to take cognisance, with a view to penalties, of acts committed by States or to ensure immediate punishment. Such a function would in reality often be very alarming and difficult of accomplishment and would involve delay. It was pointed out that the direct, immediate and essential function of the League is to bring about peace, to reassure minds and hearts, and that the problem of assigning responsibility was one to be solved later, a problem of reparation, if need be.

On that point we very quickly reached agreement. The experience of the Council is there to help us.

In the various cases in which the peace of Europe has appeared to be endangered, the Council has been anxious above all to try and restore peace, before attempting to determine the causes of the dispute which had for a space embittered world feeling.

Those in favour of not extending sanctions declared that we were attaching too much importance to providing in the texts for the extension of obligations, whereas the real problem was a question of procedure, of machinery. What was required was to determine whether Members of the League were or were not under an obligation, rather than to determine under what conditions and subject to what guarantees they should recognise that, in a particular case, they must take concerted action against an aggressor State. In this connection, attention was directed to the importance of what was being done in the Third Committee, where legal force was being conferred on the power which the Council already possesses to prescribe provisional measures.

We were told: "It is an organic matter; the Council takes provisional measures; it places itself in a position to verify their execution or violation, as the case may be. Having thus made its arrangements with regard to machinery under its own control, it is then possible for it to take a unanimous decision as to the aggressor." We are prepared, by way of compromise, to consider the extension of sanctions to all cases in which the Council may have been unanimous in establishing the aggressor.

On this point we agreed — or rather, I agreed — with certain delegations that it was perhaps at the outset a formal mistake to describe as a limitation of sanctions what was in fact only their regulation, that the point was not whether actually the obligations to lend assistance in virtue of the Covenant would extend to all cases of aggression, but whether the execution of such obligations ought not to be subject to certain formal conditions concerning proof.

We then took precautions to repudiate the charge that we were increasing the number of cases of sanctions. We considered that the idea of extending sanctions might lead to ambiguity and that, if the principle of unity as regards the pacificatory action of the Council and the prohibition to resort to war were accepted, there might perhaps in theory be an extension of intervention to cases which were not at present liable to sanctions under the Covenant, but that, from a practical standpoint, the likelihood of intervention by the League, far from being increased, would be reduced.

In this connection, we brought out the point that Article 11 of the Covenant enjoins upon the Council to concern itself with any war or threat of war, even licit, under the original Covenant; we considered that that would be the duty of the Council *a fortiori* when all wars had been prohibited, and we thought that it would be anomalous if, in certain cases, it should be the duty of the Council to intervene, while Members of the League of Nations were at liberty to stand aloof, and that the Council would find itself without any concrete means of action.

We then considered whether, in the apprehensions expressed by those in favour of this restrictive amendment, there might not be a modicum of truth. We were told: "If the Council has been divided on the settlement of disputes, it is possible that it may be divided when establishing the aggressor. If there is serious division in the Council, if the Members of the League are required, as under the existing Covenant, to form an opinion in the light of their own conscience, is it fair to place them in such a dilemma that they will either have to violate their individual undertaking, entered into in good faith, to take action against the aggressor whom they may have recognised as such, or perhaps to rush into an unthinkable war of each against all, to be the Don Quixotes of collective assistance, to set out alone to apply sanctions when, in the meantime, the collective instrument has proved unable to function?"

It is surprising, perhaps, that such possibilities should have been considered; let me hasten to say that we regard them all the more calmly, inasmuch as we consider them quite improbable. In point of fact, we think that, although the Council may at times, in perfect good faith, be divided in regard to concrete events, it has means for achieving unanimity in the future by adopting provisional measures; we consider that such means will become the more readily available, as it realises the necessity for obtaining the support of public opinion, and for keeping it informed, while following as far as possible the practice advocated by the President of the Assembly, in his reply to the speech of the President of the Council, of holding public meetings and avoiding in public defections which, obviously, are more liable to occur at secret meetings.

Unreal though this hypothesis may seem, we can assure those to whom it is causing anxiety that we recognise that the obligation under Article 16 is an individual one within the framework of a social organisation — that is to say, we recognise it as an individual obligation to co-operate in common action and, in all good faith, we can say that, in the hypothetical case of the League of Nations failing in its mission so completely that there is no common action and that defections outweigh allegiance, the whole social edifice would naturally collapse and individual undertakings would undergo the same fate.

I hasten to add that, in our opinion, such a hypothesis of despair finds no place in any legal system which presupposes the functioning of the League and, just as no constitution in the world provides for revolution, so the Covenant cannot be expected to provide for the possibility that a large number of Members may fail in their international obligations. On the contrary, we have a right to say that the only hypothesis we have to consider in connection with our legal texts is that of the good faith and goodwill of the majority.

Thus we arrive at the conclusion that a reasonable interpretation of the Covenant does already largely meet the apprehensions to which expression has been given. If, however, we cannot — or certain of us cannot — accept, as it stands, the amendment proposed — namely, to restrict to cases where unanimity had been established by the Council the obligations under Article 16, which are not at present subject to any conditions of the kind — that is because such a condition of unanimity is in itself too formal and too rigid. It might be possible with a much smaller Council, working under conditions of greater publicity and offering less danger of division, but such a further condition for the application of Article 16 would be inadmissible, as we cannot allow that the essential guarantee of the Covenant — the individual obligation — would be entirely destroyed merely because there might be on the Council, besides the aggressor State, another State secretly allied with it or not sufficiently alive to its own obligations as a Member of the League to carry out its undertakings. For this reason, we have not up to the present seen our way to considering any formulæ such as those which were proposed to us.

What will be the solution? I do not wish to constitute myself a prophet, but I think that,

in the light of what I have told you, you will feel that, although the arguments put forward on one side must carry some weight — and I think I have brought that out — the objections of the other side are also worthy of consideration and we may quite possibly arrive at a less rigid settlement of the question of the application of sanctions than had been contemplated.

That is the point we have reached. I do not think that any one of us has changed his opinion to the extent of going over to the opposite side, but I believe we shall all agree, as I said just now, that we have understood one another's point of view and that a solution appears less difficult and more probable than last year, when M. Cassin submitted a report on the same subject.

We have summed up in our report, as conscientiously as possible, the legal and political aspects of the problem and enumerated the points of agreement and of difference, and we do not ask you to approve the report in the sense of inviting you to accept, here officially, as States, the opinions expressed in it. We realise that on such an important subject the delegations desire, before committing themselves officially, to be able to discuss the question and refer it to their Governments. We have drawn up a report which has been approved by the First Committee, and therefore carries a certain amount of moral authority. We think it may serve as a basis for subsequent discussions, and that must be our excuse for making it so long.

We also considered the question of procedure and realised that the problem of bringing the Covenant into harmony with the Pact was bound up with a different problem — the reduction of armaments.

Some of us are of opinion that if the Covenant is thus completed, clarified and brought into harmony with present-day international law, which prohibits recourse to war, its effective operation will be facilitated and the authority of our constitutional position will be considerably strengthened and that, in the circumstances, certain States will perhaps come to the Conference for the Reduction of Armaments with more confidence.

We also realised that the fears expressed by other States on the score of the repercussions of what they call the extension of sanctions — which is the theoretical extension of their obligations to give assistance — will be greatly mitigated if the Disarmament Conference leads to the conclusion of a sound, permanent and satisfactory Convention such as to satisfy the requirements of Article 8 of the Covenant both in letter and spirit, and world peace is consequently consolidated and the chances of conflict reduced to a minimum.

We thought that, in the circumstances, agreement would be considerably facilitated, even as regards those points on which there were still divergencies of view, if we postponed the establishment of a final text until the Disarmament Conference or after that Conference.

We have therefore suggested that the question of completing the texts and seeking a final agreement should be postponed, the work being referred to a temporary Committee which would meet between the two Assemblies and prepare texts for next year

The Council will decide the date on which this Committee is to meet, but we have suggested that it should be during the Conference, both on account of the logical connection between the two questions in the minds of certain States — though other States do not concur in their view — and also for reasons of economy. We shall have at Geneva, for months at a time, jurists of every nation represented on the League, and it is only natural that we should desire to take advantage of their presence and ask them to do this additional work in their spare time.

There is of course no question in our minds of including in the agenda of the Conference the problem of amending the Covenant in order to bring it into harmony with the Pact of Paris. That work would proceed side by side with that of the Conference. Indeed, it could not be otherwise, as certain States participating in the Conference are not Members of the League. It will be carried on at the same time as the work of the Conference and, we hope, will be harmonious with it. For my part, I am confident that both the Conference for the Reduction of Armaments and the Committee to settle the amendments to the Covenant will achieve entirely satisfactory results and solve this problem, which, as you must realise, strikes at the very heart of the League.

In conclusion, I submit, on behalf of the First Committee, the following draft resolution:

The Assembly,

Taking note of the report approved by the First Committee:

Reaffirms its intention of continuing the task of inserting in the Covenant of the League of Nations a general prohibition of recourse to war and the principle that the settlement of international disputes may only be sought by pacific methods;

Decides to create a committee consisting of representatives of all the Members of the League of Nations, which may meet during the Conference for the Reduction of Armaments for the purpose of seeking unanimous agreement on the bases indicated in the report and of drawing up a final text which may be voted by the Assembly at its next session;

Requests the Council to convene the Committee for the date which it considers appropriate;

Requests the Secretary-General to transmit the present resolution and the report to the Members of the League of Nations, in order that, if they consider it necessary, they may send to the Council their views as to the lines on which they think agreement could be attained.

The President:

Translation: As no one else has asked to speak, I shall consider that the Assembly has duly noted the report of the First Committee and adopted the accompanying draft resolution.

The draft resolution was adopted.

73. — SLAVERY: REPORT OF THE SIXTH COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the Sixth Committee on slavery (Annex 18, document A.83.1931.VI).

(On the invitation of the President, M. Costa du Rels, Vice-Chairman of the Sixth Committee, and M. Loudon, Rapporteur, took their places on the platform.)

The President :

Translation : The Rapporteur will address the Assembly.

M. Loudon (Netherlands), Rapporteur :

Translation : It is an admitted fact that, despite the campaign instituted more than a century ago, to her lasting honour, by Great Britain, slavery — that blot on modern civilisation — is still found in many parts of the world.

It is rife in certain countries not represented on the League, and unfortunately there are also countries which do belong to the League where it still exists in various forms. The Governments of those latter countries, however, are by no means inactive and, far from condemning them, we ought — considering the tremendous difficulties with which they have to contend — to acknowledge their efforts to extirpate this evil.

Indeed, this homage was paid to them in the Sixth Committee. Count Apponyi and several other delegates, including myself, expressed their sincere admiration of the way in which that enlightened ruler, the Emperor of Abyssinia, has demonstrated his determination to abolish slavery, despite the difficulties he is encountering in eradicating throughout his vast empire a custom which is so deeply rooted there.

A tribute was also paid to the Liberian Government for its efforts to eliminate the evil, and the Sixth Committee intimated that the same feelings inspired it as regards all the Governments concerned which were resolutely adopting a similar course.

Those Governments need the League's support. That is why the British Government, protagonist in the fight against slavery — as shown by the work of the Anti-Slavery Society, now nearly a century old, and by the recent extremely important debate in the House of Lords — is constantly emphasising its keen interest in this problem.

Last year, the British delegation, regarding as inadequate the communications concerning slavery forwarded by Governments under the 1926 Slavery Convention, proposed the setting up first of a permanent Commission and then of a permanent advisory office. It was decided, however, before modifying the procedure which had been in existence for barely two years, to wait another year.

This year, the British delegation, in view of budget difficulties, has dropped its original proposal for the time being and proposed, through Lord Lytton, that the former Temporary Commission set up in 1923, which had never concluded its work, should be reappointed for a year, on the understanding that the expenditure involved should be reduced to a minimum.

This Commission, if re-established, would be instructed to examine the material on slavery collected since the publication of the last report of the Temporary Commission and to recommend to the next Assembly the measures of assistance which the League of Nations could render to those countries that have agreed to abolish slavery. It might also study the possibility of setting up a permanent office.

In the Sub-Committee appointed to examine this proposal, which was opposed in particular by the delegate of Portugal, I put forward, in the form of an amendment to the British text, a suggestion, which I had already made in the plenary Committee that, instead of the Temporary Commission, a Committee of three experts should be appointed, to be chosen exclusively on the grounds of their personal qualifications and competence.

The British proposal, which was supported by several delegates, won the day, and unanimity was achieved, but only after an amendment providing that a small committee of experts should be set up to examine the material and submit to the Council suggestions with a view to recommending to the next Assembly the measures of assistance which the League could render to countries that had agreed to abolish slavery and might request such assistance.

Count de Penha Garcia, delegate of Portugal, explained that his Government could not agree to the setting up of a Committee which was outside the framework of the Covenant and did not take into account the legal position created by the Slavery Convention. Subject to this reservation, he accepted the resolution adopted by the Sixth Committee.

M. Louwers, the Belgian delegate, also made a very pertinent legal observation, which is deserving of special mention.

He was, he said, in favour of the formula adopted, inasmuch as it did not imply control or interference in the internal affairs of States. If, on the other hand, it had done so, he could not, he said, have subscribed to it, as the Assembly had no authority to take such a decision either under the Covenant or under the 1926 Convention.

The draft resolution, which was duly submitted to the Fourth Committee in view of the expenditure involved by even a small committee of experts — whose number would be fixed by the Council — formed the subject, in the Fourth Committee, of a discussion which reflected the necessity of restricting expenditure during the present crisis.

The British delegation having given an assurance that the League expenditure on the committee of experts need not exceed 10,000 gold francs, as the British Government could, if necessary, furnish for this object a sum derived from a private source, the Fourth Committee offered no objection to the inclusion of this comparatively small item in the League budget for 1932.

I have the honour, therefore, on behalf of the Sixth Committee to submit to the Assembly for approval the report which you have before you and which I have only amended in a few unessential particulars in accordance with the Committee's wishes, together with the accompanying draft resolution, which reads as follows :

The Assembly,

Requests the Council to appoint for one year a small committee of experts to examine the material upon slavery which has been supplied or transmitted by Governments since the signature of the Convention of 1926. This committee will submit to the Council suggestions with a view to recommending to the next Assembly the measures of assistance which the League of Nations could render to those countries which have agreed to abolish slavery and which request such assistance.

The President :

Translation : Lord Lytton, delegate of the British Empire, will address the Assembly.

Lord Lytton (British Empire) : I desire in two or three words to support the draft resolution which has been presented to you by the Sixth Committee and also to associate my delegation with the remarks made by the Rapporteur regarding the efforts recently made by the Governments of certain countries to abolish slavery within their borders.

As it is not mentioned in the report of the Sixth Committee, I think the Assembly should know that the action recently taken by the Emperor of Abyssinia was brought to the notice of the Sixth Committee by Count Apponyi, and that Committee expressed its great satisfaction at this action and desired that its approval of the steps which he had taken should be conveyed to the Emperor.

It is a cause of great satisfaction to the British delegation that this year at last some step is to be taken in the direction which we, for two or three years, have advocated hitherto unsuccessfully. There are two reasons why the British delegation believes that this small temporary committee of experts will be of value. The first is that, since the framing of the Slavery Convention, it has become known that a considerable amount of material is available and in the possession of various Governments. That information, however, is of such a character that the Governments in whose hands it is are reluctant either to publish it or to take any action upon it until it has been submitted confidentially to the examination of qualified experts to test its value.

We hope, therefore, that this small committee, which it is proposed to set up for one year, may be able in the course of one session to go through this material, sift it, express an opinion upon it and advise the Council as to what action, if any, might be taken by the League to deal with the conditions revealed in those documents. We hope by this means to save the countries where conditions of slavery still exist from being prejudiced by the expression of public opinion insufficiently informed.

The second reason why we think this Committee may be valuable is that we hope the experience gained from its work may remove the anxieties which still exist in the minds of some delegations regarding our proposal for the creation of a Permanent Expert Bureau to examine documents relating to slavery.

I wish to emphasise that the Committee now to be set up is only a preparatory and advisory committee. It will take no action itself, it will merely report to the Council upon the documents submitted to it, but I feel confident that, as the result of its work, the Assembly next year will be better able to decide whether any action, and, if so, what action, is still needed to hasten the emancipation of the slaves that still exist in the world and to remove permanently this evil from society.

The President:

Translation: As no one else has asked to speak, I shall consider the report of the Sixth Committee and the accompanying resolution adopted.

The draft resolution was adopted.

74. — GIFT BY THE CANADIAN GOVERNMENT TO THE LEAGUE OF NATIONS.

The President:

Translation: Before proceeding with the agenda, I have an agreeable duty to perform. I ought to have performed it before, but I have been waiting for a suitable opportunity, and I will therefore take advantage of the present occasion.

The Canadian delegation has, on behalf of its Government, presented the League of Nations with a very fine portrait of Senator Dandurand, former President of the Assembly and Member of the Council, who has always been a friend of the League and who is, too, the personal friend of us all.

All of us who know Senator Dandurand and feel a warm affection for him must be glad to see him portrayed on this remarkably fine and expressive canvas, which is on view at the Secretariat. We are extremely grateful to the Canadian Government for the pleasure it has afforded us. We must congratulate the artist who has thus restored to us the presence of this distinguished man, who is beloved of all and has rendered such signal services to the League.

When making this magnificent gift to the League, the Canadian delegation expressed the hope that its example would be followed and that other portraits of Presidents of the Assembly would be offered to the League. This wish proves the deep interest which Canada takes in the men who are called by the League to direct its work.

I can assure the Canadian delegation on behalf of the Assembly that its wish has been interpreted in the spirit in which it was meant and that it will not be forgotten.

75. — PREPARATORY PROCEDURE TO BE FOLLOWED IN THE CASE OF GENERAL CONVENTIONS TO BE NEGOTIATED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS: REPORT OF THE FIRST COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the draft resolution submitted by the First Committee on the question of the preparatory procedure to be followed in the case of general conventions to be negotiated under the auspices of the League of Nations (Annex 19, document A.80.1931.V).

(On the invitation of the President, M. Scialoja, Chairman of the First Committee, and Professor Giannini, Rapporteur, took their places on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Giannini (Italy), Rapporteur:

Translation: The eleventh Assembly adopted a resolution relating to the drafting of international conventions concluded under the auspices of the League of Nations. Part IV of that resolution provided for the procedure to be followed in all cases in which the League might desire to conclude a convention, and was designed to facilitate, after conclusion, the ratification of the convention, which, according to the last part of that section of the resolution, was to be transmitted to the Governments for their observations and also to the technical organs of the League.

After the receipt of the replies of the Governments and of the observations of the technical organisations of the League the problem of the preparatory procedure to be followed in the case of general conventions to be negotiated under the auspices of the League was submitted to the First Committee.

The First Committee has amended certain paragraphs of the resolution, and I shall merely indicate the changes adopted. I may say that the Persian delegation made proposals with regard to other paragraphs of the resolution adopted by the eleventh Assembly, but the Committee considered that the subject of the Persian proposal could not be dealt with at our discussions.

The preamble to Part IV adopted by the Assembly last year and paragraphs 1 and 2 are unchanged. The

essential amendment is that made in paragraph 3. It was thought that the Assembly should be the deciding factor in the matter of a draft convention, and it was also thought that, not only a convention to be prepared during a conference, but also the possibility of a protocol being drawn up by the Assembly itself, should be considered.

For this reason paragraph 3 was amended to read as follows:

"The draft convention and the observations of Governments (together with the answers to the questionnaire, if any) shall be communicated to the Assembly, and the Assembly shall then decide whether the subject appears *prima facie* suitable for the conclusion of a convention."

This amendment also involved an amendment to paragraph 4, which now reads:

"If the Assembly considers the subject *prima facie* suitable for the conclusion of a convention, the Council shall arrange for the preparation . . ."

Paragraph 5 has also been slightly amended, and now reads as follows:

"In the light of the results of this second consultation of the Governments, the Assembly shall decide whether a convention should be concluded and, if so, whether the draft should be submitted to a conference, the date of which it will request the Council to fix."

The amendments to this paragraph are the following: As regards the second consultation, the Assembly is to be the deciding factor instead of the Council, and provision is also made for the possibility of a draft convention being approved by the Assembly and being opened for signature by the States.

Finally, paragraph 7 has been slightly amended.

I should like to draw the attention of the Assembly to the fact that the first six paragraphs provide for the preparation of a convention by the organs of the League, while the last paragraph provides for the procedure to be followed in the case of a convention initiated either by the Assembly itself or by a Government. Consequently, in accordance with the suggestion made by the Swedish delegation, the scope of the provisions of paragraph 7 has been somewhat extended and the paragraph now reads as follows:

"The procedure set out in the preceding paragraphs will be followed, as far as possible, in the case of draft conventions, the desirability of which is recognised by a decision of the Assembly either on its own initiative or as the result of a proposal by a Government. In these cases, the Council will instruct either the Secretariat or some other organ of the League or specially selected experts to prepare the above-mentioned report, which shall subsequently be submitted to the Council."

This means that, if discussions by a conference are to be instituted on the initiative of a Government or of the Assembly, there will be a choice of three systems.

In the last paragraph it is indicated that this procedure is not absolute. It is stated that it will be followed "as far as possible" and, at the beginning of the resolution, the formula adopted by the preceding Assembly is retained: "The preparatory procedure should, in principle, be followed, except in the cases where . . . the Assembly or the Council consider other methods to be more appropriate".

The two proposals — that contained in the preamble and that inserted in paragraph 7 — tend to make the procedure proposed rather more flexible, for the following reasons: First, there are certain technical organisations of the League which have rules or a particular statute, and it is obviously not desired to change the procedure with regard to them; secondly, certain procedures are already provided for in particular conventions; and, finally, there is the general rule.

The procedure contemplated in the resolution, which is rather a long one, may be followed, but the obligation is not absolute: in other words, precautionary measures are indicated, designed to secure sound preparatory work, and it must always be borne in mind that this paragraph was contemplated in the resolutions of the last Assembly as likely to facilitate the conclusion of sound conventions, as regards both their ratification and their execution. The wording of the preamble and of paragraph 7 removes the doubts entertained by the technical organisations.

The following is the procedure intended: first, the attention of the Assembly is drawn to the fact that the adoption of a good preparatory procedure in the case of a convention does not mean that the convention will be good, just as good preparatory procedure in preparing a national law is calculated to produce a good law, but does not necessarily do so.

There remains the question of substance, which we discussed at the last Assembly — that is to say, that, while counselling precautionary measures with regard to the technical organisation of useful conferences, there still remains one factor to be considered, namely, the spirit of understanding among the nations, which alone can render possible agreement regarding the conclusion of conventions concerning international relations.

The amended text of Part IV of the resolution adopted by the last Assembly therefore reads as follows:

That, in the case of all general conventions to be negotiated under the auspices of the League of Nations, the following preparatory procedure should, in principle, be followed, except in the cases where previous conventions or arrangements have established a special procedure or where, owing to the nature of the questions to be treated or to special circumstances, the Assembly or the Council consider other methods to be more appropriate:

1. *Where an organ of the League of Nations recommends the conclusion of a general convention on any matter, it shall prepare a memorandum explaining the objects which it is desired to achieve by the conclusion of the convention and the benefits which result therefrom. Such memorandum shall be submitted to the Council of the League of Nations.*

2. *If the Council approves the proposal in principle, a first draft convention shall be prepared and communicated, together with the explanatory memorandum, to Governments, with the request that, if they feel that the draft should be taken into consideration, they shall inform the Secretary-General of their views, both with regard to the main objects or the suggested means of attaining them, and also with regard to the draft convention. In some cases, it may be desirable to annex a specific questionnaire.*

3. *The draft convention and the observations of Governments (together with the answers to the questionnaire, if any) shall be communicated to the Assembly, and the Assembly shall then*

decide whether the subject appears prima facie *suitable for the conclusion of a convention.*

4. *If the Assembly considers the subject* prima facie *suitable for the conclusion of a convention, the Council shall arrange for the preparation of a draft convention in the light of the replies received from Governments, and the new draft convention (together with the replies of other Governments) shall be transmitted to each Government with a request for their opinion on the provisions of the draft and any observations on the above-mentioned replies of the other Governments.*

5. *In the light of the results of this second consultation of the Governments, the Assembly shall decide whether a convention should be concluded and, if so, whether the draft should be submitted to a conference, the date of which it will request the Council to fix.*

6. *The Council, in fixing the date for the convocation of a conference, shall endeavour, as far as possible, to avoid two League of Nations conferences being held simultaneously, and to ensure the lapse of a reasonable interval between two conferences.*

7. *The procedure set out in the preceding paragraphs will be followed, as far as possible, in the case of draft conventions the desirability of which is recognised by a decision of the Assembly either on its own initiative or as the result of a proposal by a Government. In these cases, the Council will instruct either the Secretariat or some other organ of the League or specially selected experts to prepare the above-mentioned report, which shall subsequently be submitted to the Council.*

The President:

Translation: As no one else has asked to speak, I shall consider the resolution submitted by the First Committee adopted.

The draft resolution was adopted.

76. — PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW: RESOLUTIONS PROPOSED BY THE FIRST COMMITTEE.

The President:

Translation: The next item on the agenda is the examination of the draft resolution submitted by the First Committee to the Assembly on the progressive codification of international law (document A.79.1931.V).

M. Giannini, delegate of Italy and Rapporteur, will address the Assembly.

M. Giannini (Italy), Rapporteur:

Translation: The last few days of the first Conference for the Codification of International Law were characterised by what might be termed a necrological spirit as far as the future action to be taken in the matter of codification was concerned; but the Drafting Committee, of which I had the honour to be Chairman, retained its optimism and put forward two recommendations in connection with the continuance of the work of codification.

The eleventh Assembly too was somewhat affected by this pessimistic spirit, but in the end optimism triumphed, and we adopted a resolution to the effect that the work of codification should be continued, in view of the fact that practical suggestions had been submitted by the Conference itself with regard to the continuance of the work.

Certain recommendations were communicated to the Governments for their observations, and a great many observations were received. The First Committee has considered these; and this time, without re-discussing the preliminary question of the desirability or otherwise of resuming the work of codification, it merely prepared the rules of procedure to be followed for the continuation of this work.

What method does it recommend?

The first question that arose was whether special rules of procedure should be laid down for the work of codification. A tendency in favour of independent provisions was manifested by the eleventh Assembly itself. During the present Assembly, it has been strongly urged that, while due consideration should be given to the general provisions included in the resolution I mentioned just now, special provisions should be adopted, the two resolutions being brought into harmony as far as possible. That is the spirit in which the resolution submitted to the present Assembly was conceived.

The first paragraph of this resolution deals with the methods to be followed in submitting proposals. Any State or group of States, whether Members of the League or not, may propose to the Assembly a subject or subjects with respect to which codification might be undertaken. Such proposals, together with a memorandum containing the necessary explanations, should be sent before March 1st to the Secretary-General, in order that he may communicate them to Governments and insert them in the agenda of the Assembly. The fixing of this date ensures a minimum period of six months for the preliminary study of any proposals submitted to the League.

Paragraph 2 deals with the consideration of such proposals by the Assembly and states that they will be considered by the Assembly, which will decide whether the subjects proposed appear *prima facie* suitable for codification.

Paragraph 3, on the other hand, concerns the preparations for the work and provides that, if the investigation of a proposed subject is approved by the Assembly and if no existing organ of the League is competent to deal with it, the Assembly will request the Council to set up a committee of experts, which will be asked, with the assistance of the Secretary-General of the League of Nations, to make the necessary enquiries and to prepare a draft convention on the subject, to be reported to the Council with an explanatory statement.

Thus, apart from certain exceptional cases, a committee of experts will be asked to prepare a draft, which will be accompanied by an explanatory report. The report prepared by the committee of experts will be transmitted by the Council to the Assembly, which will then decide whether the subject is provisionally to be retained as a subject for codification. The second phase, the consideration, not of the question, but of the draft, is also reserved for the Assembly. If this is decided affirmatively, the Assembly will ask the Secretary-General to transmit the report to the Governments of the Members of the League and to non-Member States for their comments. The comments of the Governments will be submitted to the committee of experts, which may decide to retain the draft already prepared, as it stands, or to revise it. These two contingencies are provided for in sub-paragraphs 2 and 3 of paragraph 5; if the committee of experts revises the draft, the revised draft will be submitted to the Governments for their comments and, together with the comments received,

will be transmitted to the Assembly, which will then decide whether any further action should be taken in the matter.

Thus, according to the procedure contemplated, and in view of the fact that the contingencies provided for in paragraph 5 will certainly arise, the Assembly will have to decide three times as to the calling of a conference. This procedure may seem, at first sight, rather long. Indeed I am afraid I thought so myself, but I have come to agree entirely with the Committee in thinking that we cannot be too cautious. It is desired, therefore, that, before calling a conference, the States should take three decisions at the Assembly, as to whether the question should be embodied in a convention, in order to prevent hasty decisions being taken in the matter and to avoid any difficulties which might arise out of the examination of such a question by a conference.

I should like, however, to point out that the preamble contains a clause to the effect that, to this end, the Assembly decides to establish the following procedure for the future, except in so far as, in particular cases, special resolutions would provide to the contrary. This clause, which is designed to meet certain apprehensions, and which was suggested by the Chairman of the First Committee, M. Scialoja, is intended to make it clear that it is not desired to establish an absolute code of procedure. A normal procedure is to be adopted in cases where no special procedure is adopted — that is to say, there is no reason to suppose that this provision regarding procedure is liable to render abortive resolutions not in accordance with the procedure established.

Finally I should like to draw the Assembly's attention to the fact that the preamble, which is connected with the resolution adopted by the eleventh Assembly, emphasises once more our desire to continue the work of codification, but it adds: " with the object of drawing up conventions which will place the relations of States on a legal and secure basis without jeopardising the customary international law which should result progressively from the practice of States and the development of international jurisprudence ".

Without defining the limits of codification, therefore, it is desired to make it clear, in the preamble, that we do not wish to arrest the course of history and that the development of customary law and inter-State law should continue.

Finally, the Assembly adopted two recommendations, which are to some extent a restatement of Nos. II and III adopted by the Codification Conference.

The first recommendation is designed to ensure that, in relation with the further work in connection with the codification of international law, the international and national scientific institutes should collaborate in the work undertaken by the League. During the Codification Conference, very remarkable work was done by certain national and international institutes, and it was therefore thought that such collaboration should not be disregarded, but should, on the contrary, be intensified.

This recommendation mentions national and international organisations, for two reasons: There are international organisations which work in a spirit of international co-operation; but there are also important national organisations which are imbued with the same spirit and have carried out enquiries and studies and furnished assistance, services which deserve not to be forgotten. Our colleague of the German delegation has already emphasised the co-operation which certain German institutes have decided to afford, and we should all be prepared to say as much with regard to certain parts of the work of codification. Thus, in connection with the codification of legislation regulating sales now being dealt with by the Rome Institute, the Berlin Institute has done admirable preparatory work.

The recommendation to which I am now referring is in effect the result of the work done at The Hague, and reproduces almost word for word the text of the recommendation adopted th re. Our colleague, Baron Descamps, had contemplated the setting up of a research committee for the advancement of international law within the framework of the League. The Committee, though it appreciated this proposal, did not see its way to accepting it, for two reasons — expediency and the imperative need for economy.

The second recommendation to which I would draw your attention also reproduces a Hague proposal and provides that the work of codification undertaken by the League should be carried on in concert with that of the international conferences of American States.

The Pan-American preparatory work for codification will begin next month, and our recommendation has come just in time to have a practical effect. We were of opinion that the work done in America should be carried on in concert with that of the League. That it should be in concert is necessary, as there can be no question in matters of justice and law of discriminating between nations in different continents. There cannot be different bases of justice and law in different nations.

The First Committee therefore submits for your adoption the following draft resolutions:

The Assembly recalls that the resolution of September 22nd, 1924, emphasised the progressive character of the codification of international law which should be undertaken, and, in view of the recommendations of the First Conference for the Codification of International Law held at The Hague in 1930, it decides to continue the work of codification with the object of drawing up conventions which will place the relations of States on a legal and secure basis without jeopardising the customary international law which should result progressively from the practice of States and the development of international jurisprudence. To this end, the Assembly decides to establish the following procedure for the future, except in so far as, in particular cases, special resolutions provide to the contrary.

1. *Any State or group of States, whether Members of the League or not, may propose to the Assembly a subject or subjects with respect to which codification by international conventions should be undertaken. Such proposals, together with a memorandum containing the necessary explanatory matter, should be sent, before March 1st, to the Secretary-General, in order that he may communicate them to Governments and insert them in the agenda of the Assembly.*

2. *Any such proposals will be considered by the Assembly, which will decide whether the subjects proposed appear* prima facie *suitable for codification.*

3. *If the investigation of a proposed subject is approved by the Assembly and if no existing organ of the League is competent to deal with it, the Assembly will request the Council to set up a committee of experts, which will be asked, with the assistance of the Secretary-General of the League of Nations, to make the necessary enquiries and*

to prepare a draft convention on the subject, to be reported to the Council with an explanatory statement.

4. The Council will transmit such report to the Assembly, which will then decide whether the subject is provisionally to be retained as a subject for codification. If this is decided affirmatively, the Assembly will ask the Secretary-General to transmit the said report to the Governments of the Members of the League and non-Member States for their comments.

5. The committee of experts, if it considers it desirable to do so, will revise the draft in the light of the comments made by the Governments.

If the committee of experts revises the draft, the revised draft will be submitted to the Governments for their comments and, together with the comments received, will be transmitted to the Assembly, which will then decide finally whether any further action should be taken in the matter and, if so, if the draft should be submitted to a codification conference.

If the committee does not see any reason to revise the draft, it will be transmitted, together with the comments of the Governments, to the Assembly, which will then decide finally whether any further action should be taken and, if so, if the draft should be submitted to a codification conference.

The Assembly recommends:

(1) *That, in relation with the further work in connection with the codification of international law, the international and national scientific institute should collaborate in the work undertaken by the League of Nations;*

(2) *That the work of codification undertaken by the League of Nations should be carried on in concert with the conferences of the American States.*

The President:

Translation: As no one else has asked to speak, I shall consider the First Committee's draft resolution adopted.

The draft resolution was adopted.

77. — PROPOSAL OF THE GOVERNMENT OF FINLAND TO CONFER ON THE PERMANENT COURT OF INTERNATIONAL JUSTICE JURISDICTION AS A TRIBUNAL OF APPEAL IN RESPECT OF ARBITRAL TRIBUNALS ESTABLISHED BY STATES: RESOLUTION PROPOSED BY THE FIRST COMMITTEE.

The President:

Translation: The next item on the agenda is the discussion of the resolution (document A.82.1931.V) submitted by the First Committee in connection with the proposal of the Government of Finland to confer on the Permanent Court of International Justice jurisdiction as a tribunal of appeal in respect of arbitral tribunals established by States.

(On the invitation of the President, M. Raestad, Rapporteur, took his place on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Raestad (Norway), Rapporteur:

Translation: The First Committee requested a Sub-Committee to study the Finnish proposal to confer on the Permanent Court of International Justice jurisdiction as a tribunal of appeal in respect of arbitral tribunals established by States. That Sub-Committee framed a draft recommendation and a draft Protocol, which formed the subject of an important discussion in the First Committee.

The discussion showed that the Committee as a whole was of opinion that appropriate measures should be taken, as far as possible, to obviate the disadvantages to which disputes with regard to the validity of arbitral awards might give rise. Nevertheless, it appeared that there was still some uncertainty as to the means to be employed in attaining this object. The nature of the difficulties encountered will be seen from the report dated May 29th, 1930, of the Committee of Five Jurists appointed by the Council, and from the report and proposals of the Sub-Committee and the Minutes of the First Committee.

I have the honour, therefore, to propose to the Assembly that it should adopt the following draft resolution submitted by the First Committee:

The Assembly,

Noting the report of the Committee set up by the Council to study the Finnish proposal to confer on the Permanent Court of International Justice jurisdiction as a tribunal of appeal in respect of arbitral tribunals established by States;

Noting also the report of the Sub-Committee of the First Committee, and

Thanking both Committees for their valuable work:

Notes that thorough discussion of the question in the First Committee has shown that it presents many aspects on which sufficient light has not yet been thrown, and

Decides to adjourn the question for examination at a later session.

The President:

Translation: As no one else has asked to speak, I shall consider the draft resolution adopted.

The draft resolution was adopted.

78. — SITUATION AS REGARDS THE ENTRY INTO FORCE OF THE PROTOCOL OF SEPTEMBER 14th, 1929, CONCERNING THE REVISION OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE: REPORT OF THE FIRST COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the First Committee on the entry into force of the Protocol of September 14th, 1929, concerning the revision of the Statute of the Permanent Court of International Justice (document A.81.1931.V).

(On the invitation of the President, M. Pilotti, Rapporteur, took his place on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Pilotti (Italy), Rapporteur :

Translation : Although the Protocol of September 14th, 1929, did not enter into force on the date originally contemplated (paragraph 4), the Assembly last year accepted the view that it could subsequently come into force, if the necessary ratifications were received.

One of the resolutions regarding the Permanent Court which were adopted by the Assembly on September 25th, 1930, asked the Court to take certain action as regards its sessions and the attendance of judges " pending the entry into force of the Protocol ". The Court acceded to this request and. at the beginning of this year, made certain slight amendments to its rules.

Another of these resolutions invited the States which had not yet done so to ratify the Protocol. In his oral statement to the Assembly, the Rapporteur of the First Committee indicated that the ratifications necessary would be those of all the States which had ratified the Protocol of Signature of the Court's Statute of December 16th, 1920. It should be noted, further, that paragraph 7 of the Protocol provides :

> " For the purposes of the present Protocol the United States of America shall be in the same position as a State which has ratified the Protocol of December 16th, 1920. "

What is the present position with regard to the ratifications ? Thirty-eight Members of the League have so far ratified both Protocols ; the ratification of Cuba is, however, subject to reservations as stated below.

The Members of the League and non-Member States which have ratified the Protocol of 1920 but have not yet ratified that of 1929, are the following : Abyssinia, Brazil, Chile, Lithuania, Panama, Uruguay and Venezuela.

It should be pointed out that all these States have signed the Protocol of 1929, with the exception of Abyssinia.

The following Members of the League have not ratified either Protocol, but, with the exception of the Argentine and Honduras, they have signed the Protocol of 1929 : Argentine, Bolivia, Colombia, Dominican Republic, Guatemala, Honduras, Nicaragua, Paraguay and Peru.

The United States of America have signed, but not yet ratified, the Protocol of 1920 and that of 1929.

The Cuban ratification of the Protocol of 1929 was subject to reservations *(a)* regarding paragraph 4 of the Protocol relating to its entry into force on September 1st, 1930, if the States whose ratification was necessary, but which had not ratified, gave their consent, and *(b)* regarding the new text of Article 23 of the Court's Statute.

The new text of Article 23 of the Court's Statute deals, as the Assembly will remember, with the abolition of the former sessions of the Court — that is to say, the Court will sit practically all the year round, except during the annual vacation.

In the letter forwarding the instrument of ratification to the Secretary-General, the Cuban Government made the following declaration :

> " I have, at the same time, the honour to inform you that the Cuban Government consider that the Protocol will not affect the position of judges already elected, and to request you to take note thereof. "

I would remind the Assembly that the question referred to in this declaration had already been raised by other States, and that it had been agreed that it could only be decided by the Court. Consequently, the declaration does not really embody a reservation.

In execution of the instructions given to him by the Council's resolution of June 17th, 1927, in regard to reservations attached to a ratification of a Convention and not provided for by the terms of the Convention, the Secretary-General, by a letter of January 22nd, 1931, invited the other Governments concerned to inform him whether they were able to accept the reservations made by Cuba. He at the same time informed them of the declaration made by the Cuban Government. In view of the nature of the Protocol, and the provisions of its seventh paragraph, the letter was addressed to all the Members of the League, Brazil and the United States of America.

The replies to this letter which had been received up to the date of the present report may be summarised as follows :

> (1) No objection has been raised to the reservation of paragraph 4 of the Protocol ;
>
> (2) The declaration of the Cuban Government is regarded as referring to a matter which the Assembly last year considered to lie within the competence of the Court itself ;
>
> (3) As regards the reservation of the new text of Article 23 of the Court's Statute, the replies which had been received at the date of the present report show that a large number of Members of the League of Nations which have ratified the Protocol do not feel able to accept the reservation, and that, accordingly, its maintenance would endanger the coming into force of the Protocol.

It is therefore with particular satisfaction that the First Committee welcomed the following statement which was submitted to it by M. Ferrara, first delegate of Cuba :

> " If, as seems likely from the information which you have, Cuba is asked to withdraw its reservation upon the Convention dealing with the new Statute of the Permanent Court, we request you to state that the Government, having regard to the situation which you anticipate, would be disposed to ask the Senate to withdraw the reservations, and that this attitude does not arise from a change of view, but is due to its desire to contribute wholeheartedly to the development of the League of Nations and of its organs. The Chairman of the Committee of the Senate on Foreign Affairs, who has been consulted, has given a favourable reply. "

In this connection, the first delegate of Cuba pointed out that all that really remained of his Government's reservations was the non-admission of the principle adopted in 1929 with regard to the putting into force of the Convention by presumed ratifications on September 1st, 1930.

Further, the delegate of Chile informed the Committee that his Government had felt that it should await the discussion at the Assembly of the reservations made by the Government of Cuba before pronouncing upon the ratification of the Protocol. He added that the Chilian delegation had felt particular satisfaction in noting the declaration made in the name of the Government of Cuba, which made it possible to hope that the latter Government would withdraw its reservation at a

very early date, which would facilitate the decision to be taken by the Government of Chile.

In view of these considerations, the First Committee proposes that the Assembly should adopt the following draft resolution:

The Assembly,

Notes with satisfaction that the Protocol of September 14th, 1929, concerning the Revision of the Statute of the Permanent Court of International Justice has now obtained almost all the ratifications necessary to bring it into force;

Notes, however, that the ratification of Cuba is subject to a reservation which other States that have ratified the Protocol have not felt able to accept;

Considers that a reservation can only be made at the moment of ratification if all the other signatory States agree or if such a reservation has been provided for in the text of the Convention;

Takes note that the Cuban Government has, through its first delegate, declared that it contemplates the withdrawal of the said reservation, and expresses its thanks to the Cuban Government for the spirit of conciliation which it has shown in the matter;

Reaffirms the hope which it expressed at its last session that the States which have not so far ratified the Protocol will proceed to do so as soon as possible; and

Instructs the Secretary-General to present to the Assembly, for consideration at its next session, a statement showing the ratifications received by the Protocol of September 14th, 1929.

The President:

Translation: As no one else has asked to speak, I shall consider the report and the draft resolution adopted.

The draft resolution was adopted.

79. — RUSSIAN, ARMENIAN, ASSYRIAN, ASSYRO-CHALDEAN AND TURKISH REFUGEES: REPORT OF THE SIXTH COMMITTEE: RESOLUTIONS.

The President:

Translation: We now come to the last item of the agenda, the discussion of the report of the Sixth Committee on questions relating to refugees (Annex 20, document A.85.1931).

(On the invitation of the President, M. Fotitch, Rapporteur, took his place on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Fotitch (Yugoslavia), Rapporteur:

Translation: I will not comment in detail upon the report on the work of the Refugees Office, but I should like to mention a few points which seem to me to be worthy of note.

I should like first of all, on behalf of the Sixth Committee, to express once more our sincere gratitude to Dr. Max Huber, former President of the Permanent Court of International Justice and President of the International Red Cross, for having agreed to act as President of the Governing Body of the Office and for his devotion in carrying on the humanitarian work initiated by the late Dr. Nansen.

Although the days of the Office are now numbered and the scheme for its liquidation has already been approved, it still has important work to do, and we may be sure that thousands of unfortunate people still look to it for assistance.

Thus, the question of the transfer of Armenian refugees from Bulgaria and Greece to Armenia has again arisen. Dr. Nansen had already taken up the question, but, in view of the material and financial difficulties, which seemed to him to be insuperable, he was obliged in 1927 to give up his scheme. Now the responsible Armenian refugees organisations have informed the Office that the preliminary work necessary for the settlement of these refugees has already been done by the Government of the Erivan Republic, so that 6,000 refugees can be transferred immediately and 4,000 others at the end of this year.

This is a question which will occupy the attention of the Governing Body of the Office, and we may be certain that it will be solved in the best interests of the refugees.

As regards the Armenian refugees in Syria, we have learnt with great satisfaction that 25,000 have already been settled and that the remaining 15,000 will be settled between now and the end of 1933.

In order to pursue its work, the Office needs other funds besides those derived from the League contribution, which covers the administrative expenditure. The Office draws its revenue from two sources — the proceeds from the sale of Nansen stamps and the response to appeals to public charity by means of collections.

The proceeds from the sale of the Nansen stamp have this year yielded 100,000 Swiss francs, which has been derived from about 30 per cent of the total number of refugees. If all the Governments would enforce the Nansen stamp issue, the revenue from that source could easily be trebled, which would greatly assist the Office in its work.

In May last, a moving appeal was signed by the most eminent politicians with a view to obtaining contributions with a view to the establishment of a Nansen Memorial Fund in order to continue the philanthropic work commenced by Dr. Nansen. This appeal revealed the misery of thousands of refugees to whom no help had been rendered despite Dr. Nansen's efforts, and urged all nations, in the name of solidarity and humanity, to supply fresh funds to enable the Office to complete Dr. Nansen's work.

The appeal was not in vain. The Office has received from each of the national societies of Denmark and Great Britain a sum of 100,000 Swiss francs, and the Norwegian delegation has just informed the Office that Norway will contribute a sum of approximately 350,000 Swiss francs — an act of generosity worthy of the memory of Dr. Nansen.

We venture to repeat from this platform the appeal in favour of this work, and we are convinced that, in spite of the difficult times through which almost all countries are now passing, the spirit of solidarity will not allow any to forget those whose fate has been particularly hard.

In conclusion, I propose the adoption of the following draft resolutions:

The Assembly,

Recognises the endeavours made by the Governing Body of the Office to comply with the request of

the eleventh Assembly to prepare a plan for the liquidation of the Office before the end of 1939, and notes that it has prepared a scheme which gives effect to the suggestion made by the Supervisory Commission that the budget of the Office should be reduced by approximately 10 per cent per annum;

Recommends the adoption of the plan of liquidation proposed by the Governing Body and of the Rules of Procedure and Financial and Staff Regulations of the Office;

With a view to facilitate the liquidation by the Office of its staff:

Invites the Secretary-General of the League and the Director of the International Labour Office to accord, as far as possible, a preference to that staff when vacancies occur in their respective organisations;

Requests the Governing Body of the Office, in its future reports to the Assembly, to give full information concerning the various aspects of the refugee problems and the measures taken and contemplated by the Office for their solution;

Having noted proposals made for the transfer to the Armenian (Erivan) Republic of some thousands of Armenian refugees, and bearing in mind the resolution on this subject adopted by the tenth Assembly:

Invites the Office to examine carefully the possibility of facilitating the transfer of such of those refugees who desire to proceed to the Armenian (Erivan) Republic, if it is satisfied that such transfer is in the best interests of the refugees;

Requests the Office to devote particular attention to the precarious situation of more than 100,000 Russian refugees in China, with a view to their settlement in employment in other countries;

Urges the interested Governments which have not already done so to put into full application the Nansen stamp system;

Invites the Governments to encourage and facilitate the creation in their territories of National Committees for the Nansen Memorial Fund;

Requests the Governing Body of the Office, in consultation with the Inter-Governmental Advisory Commission for Refugees, to consider the advisability of preparing a Convention to ensure the protection of the refugees on the liquidation of the Office:

Recommends that the Belgian Government be invited to nominate a delegate to the Inter-Governmental Advisory Commission for Refugees;

Requests the Council to communicate to the Governments the recommendations adopted by the Inter-Governmental Advisory Commission for Refugees at its fourth session concerning certain facilities for the refugees.

The President:

Translation: As no one else has asked to speak, I shall consider the report of the Sixth Committee and the accompanying draft resolution adopted.

The draft resolution was adopted.

The Assembly rose at 12.45 p.m.

FIFTEENTH PLENARY MEETING

Saturday, September 26th, 1931, at 10.30 a.m.

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President: M. TITULESCO.

80. — NATIONALITY OF WOMEN: REPORT OF THE FIRST COMMITTEE: RESOLUTION.

The President:

Translation: The first item on the agenda is the discussion of the report of the First Committee on the question of the nationality of women (Annex 21, document A.84.1931.V).

(On the invitation of the President, M. Scialoja, Chairman of the First Committee, and Mr. Beckett, Rapporteur, took their places on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

Mr. Beckett (British Empire), Rapporteur:

I beg to present the report of the First Committee on the subject of the nationality of women. The report and the resolution which is annexed thereto have been printed in English and French, and

there is nothing which I need add to what is said in the written document.

The President:

Translation: Dame Edith Lyttelton, delegate of the British Empire, will address the Assembly.

Dame Edith Lyttelton (British Empire):

I only want to say a very few words this morning, not on the legal aspects of the resolution before you, but to raise one or two points on the human aspect. You will, I know, all consent to the women's views being put before your Governments, for all that is asked of you is a reconsideration of those views, and your reports will, of course, influence your Governments very greatly. I therefore want to give you one or two of the reasons why women like myself feel strongly on this matter.

We women see no reason why we should not be the equals of men in this matter of nationality. Providence makes no distinction of sex here. Neither men nor women have control over what country they shall be born in. Whatever our sex may happen to be, we are born German, French, English, as the case may be, and it is just as easy to tell to what nationality a woman belongs as to what nationality a man be ongs. Somet mes I think it is even easier, especially in the case of French women, because they have that marvellous talent for dress. But I must no be frivolous about this, because I do not feel frivolous at all.

We want to know why men abrogate to themselves the power to determine the nationality that has been given us by Providence; we do not understand their right to do it. We do not want our nationality to be treated as a coat or garment which a man can cut or alter or dye or throw away just as he likes. We do not think that this is fair or that it is giving us a proper place.

Two arguments are always brought against us. In the first place, and this I have heard many times this week, we are asked why, at this moment in the world's crisis, we should bother about such a small thing. I do not think this is a fair argument. You might just as well ask why men should be bothering this week about the codification of international law, or why are they bothering about an exhibition at Berne or about the protection of whales. It seems to me that this question of women's nationality is as important as the well-being of a large animal in the sea. This matter, it may be added, will not cost the League one penny.

Another argument which has always been brought against us is this: by granting married women the control of their nationality, you are helping to destroy the unity of the family. To men the unity of the family means a very different thing from what it means to us. To men's minds unity in the family means autocracy in the family. This argument about unity is a bugbear, and I should like to examine it for a moment. Take the case of women who for various rea ons, sometimes perfectly practical and material reasons, adopt the nationality of their husbands. In such cases this argument does not apply, because there is no trouble.

Take, however, the other case of a woman who, for the same kind of reasons, and also for sentimental reasons, does not wish to lose her nationality. There are many hard cases. There are the cases of statelessness, and there are the cases where the husband changes his nationality after marriage. It is not only war that makes women love their country, it is something intimate, their inner being, their soul. When this yearning is present, and there is added to it soreness, bitterness, a grievance, what becomes of the unity of the family? It is only a unity which is imposed by a legal document, a unity kept intact by force. I do not think there is very much to idealise about in that.

Real fundamental unity is founded on respect. All these ideas now in the minds of women are, I think, a little new to even the most kindly, advanced and, from our point of view, progressive men. Men have for so long treated us as inferior beings — I do not mean this in a disagreeable way — but their habit of mind has been to look upon us as not having the same rights as themselves, and it is very difficult for them to realise the change that has come over the scene. It is quite a short time ago since, in my own country, every penny a woman made by her work belonged legally to her husband. It is only sixty years ago that, in our House of Commons, a member spoke of a well-known woman — many of you will know her name, Mrs. Fawcett; a very remarkable woman, a good wife and mother — as having disgraced herself because she did exactly what I am doing now, she stood on a public platform and spoke.

Fortunately, men's minds have changed, and I think this argument about the unity of the family is a remnant of the old days when woman was looked upon as the property of man. Such obsolete inequalities in customs and laws are things that have been left behind in the evolution of the State, and I think that, like other things of the sort, they should be cut out. The situation is exactly the same as that of the appendix in our bodies. We are told that this is a remnant of an old evolution. If it begins to show trouble, wise people cut it out before it festers, and I think the same thing applies to this question of the nationality of women. Cut it out before it festers and becomes septic, and the body politic will be all the stronger and saner for it.

Before I close, I want to tell you an old story of an Irish Catholic saint in the ninth century. There was a hermit called St. Senan and he lived on an island: the one thing he prayed for every day was that no woman should ever set foot on that island. But there was another saint called St. Canair, and she came across the sea in a boat, and, when St. Senan saw her arrive, he hurried down to the shore and said: "God will not allow you to put a foot upon this island". Then St. Canair made what I think must have been the first feminist speech recorded in history. She exclaimed: "What right have you to say that I am not to set foot on this island? Did not a woman bear the Lord? Did not a woman wash His feet?" She also mentioned a whole lot of other things — in fact, she made a most remarkable speech. In the end, St. Senan was so moved by her words that he let her come on the island and she lived there until she died. What we are asking you to do is to give us a place on your island. If you will do it, it will be given to us, as it was to St. Canair a thousand years ago, to dwell beside you in equal partnership, equal in liberty and equal in nationality.

The President:

Translation: Mme Vergara, delegate of Chile, will address the Assembly.

Mme Vergara (Chile):

Translation: The Chilian delegation has listened with great pleasure to the speech of the British delegate and approves the report on the nationality of women which Mr. Beckett has just submitted to the Assembly.

On behalf of my delegation I should, however, like to make one observation on the report. The delegation of Chile submitted an amendment to the British proposal — namely, that the Women's Advisory Committee should be asked to continue its work.

The last paragraph of the draft resolution makes it quite clear that the amendment was taken into consideration, since it assigns to the Women's Committee the right to continue to present any observations which it thinks fit. But the report states: "It is hoped that this Committee will be able to make the necessary arrangements to continue in being and to serve as a medium for voicing the important current of opinion which it represents".

As the wording of this observation might lead to a misunderstanding regarding the Committee's future existence, it was explained that the reservation related only to economic difficulties which might jeopardise the Committee's existence.

I should like to take this opportunity of stressing the point that the speeches in the First Committee make it clear that the existence of the Women's Advisory Committee will not necessitate any expenditure by the League.

The Chilian delegation desires, further, to express its satisfaction that this question — a fundamental one for women — is finally being examined by the League. Our pleasure is derived from the fact that, in my own country, the laws governing the nationality of men and women have long been established on a basis of absolute equality and that the road now being traversed by the majority of civilised countries was taken by my country at the commencement of its history.

Now that the question is before the various Governments, I trust they will bear in mind that the problem contains an element which cannot and will not be removed; that element is woman. Only by taking that fact into consideration can a genuine solution be reached, for the problem does not admit of a sham solution. Whatever the means devised for remedying the present position, if they do not attack the evil at its root. they will only serve to postpone the solution and intensify the struggle. On the other hand, when women find that men are honestly examining their grievances — that is, when women no longer distrust man-made methods — then, and then only, will men feel that their peace of mind is assured.

The problem is a vital one, and we must not be afraid to face it squarely. Above all, we must not treat it sentimentally, nor must we forget that, nowadays, obligations and burdens are borne equally, and it is only fair that rights should be allocated on the same equitable principle.

We must not become distracted by imagining that we are heading straight for anarchy and confusion. Just as a human being adapts himself to the various stages of life, and does not suffer in old age from the same causes as in youth, so society adapts itself to the various conditions that mould it.

That is why a national of a country such as Chile, Uruguay or the Argentine can only smile when he observes the difference between the lurid picture of society some delegates have drawn, if women's emancipation continues, and the picture he finds in his own country.

Chile, whose political constitution from the outset provided for absolute equality as regards nationality rights for both sexes, is a country in which equality has in no way jeopardised the unity of the family. My Government, therefore, is in full accord with the measures taken by countries desirous of bringing about a situation which, morally and materially, has yielded such satisfactory results. Those results it was that determined the action of the Chilian Government's representative at the Hague Conference for the Codification of International Law, when he submitted the following resolution:

> "The contracting parties agree that, from the coming into effect of this Convention, there shall be no distinction based on sex in their law and practice relating to nationality."

That has been, and still is, my Government's attitude.

The President:

Translation: Mlle. Campoamor, delegate of Spain, will address the Assembly.

Mlle. Campoamor (Spain):

Translation: The discussion of the report on the nationality of married women was terminated somewhat hurriedly owing to shortage of time, and my delegation has not been able to voice its opinion. I shall therefore venture to ask your attention for a few minutes in order to state our views, which are identical with the principles on which the laws of the new Spanish nation, now being framed, are based. They are true democratic principles: respect for the explicitly expressed judicial will as opposed to the implied expression of will, the principle maintained by jurists, when they upheld the doctrine that the nationality of a married woman must be determined without reference to her own desires.

My country has adopted this democratic principle, which it respects and which is the very essence of its proposals for a draft Legal Code, and it has adopted it more particularly with regard to those rights which, in the happy phrase of a great jurist, "follow the person as a shadow follows the body".

That was not my only reason for wishing to proclaim our views; a further reason was that my delegation would have liked to see embodied in the report certain considerations which it feels to be important. It asks that these considerations may be included in the Minutes to be transmitted to Governments, as has been done in the case of other opinions expressed in the First Committee and which form the subject of suggestions in the report. This is the case as regards the request made by the Catholic Women's Organisations, which view the question from the standpoint of the unity of the family. This, they think, is not impugned by the various conflicting laws at present in force relating to the nationality of married women. This request the Committee was asked to include in its report.

The Catholic Women's Organisations in question are: the St. Joan's Social and Political Alliance; the "Organisations chrétiennes de Belgique"; the "Ligue catholique pour le Suffrage des Femmes de Belgique": the Lithuanian Catholic Women's Alliance, and many other organisations consisting mainly of Catholic women, such as the "Union française pour le Suffrage des Femmes", the Irish National Council of Women, and the Ukrainian Committee for Women's Rights.

I therefore ask that the Minutes sent to the various countries shall include the letter from Catholic Women's Organisations, dealing precisely with the most delicate aspects of the discussion, in particular, the so-called unity of the family, which was alleged to be impugned by a resolution favourable to women's rights. As the Assembly will have just realised, that is not the view of all Catholics.

It remains for me, on behalf of my delegation, to express our satisfaction at the report of the

women's organisations, which was so praiseworthy from the point of view of law and so fair and frank, examining as it did all the questions that arose at the Hague Conference and during the Committee's discussions and investigations. The Committee will, I trust, also recommend that the work of these women's organisations should be continued.

We are dealing with the eternal dispute regarding rights; but, in my view and in that of my delegation, the dispute ceases to be a dispute when it is examined calmly and dispassionately as a social problem. The whole aspect of the dispute alters, and one thinks rather of the possibility of legal and ocial peace brought about by justice.

Never since this eternal dispute regarding rights began has there been such a prospect of peace. In the beginning, before these pacific law meetings were instituted, legislators had the whip hand and women fought; jealously guarding the approaches to the miraculous well of law, the legislators refused to admit women who, eager for their rights and for justice, laid siege. But since the question has been approached from another angle, as in the Fifth Committee and the Assembly, and since the voices from without, the voices of women speaking through their organisations, have been given a hearing, the besieged have been readier to open the door, and all are now imbibing the waters of the miraculous well of law and drawing from its depths, amidst a perfect feeling of peace and justice, the principles of equity and law in all their purity.

Thus has the League envisaged what seems to it the best formula for this delicate and thorny problem, in order that our rights may one day be recognised.

In conclusion, I desire to extend my delegation's congratulations to the Fifth Committee and to the Committee of Women's Organisations, which has given it such valuable assistance by carrying out the recommendation of Ihering — that is, by fighting for the rights of women. I trust also that the Committee will assist in the preparatory work for the next Assembly.

I desire to voice my delegation's approval of the report and request that the claims of the Catholic associations I have mentioned may be included in the records. I have just handed them to the President.

I may add that the Spanish delegation is of opinion that this subject should be examined at the next Assembly and that it should be solved objectively in accordance with principles of equality and justice.

The President:

Translation: M. Loudon, delegate of the Netherlands, will address the Assembly.

M. Loudon (Netherlands):

Translation: After the speeches of the three distinguished ladies, I must offer a slight apology for being a mere male.

In the First Committee, the Netherlands delegation set forth its views on the merits of the question now before us. I do not need, therefore, to repeat what our delegate said in that Committee. Nevertheless, in view of what the preceding speakers have said, my delegation desires to draw the Assembly's attention to one important aspect of the question.

In the draft resolution before us, it is proposed to ask the various Governments to submit their observations on the question of the nationality of married women, including their views regarding the Hague Nationality Convention. If the result were that the States signatories to the Convention did not ratify it, that would be most regrettable; for in the Netherlands delegation s view, the Convention contains provisions on the nationality of married women which, for the time being, represent the most that can be achieved as regards an international settlement of the question. So soon after the 1930 Conference, another consultation between the various Governments could not lead to practical results.

For these reasons, and in order particularly to avoid compromising one of the first results achieved by the League in the codification of international law, the Netherlands delegation hopes that the adoption of the draft resolution will not involve any delay in the coming into force of the Nationality Convention.

The President:

Translation: Dr. Ethel Osborne, delegate of Australia, will address the Assembly.

Dr. Ethel Osborne (Australia):

The resolution before this Assembly does not involve the merits or the demerits of this problem, and, after the very eloquent appeal made by the British del gate, anything I might have had to say on this problem I shall not venture to put forward. I wish, however, to say a few words concerning the resolution.

In the debates in the Committee on this problem, it was perfectly obvious that there was great diversity of opinion and information, and I feel that the situation has been perfectly met by throwing back upon the Governments of all States Members the responsibility for dealing with this problem and supplying further information to the next Assembly.

During the debates, the problem of the unity of the family was discussed, and also the question of the nationality of children; but on neither of those points had informat.on been definitely sought, and those problems require fresh investigation. I take it that the resolution, in the form in which it is now presented to the Assembly, is a very definite challenge to women's organisations. The International Consultative Committee, consisting of sixteen members, is in existence, and there is now a great opportunity for the members of that Committee to take this matter back to their national organisations, in which case the national organisations have an opportunity, such as has not existed for a very long time, of carrying on an educational campaign in regard to these problems, and of bringing before their respective countries the close connection between, and the necessity for an investigation into, the two questions — the unity of the family and the nationality of children.

As the representative of one of the newest countries in the world — Australia — a country which for its pioneering and development has depended equally upon women and upon men, and where, from the beginning, their equality and copartnership have been definitely recognised, I have pleasure in directing your attention to the recommendation that my Government gave me on this matter:

> "The Commonwealth Government of Australia favours the principle of equality of the sexes in matters of nationality, provided that such principle finds a general acceptance by other countries."

I trust that the women's organisations will take the opportunity which this resolution gives them of carrying on the work in their own countries.

The President:

Translation: The Assembly has before it the following draft resolution proposed by the First Committee:

The Assembly,

Having examined with the greatest interest the report of the Secretary-General on the question of the nationality of women, presented in accordance with the resolution of the Council of January 24th, 1931, and the report and proposals of the Committee of Representatives of Women's International Organisations which are annexed thereto:

Notes the desire of the said Committee that steps should be taken to bring about the reconsideration of the Hague Nationality Convention, bearing in mind the principle of equality between men and women;

Thanks the Committee of Representatives of Women's International Organisations for its report; and

Requests the Council, in harmony with Recommendation No. VI of the Conference for the Codification of International Law held at The Hague, March and April 1930, to transmit to all Governments the report of the Secretary-General on the question of the nationality of women, including the report of the Committee of Representatives of Women's International Organisations, and the letter of the International Union of Leagues of Catholic Women of August 19th, 1931, together with the Minutes of the First Committee of the Assembly on this subject, and to request Governments to submit their observations on this subject (including their views regarding the Hague Nationality Convention) for reconsideration of the matter by the thirteenth Assembly, to which any observations which the above-mentioned Committee thinks fit to present will be communicated.

As no one else has asked to speak, I shall regard the First Committee's report and the accompanying draft resolution adopted.

The draft resolution was adopted.

81. — FINANCIAL WORK OF THE LEAGUE OF NATIONS: REPORT OF THE SECOND COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the Second Committee on the financial work of the League (Annex 22, document A.88.1931.II.A).

(On the invitation of the President, M. Bernís Carrasco, Rapporteur, took his place on the platform.)

The President:

Translation: M. Janson, Chairman of the Second Committee, has apologised for not being present, having been obliged to leave Geneva the day before yesterday.

The Rapporteur will address the Assembly.

M. Bernís Carrasco (Spain), Rapporteur:

Translation: The work of the Second Committee this year was devoted chiefly to the examination of financial questions. This was dictated by the necessities of the moment, by the economic crisis and the financial crisis.

I may say, however, that the time at the Committee's disposal was limited and it had to work hurriedly. In order not to take up the Assembly's time, I shall confine myself to making a few brief observations on the three parts of the report which I now have the honour to submit.

In the first part of the report, under the heading "General", attention is drawn to the statements made in the Second Committee by several delegates. It was observed, *inter alia*, that a fresh stage in our evolution has been reached which renders the assistance of the League and its Financial Organisation both urgent and indispensable. During the discussions, reference was made to the part that must be played, not only by individual initiative, but by Governments.

Further, the Committee examined the suggestions contained in M. Francqui's scheme for medium-term loans. It was suggested that, in the matter of short-term international debts, creditors and debtors should take steps to avoid any further shock to public confidence.

The general discussion in the Second Committee revealed the importance of the League's being adequately prepared and equipped with a view to affording prompt and effectual assistance to those who may need it.

This part of the report is important in that it reflects the suggestions, the recommendations and the sometimes urgent appeals, the anxiety and suffering and the optimistic or pessimistic statements of several delegates, all moved by a realisation of their responsibilities and duties.

The Assembly should know how privileged the Committee was in being able to count among its members M. Flandin, the distinguished French Minister of Finance, who, in the present grave crisis, which affects every one of us, lent the Committee the benefit of his experience and vast financial knowledge.

I may add that the importance of the general part of the report consists, first, in the fact that no special vote was taken nor was any material reservation made in connection with this part of the report, certain delegates' explanations, statements and interpellations having been incorporated in the Minutes, to which reference may be made for the interpretation of various passages; and, secondly, in the great authority of the delegates who took part in the discussion.

I now come to the second part of the report, which constitutes an account of the work of the League's Financial Organisation and at the same time essentially an acknowledgment of the great value of that work and an expression of the hope that it will contribute in an increasing degree towards solving the problems that now beset the world, as well as numerous special problems.

The work of the Financial Organisation during the past year covered a very wide field, and the second part of the report mentions the main problems with which it was concerned — agricultural credits, long-term credits, certain work of the Financial Committee, Bulgarian budget, budgets of Greece and Estonia, counterfeiting currency, work of the Gold Delegation, work of the Fiscal Committee, work of the Committee of Statistical Experts, Economic Intelligence Service.

As regards the last question, the Second Committee laid special emphasis last year, in a striking passage of its report, on the importance of this work.

The passage in question reads as follows:

"When we consider the magnitude of the losses from which the world suffers during a period of economic stagnation similar to that through which the world is now passing, it is impossible not to be impressed by the almost absolute failure of society, up to the present, to devise any means by which such disasters may be averted. The Committee felt that this problem was one which imperatively demanded co-ordinated and concerted study."

Passing now to the resolution, I wonder whether its scope can be regarded as a sort of diagonal line joining two points of view which occasionally are diametrically opposed to one another, or whether it would be better, repeating the thought of the Greek philosopher, to say that sometimes the part is greater than the whole. I for my part believe that the Assembly cannot fail to recognise the value of the concrete proposal contained in the third part of the resolution.

As a conclusion to these observations, I have the honour to submit to the Assembly the following draft resolution:

The Assembly,

(1) *At this grave moment of financial and economic anxiety, urges on all Governments to do everything that lies in their power to promote international understanding and make possible the revival on a normal basis of national and international investment.*

(2) *It welcomes the decision of the Council laying down the conditions on which the Financial Committee should be prepared to consider applications from States which are desirous to obtain the assistance of the League, and requests the Council to follow closely the evolution of events and to take all measures necessary to assure that, at any moment, the decisions demanded by the situation may be taken without delay, and that the League of Nations may be in a position to render such service as may be demanded of it; and, in particular, to provide that the Financial Organisation of the League of Nations obtains the funds and the technical assistance necessary to permit it to afford to all States Members prompt and effective assistance whenever such assistance be sought, whether by means of delegations or advice or by any other means.*

(3) *In view of the fact that the Commission of Enquiry for European Union and its Sub-Committee of Economic Experts have given favourable consideration to M. Francqui's proposal to establish an institution for long- and medium-term credits, requests the Council of the League of Nations to instruct the competent organs of the League to examine, as soon as possible, with the assistance especially of M. Francqui, the proposal submitted by the latter to the Sub-Committee of Economic Experts, and, in the event of any practical scheme being recommended under the auspices of the League, to ensure that it will be open for all countries to participate on an equal footing.*

(4) *Expresses its appreciation of the valuable work carried out during the past year by the Financial Committee and its special Delegations on Gold and Agricultural Credits and by the Fiscal Committee and by the Financial Organisation as a whole, and notes with special satisfaction the Convention for setting up an International Agricultural Mortgage Credit Company, the recent response to the request submitted by the Austrian and the Hungarian Governments for enquiries into their financial situation, the second interim report of the Gold Delegation and the study which has been published on the course and phases of the economic depression.*

It urges all Governments of signatory States to accelerate their ratification of the Convention of the International Agricultural Mortgage Credit Company, and hopes that those others who, under the terms of the Convention, are enabled to deposit their signatures before September 30th will do so.

(5) *Approves the proposal that, in order to co-ordinate the work now being conducted on the problem of the recurrence of periods of economic depression, the League should convene meetings of experts and representatives of those economic councils, research institutes and other organisations that are actively engaged on this question, and should appoint a qualified economist and adequate staff for this purpose, and decides that this work shall be begun either before or in the year 1933.*

There is one last observation I should like to make, one more sentiment I should like to express.

I should like to recall to the Assembly the words, both elegant and eloquent, in which the French Minister of Finance voiced, in the Second Committee, what we all feel when he endorsed the high opinion we all have of the work of the Financial Organisation, and singled out for special praise the Director of that Organisation, Mr. Loveday.

The President:

Translation: Mr. Watt, delegate of Australia, will address the Assembly.

Mr. Watt (Australia): I want to refer to a few particular points in this report, because those who followed the discussions in the Second Committee are aware that certain tendencies have been revealed that need to be understood quite clearly.

When addressing this Assembly at its opening meetings, the delegate for India protested against the establishment of the Agricultural Mortgage Credit Company without non-European countries having been given the opportunity to express their views at this Assembly. It so happens that, since that project was brought forward, new schemes along somewhat similar lines have also been mooted, and a study of the records of the proceedings of the Second Committee will show that there is also a tendency, I think, in the minds of some people to hold the view that such schemes ought to be confined for at least a few years mainly to European countries.

I think it is quite in order as the representative of Australia — not because I represent one particular country, but because I represent an extra-European country — to emphasise the fact that, if any such plans are developed under the auspices of the League, special efforts must be made to identify with them the interests, not merely of European countries, but also of extra-European countries.

I am therefore particularly pleased to see in Section (3) of the resolution which the Assembly is asked to adopt, the following words, referring to the proposal mooted by M. Francqui: ". . . in

the event of any practical scheme being recommended under the auspices of the League, to ensure that it will be open for all countries to participate on an equal footing ".

We may be quite sure that it is imperative for this Assembly, for its Committees and for delegates to preserve the integrity of the League as a universal organisation.

One other point seems worth emphasising. In the discussions in the Committee, the fact was revealed that some people hoped that these proposals would help primarily to develop manufacturing industries. I am not at all sure that it would be wise for the support of such credit organisations to be used first of all in order to cartelise industries. Most of us are aware that one factor in the present crisis, quite a grave factor, is the very serious discrepancy between the value of agricultural products and of manufactured products. Until such time as the values of agricultural products are brought more into line with those of manufactured products, we may be quite sure that worldwide financial disequilibrium will continue. It is therefore to be hoped that those who have the responsibility of formulating this scheme will pay particular attention to the need for bringing about better equilibrium between agricultural and manufacturing industries.

There is only one other matter to which I wish to refer. At the end of the section concerning "Other Long-Term Credit Problems", the report states that the Second Committee desires to emphasise the need for the Financial Organisation of the League to be ready to meet all calls that may be made upon it. No one could have been present at the meetings of the Second Committee without realizing that, in the minds of the economic representatives, perhaps the focal point of the present world crisis is to be found in the matters which came before that Committee, particularly financial matters.

There seemed to be some doubt in the minds of some of the members as to how far the League could or could not take action. I think the one thing which has caused me to come to this Tribune is the conviction that it should be emphasised as much as possible that, during the next twelve months, many battles will be won or lost for the forces of law and order. We may be certain that the League will divide or multiply its reputation during the next few months in so far as it can come to grips with the world financial crisis.

It therefore seems worth while to suggest that we delegates representing Governments should go back to our countries seized with that fact, and urge that whatever action is possible through the League must be taken, and taken as quickly as possible.

The President:

Translation: As no other delegate wishes to speak, I shall regard the report and the accompanying draft resolution adopted.

The draft resolution was adopted.

82. — CONTRIBUTIONS IN ARREARS — REPORT OF THE FOURTH COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the Fourth Committee on contributions in arrears (Annex 23, document A.87.1931.X).

(On the invitation of the President, M. Politis, Chairman of the Fourth Committee, and M. Rappard, Rapporteur, took their places on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Rappard (Switzerland), Rapporteur:

Translation: The report you have before you is extremely concise, and my verbal comments on it will be equally discreet.

In the first place, I am anxious not to waste your time. You will, moreover, understand that, in this matter, the greatest discretion is the best policy. Nevertheless, it is important that Members of the League should all be aware of the actual position, which may be summed up as follows: whereas at the same period in 1930 only ten States had been unable to fulfil all their financial obligations to the League, the present number is fourteen.

Last year the position was slightly better, but to-day six of these fourteen States still owe their contribution for 1930 and eight other States owe two or more contributions. The total sum due to the League under this heading is 14 millions, though, if we leave out of account a great country whose financial position has been particularly difficult throughout recent years, this total is reduced from 14 to 5 millions.

I should like to submit to you three observations of a general nature on the subject of contributions in arrears. Firstly, there are no European States amongst those which have not yet been able to fulfil their obligations. The obvious lesson to be drawn from this fact is that, though the League is to-day recognised as indispensable to the collective life of European States, it is not yet equally so overseas. From this the further lesson may be drawn that the League should so enlarge its activities that every State in the world may realise the necessity of its co-operation.

Secondly, I must in your name emphasise the common bond of solidarity which is involved in membership of the League. It is regrettable, it would in the long run be intolerable, that some of the Member States should shirk a very definite duty. This common debt of solidarity is clear. It is a duty to all the other Member States, whose burdens are increased to the exact extent of the temporary default of their colleagues; it is a duty towards the administrative organs of the League. Only last night one of the heads of the international administration told us that the officials, who did their duty, felt they had a right to expect the same from all the States.

Thirdly — and I am sure you will agree with the Fourth Committee and its Rapporteur in this — it is the duty of the whole Assembly to do all in its power to hasten the payment in full of all contributions in arrears, and to use all appropriate methods to that end, provided they do not cross the line that divides persuasion from pressure. Nothing could be more deplorable, at a time when a State is suffering from a temporary difficulty in fulfilling its financial obligations towards the League, than a word or gesture that might possibly lead to a loosening of the moral bonds that should unite all Members of the League.

While, therefore, avoiding saying anything that might wound national susceptibilities, I will conclude these brief comments on my report by expressing the earnest hope that my successor on this platform next year may be in a position to give you better tidings.

I submit for your adoption the following resolution:

The Assembly,

Observes with regret that this year a greater number of States than before have not fulfilled their financial obligations towards the League;

Earnestly calls upon States which have received certain facilities for the liquidation of their arrears to fulfil the conditions of the respective arrangements;

Invites the other States which, for various reasons, still owe in respect of 1929 and 1930 to remit their contributions as soon as political or economic conditions permit;

Requests the Secretary-General to undertake or pursue negotiations for the liquidation of arrears by all the States in question, to submit a report to the Council on the action taken by him before the next Assembly, and to communicate the results to the latter.

The President:

Translation: I hope our Rapporteur's eloquent appeal will be borne in mind.

As no one else has asked to speak, I shall consider the report of the Fourth Committee and the accompanying draft resolution adopted.

The draft resolution was adopted.

83. — FINANCIAL SITUATION OF THE LEAGUE DURING THE REMAINDER OF THE FINANCIAL YEAR 1931: RESOLUTION PROPOSED BY THE FOURTH COMMITTEE.

The President:

Translation: The next item on the agenda is the discussion of the draft resolution submitted by the Fourth Committee on the financial situation of the League during the present year (document A.62.1931.X).

(On the invitation of the President, M. Boheman, Rapporteur, took his place on the platform.)

The President:

Translation: M. Boheman, Rapporteur, will address the Assembly.

M. Boheman (Sweden), Rapporteur:

Translation: It is quite natural that the economic and financial crisis through which the world is now passing should have affected the finances of the League during the present year. The position is not now so favourable as it has been during the last five years. There has been a certain increase in the contributions in arrears and a certain slowness in the payment of the contributions due for this year. In view of this and in order to avoid any deficit in 1931, the Fourth Committee has, on the proposal of the Supervisory Commission, adopted the following resolution, which I beg to submit to the Assembly on behalf of the Fourth Committee:

The Assembly,

Impressed by the difficult situation through which most of the States Members of the League are passing, and by the possible effects of that situation on the finances of the League;

Convinced that, in the present circumstances, it is important that the whole of the appropriations provided in the budget for the present financial year should not be expended:

Requests the competent officials of the three organisations of the League to limit to the utmost possible extent the expenditure incurred between now and the end of the year;

And makes a strong appeal to the Council and the Governing Body of the International Labour Office to endeavour to postpone or cancel the sessions of conferences and committees convened or contemplated for the last quarter of this year, provided always that such postponements or cancellations do not interfere with the essential work of the League.

The President:

Translation: As no one else has asked to speak, I shall consider the draft resolution submitted by the Fourth Committee adopted.

The draft resolution was adopted.

84. — GENERAL CONVENTION TO IMPROVE THE MEANS OF PREVENTING WAR: REPORT OF THE THIRD COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report submitted by the Third Committee on the General Convention to improve the Means of preventing War (Annex 24, document A.77.1931.IX).

I am told that M. Munch, Chairman of the Third Committee, and his Excellency M. de Madariaga, Rapporteur, are at present occupied on the Drafting Committee. I have been asked to adjourn this discussion to another meeting and the suggestion has also been made that this meeting should be suspended for ten minutes. I shall take the latter course so that I may be able to clear up the difficulty.

(The Assembly adjourned at 11.45 a.m. and resumed at 11.55 a.m.)

The President:

Translation: I declare the meeting open.

(On the invitation of the President, M. Munch, Chairman of the Third Committee, and M. de Madariaga, Rapporteur, took their places on the platform.)

The President:

Translation: M. de Madariaga, Rapporteur, will address the Assembly.

M. de Madariaga (Spain), Rapporteur:

Translation: I must begin by apologising to the Assembly. The Drafting Committee of the Third Committee was sitting just now to discuss a question affecting the Rapporteur and I had considered that, as soon as I received the invitation from the President of the Assembly to speak, all the members of the Drafting Committee should be given an opportunity of attending the meeting, as they had collaborated with me in drafting this report; but some slight delay in the proceedings of the Assembly was inevitable, as I had to obtain the Committee's consent.

I will not go into the report or the Convention (document A.78.1931.IX) communicated to you, but will merely point out a certain number of amendments to the texts which served as a basis for the work of the Third Committee.

The most important of these amendments is the separation into Articles 2 and 3 of one article in the old draft — namely, Article 2. This has been done because certain delegations desired that a

distinction should be made between what clearly constituted a threat of war and what constituted an incident the nature of which it would be delicate *a priori* to define. It was felt to be necessary to separate the idea of acts of war and the idea of threats of war and not to regard as acts of war, or even as threats of war, acts which might from some points of view, and especially in the invaded countries, be regarded as acts of war. This need made it imperative to change the wording of Article 2 and led the Committee to separate Articles 2 and 3.

Anothe amendment I should like to mention is the re-introduction of the idea of air forces in Articles 2 and 3. When it is a question of an aeroplane and of the passing of territorial frontiers or the limits of territorial waters, air forces are clearly distinguished from other forces, inasmuch as, technically, they can be subjected to different conditions. The Committee succeeded in expressing itself clearly on this point, and avoided the pitfalls involved by the technical differences between these various forces.

I do not think I need expatiate on the nature of these conventions, but I should like to touch upon the prehistory and the history of this question.

The prehistory goes back to June 6th, 1923, when, during the discussions on the Treaty of Mutual Guarantee, two of my compatriots on the Temporary Mixed Commission for the Reduction of Armaments submitted a draft for a new article, a draft Article 10, and a draft Article 11.

As regards Article 10, they said:

"At the request of any Member of the League of Nations, the Council of the League which, on receipt of that request, must be immediately convened by the Secretary-General, may declare that the political situation between the two States Members is such that precautions with a view to preserving peace are indispensable. The following precautionary measures may be applied:

"*(a)* Both parties may be asked to withdraw their troops to a certain distance, to be determined by the Council, on both sides of the frontier; to abstain from flying over a certain neutral zone between the two countries: to abstain from allowing their navies to enter the territorial waters of the other State.

"*(b)* The Council may invite the High Contracting Parties to apply to the State which is endangering peace penalties similar to those provided in Article 16 of the Covenant against a Covenant-breaking State, etc."

The other provisions do not affect Article 16 of the Covenant.

My two compatriots then proposed the following Article 11:

"In the event of any of the High Contracting Parties becoming engaged in hostilities with any other State, whether a party to this Treaty or not,

"*(a)* It shall so inform the Secretary-General of the League of Nations, who shall summon a meeting of the Council of the League without delay";

and further on:

"*(c)* Shall be presumed to be the aggressor: any State which has refused to submit to the Permanent Court of International Justice or to the Council of the League of Nations the dispute which is the cause of the threat of war; or any State which has refused to take the precautionary measures indicated in Article 10 when the Council has recommended their application."

This is the origin of the conservatory measures which have now been happily incorporated in a definite Convention.

The second stage is constituted by the discussions on the 1924 Protocol, where we can trace the conservatory measures in the whole structure of Articles 7, 8, 9 and 10. Sanctions are provided for in Article 10, paragraph 2, which reads as follows:

"In the event of hostilities having broken out any State shall be presumed to be an aggressor, unless a decision of the Council, which must be taken unanimously, shall otherwise declare:

". . . . . .

"2. If it has violated provisional measures enjoined by the Council for the period while the proceedings are in progress as contemplated by Article 7 of the present Protocol."

These measures were much more vague than in the Spanish text of 1923, but, notwithstanding their elasticity, were prompted by the same spirit.

So much for the prehistory of the question. I call it the prehistory, because these efforts did not lead to an immediate result, but remained, as it were, the preliminary elements of an idea, before the idea was presented anew and carried into effect. The final success which attended the efforts made was due entirely to the German delegation, which restated the idea at a meeting of the Committee on Arbitration and Security, in the really final form in which it appears in the Convention now before us.

At the session of the Committee on Arbitration and Security held in March 1928, the German delegation submitted the following suggestions:

"With a view to preventing war, the Committee on Arbitration and Security might examine the following possibilities:

"In case of a dispute being submitted to the Council, the States might undertake in advance to accept and execute provisional recommendations of the Council for the purpose of preventing any aggravation or extension of the dispute and impeding any measures to be taken by the parties which might exercise an unfavourable reaction on the execution of the settlement to be proposed by the Council.

"In case of threat of war, the States might undertake in advance to accept and to execute the recommendations of the Council to the effect of maintaining or re-establishing the military *status quo* normally existing in time of peace;

"In the case of hostilities of any kind breaking out without, in the Council's opinion, all possibilities of a pacific settlement having been exhausted, the States might undertake in advance to accept, on the Council's proposal, an armistice on land and sea and in the air, including especially the obligation of the two parties in dispute to withdraw the forces which might have penetrated into foreign territory and to secure the respect of the sovereignty of the other State.

"The question should be considered whether the above-mentioned obligations should be undertaken only in case of a unanimous vote of the Council (the votes of the parties to the dispute

not being counted), or whether the majority, simple or qualified, might suffice in the matter. Furthermore, it should be considered in what form the obligations would have to be drawn up in order to bring them into conformity with the Covenant.

"These obligations might constitute the object of an agreement or of a protocol which would be open for signature by all States Members and non-Members of the League of Nations, and which might come into force separately for the several continents, in a way similar to that provided for in the draft Treaty of Mutual Assistance of 1923."

These form the basis and origin of the Convention which we have before us and which finds its place in the series of Conventions we have prepared here in connection with the questions of arbitration and security. Together with the General Act, the Convention on Financial Assistance and the work to strengthen Article 11 of the Covenant, it voices the need for the political preparation for direct disarmament which has accompanied all the efforts made for the last ten years — efforts which, we hope, will bear fruit in February 1932.

In order to show clearly the relations between the Conference and the Convention, the Convention provides that the Protocol shall remain open for signature until February 2nd, 1932.

On the subject of signatures, allow me to conclude by stating that the Spanish Minister for Foreign Affairs, who is present here, will sign the Convention as soon as the Protocol has been opened for signature.

The Third Committee submits for your adoption the following draft resolution :

The Assembly,

(1) *Taking note of the report submitted to it on behalf of the Third Committee;*

(2) *Thanking the Special Committee for the admirable work it has done towards the framing of the draft general Convention to improve the Means of preventing War:*

(3) *Approves the text of the said Convention which has been drawn up by the Third Committee (Annex 24 (a));*

(4) *Decides to open the Convention for signature by the States Members of the League and by those non-Member States to which the Council of the League shall have communicated a copy of the Convention for that purpose;*

(5) *Earnestly trusts that a large number of States will sign the Convention before the opening of the forthcoming General Disarmament Conference; and*

(6) *Requests the Council to make the necessary arrangements in good time for the preparation of the rules referred to in the last paragraph of Article 4, in order that, should circumstances so dictate, the Convention may be put into effect immediately upon its entry into force.*

The President :

Translation : I should like to apologise to the members of the Drafting Committee, who have had to interrupt their discussions, but I held that, when the Assembly was convened to consider a particular point, its work must take precedence over everything else.

As no one else has asked to speak, I shall consider the report of the Third Committee and the accompanying draft resolution adopted.

The draft resolution was adopted.

The President :

Translation : The adoption of the resolution by the Assembly means that the General Convention to improve the Means of preventing War is now open for signature by the States.

The delegates of the States who desire to sign the Convention immediately may do so either in the President's room, or, after the meeting, in Room 110 at the Secretariat (Legal Section).

The Assembly rose at 12.15 p.m.

SIXTEENTH PLENARY MEETING

Tuesday, September 29th, 1931, at 10 a.m.

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85. — ORGANISATION OF THE SECRETARIAT, OF THE INTERNATIONAL LABOUR OFFICE AND OF THE REGISTRY OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE: REPORT OF THE FOURTH COMMITTEE: RESOLUTION.

The President:

Translation: The first item on the agenda is the discussion of the report of the Fourth Committee on the Organisation of the Secretariat, of the International Labour Office and of the Registry of the Permanent Court of International Justice (Annex 25, document A.91.1931.X).

(On the invitation of the President, M. Politis, Chairman of the Fourth Committee, and M. de Vasconcellos, Rapporteur, took their places on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. de Vasconcellos (Portugal), Rapporteur:

Translation: Last year, when we were discussing the organisation of the Secretariat, of the International Labour Office and of the Registry of the Permanent Court of International Justice, the Assembly, on the proposal of the Fourth Committee, reserved for future study the question of the Under-Secretaries-General, of the salaries and conditions of engagement, etc., of the Secretary-General, Deputy Secretary-General, Under-Secretaries-General, Directors and Treasurer, and also the question of the salaries of Chiefs of Sections and of the Secretary-General's Chef de Cabinet.

In accordance with the decision of the Assembly, all these questions were referred to a special Committee known as the Committee of Thirteen, which, after discussion, submitted a very able report recommending that the decision as to the Under-Secretaries-General should be adjourned for a time, and that the question of salaries should be left as it stood for reasons of economy.

The question of Under-Secretaries-General has therefore been adjourned for three years, until the expiry of the present contracts, unless — and we sincerely hope this will not be the case — the Secretary-General should notify his intention of resigning. In such case, the contracts may be denounced within one year.

The Fourth Committee has endorsed these proposals after examining the reasons for and against, which were so admirably set forth in the report of the Committee of Thirteen.

I have the honour to submit to the Assembly the following draft resolution:

The Assembly,

Having examined the report and the Minutes of the meetings of the Committee appointed by the Assembly at its eleventh session to consider (1) *the retention or elimination, the increase or reduction of the posts of Under-Secretary-General, as well as the consequences resulting therefrom,* (2) *all cognate questions on the organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice which the Assembly had decided to adjourn in 1930:*

(1) *Adopts the present report;*

(2) *Decides that the framework of the higher ranks of the Secretariat should be provisionally maintained as it stands;*

(3) *Requests the Secretary-General to see that all new or renewed contracts concluded with the Deputy Secretary-General or the Under-Secretaries-General:*

(a) *Should have a maximum duration of three years;*

(b) *Should contain a clause under which they may be denounced within a period of one year from the date on which the Secretary-General officially notifies the Council of his intention of resigning, this denunciation only to take effect as from the date on which the new Secretary-General assumes his duties or in the year following;*

(4) *Is of opinion that, in regard to the appointment or promotion of officials to one of the higher posts in the Secretariat, the first and foremost consideration must be the knowledge and capacity of the candidate, which must be in keeping with the duties he will be called upon to fulfil, account being taken, however, in such choice of the different forms of national civilisation;*

(5) *Approves the conclusions of the present report in regard to the salaries and conditions of engagement of the Secretary-General, the Deputy Secretary-General, the Under-Secretaries-General, the Registrar of the Permanent Court of International Justice, the Directors, the Treasurer, the Secretary-General's Chef de Cabinet, the Chiefs of Section and the Deputy Registrar of the Court.*

The President:

Translation: As no delegate has asked to speak on this question, I shall regard the report and the accompanying draft resolution adopted.

The draft resolution was adopted.

86. — BUDGET AND FINANCIAL QUESTIONS: REPORT OF THE FOURTH COMMITTEE: RESOLUTIONS.

The President:

Translation: The next item on the agenda is the discussion of the Fourth Committee's report on the budget and financial questions (Annex 26, document A.90.1931.X).

(On the invitation of the President, M. Boheman, Rapporteur, took his place on the platform.)

The President:

Translation: The Rapporteur will address the Assembly.

M. Boheman (Sweden), Rapporteur:

Translation: The Fourth Committee, when examining the budget for 1932, found itself in a singularly difficult position. In the first place, the budget estimates provided for an aggregate sum greatly exceeding last year's estimates, and, in the second place, States Members of the League, owing to the prevailing economic and financial crisis, were in more or less serious financial difficulties. It was thus quite natural that, in the general discussion in the Fourth Committee, nearly all the speakers should have urged economy. A strong feeling prevailed that, at the present moment, when every Member of the League is endeavouring to reduce its public expenditure, the League should take similar action.

At the same time, the Fourth Committee unanimously recognised — and I desire to emphasise this point — that nothing must be done which might prejudice the essential work of the League or restrict its powers of action in dealing with a crisis which had rendered international co-operation more than ever necessary.

The Fourth Committee is satisfied that it has acted on these lines. Thanks to the efforts of the Supervisory Commission, it is now able to submit a budget in which the estimates and supplementary estimates have been reduced by 2,350,000 Swiss francs. This reduction does, it is true, entail considerable sacrifices on the part of the three administrations. Thus, an appreciable number of Conferences, sessions of committees and meetings of experts which were not of urgent importance have been postponed for a year, or until such time as the position improves. These measures appeared particularly opportune, as the Disarmament Conference in 1932 will doubtless necessitate some concentration of the League's efforts next year. May I add that the measures thus advocated have been taken with the full assent of the Secretary-General and the Director of the International Labour Office, who fully realise the situation?

Further, a big cut has been effected in the matter of League printing, all publications which are not absolutely necessary being held over. It was pointed out, for the benefit of those working for the League, that reports need not necessarily be long to be of value.

Finally, equally large cuts were effected in various items of the budget, all of which were very carefully examined; the relevant figures will be found in the annexes to the printed report.

Though appreciable reductions have thus been made, I have no hesitation in assuring you that, with the credits you are about to vote, the League will be able, in 1932, to pursue its normal activities within reasonable limits, to organise the Disarmament Conference in a perfectly adequate manner, and to render such services as may be required of it in coping with the financial and economic crisis.

The total budget submitted to you represents an aggregate expenditure of 33,687,994 Swiss francs. Deducting from that amount the estimates for the Disarmament Conference, an exceptional allocation for 1932 amounting to 3,500,000 francs, we reach the figure of approximately 30,200,000 francs, which is a saving of about 1,500,000 francs on the budget for the present year. That saving is, in my view, very considerable, particularly if we take into account the fact that it has not been thought advisable, and would, in fact, to a large extent have been legally impossible, to touch the salaries of the staff and the particular advantages the staff enjoys.

As regards the administrative and other questions dealt with by the Fourth Committee, I would refer you to the printed report. I would merely point out that the Fourth Committee asks you to appoint as members of the Supervisory Commission for the period terminating December 31st, 1934, Lord Meston of Agra, who has already rendered such valuable services on that Commission, and M. C. J. Hambro, whose zeal and energy in the Fourth Committee are well known.

Lastly, I venture to direct the Assembly's attention to a communication addressed to our Chairman by the permanent delegate of Nicaragua concerning the payment of Nicaragua's contribution to the League. The Committee, profoundly distressed by the terrible catastrophe which has overtaken Nicaragua and completely destroyed its capital, recommends that the Assembly should exempt that country from the payment of half its

contribution to the budget for the financial year 1932 and should defer the payment of the balance.

On behalf of the Fourth Committee, I have the honour to submit to the Assembly for approval the following resolutions :

1. *The Assembly, in virtue of Article 38 of the Regulations for the Financial Administration of the League of Nations, finally passes the audited accounts of the League of Nations for the twelfth financial period ending on December 31st, 1930.*

2. *The Assembly,*

In virtue of Article 17 of the Regulations for the Financial Administration of the League of Nations,

Passes, for the financial period 1932, the general budget of the League of Nations — of the Secretariat and Special Organisations of the League, of the International Labour Organisation and of the Permanent Court of International Justice — amounting, including supplementary credits, to the total sum of 33,687,994 gold francs, including 3,500,000 francs for the International Disarmament Conference,

And decides that the aforesaid budget shall be published in the Official Journal.

3. *The Assembly,*

Profoundly distressed by the catastrophe which has occurred in Nicaragua and has totally destroyed its capital,

Decides to exempt that country from the payment of half its contribution to the budget for the financial year 1932 and to defer the payment of the balance.

4. *The Assembly adopts the conclusions of the various reports of the Supervisory Commission submitted for its consideration, except in regard to the request for credits put forward by the Sixth Committee for the establishment of a committee to examine the material relating to slavery, and in regard to the alteration in the definition of 'locally recruited staff'.*

5. *The Assembly appoints as members of the Supervisory Commission for the period ending on December 31st, 1934, Lord Meston of Agra and M. C. J. Hambro.*

6. *The Assembly,*

Takes note of the first annual report of the Administrative Board of the Staff Pensions Fund; and

Adopts the following amendments to the Staff Pensions Regulations :

Article 3, paragraph 1, *to read as follows :*

" The execution of the present regulations and the management of the Pensions Fund shall be effected by an Administrative Board consisting of three members elected by the Assembly, a representative of the Secretary-General of the League of Nations, a representative of the Director of the International Labour Office, the Treasurer of the League of Nations, and three members elected by secret ballot by the officials who are subject to the present regulations. Where questions directly affecting the officials of the Registry of the Permanent Court of International Justice are under consideration, a representative of the Registrar shall be added to the Board."

Article 12, paragraph 4, *to read as follows :*

" The Administrative Board shall decide in each particular case whether the benefits of the present article shall extend to adopted children, step-children or children not born in wedlock."

Decides that the contribution of the League of Nations to the Pensions Fund for 1932 shall be 9 per cent of the salaries subject to deduction as defined in the Staff Pensions Regulations.

7. *The Assembly,*

Notes the resolution of the Governing Body of the International Institute of Intellectual Co-operation requesting the admission of the staff of this Institute to the Staff Pensions Fund ;

Further notes a similar request from the Governing Body of the Nansen International Office for Refugees ; and

Decides to submit these two resolutions to the Administrative Board of the Staff Pensions Fund for examination and report to the Assembly at the latter's next session.

8. *When proposals involving publications not immediately required for work already undertaken by the League are made by a League body, no final decision shall be taken until the Secretary-General has been consulted regarding the financial and administrative consequences of these proposals.*

The Assembly adopts the conclusions of the report of the Fourth Committee.

The President :

Translation : M. Loudon, delegate of the Netherlands, will address the Assembly.

M. Loudon (Netherlands) :

Translation : The budget, as it has been submitted to you, represents a considerable reduction on the original figures. This reduction has largely been the work of the Fourth Committee, which realised that, in the present crisis, the League must make economies. We should be grateful to the Committee ; it has had a thankless task, since what it had to do was not to check any tendency to prodigality, but to cut down undoubtedly useful expenditure. We must not, therefore, underestimate the usefulness of the expenditure which has been suppressed, or the work it would have involved for the Secretariat. The position is the same as in the case of national budgets — Governments are bound to economise, even though it be to the temporary detriment of the country.

As a member of a delegation which strongly supports reduction of expenditure, I desire to say that, in my opinion, we must appreciate the attitude of the Secretariat of the International Labour Office, and also that of the Registry of the Permanent Court of International Justice. These officials, who place their high abilities and their energies unreservedly at the service of the League, might have felt a certain bitterness in seeing the Committee show such eagerness to cut down expenditure, thereby narrowing the scope of their work. Yet they helped the Fourth Committee in every way to reduce expenditure, whenever such reduction did not involve permanent harm to the essential work of the League. I am sure they will do the same in the future.

I am one of the veterans of the League, and on many occasions during Assembly sessions, and especially during the long and arduous sittings of the Preparatory Commission on Disarmament, of which I had the honour to be President, I had an opportunity of realising at first hand how the Secretariat works, although I have not had an opportunity of

following so closely the work of the International Labour Office. Only yesterday, when visiting some of the League's offices, I was struck by the fact that the work has sometimes to be carried out under conditions which only strengthen our hope that the new building will soon be completed. I venture to say that the work of the staff is beyond all praise. Just recently, a large number of the officials, realising the exigencies of the times, were, as I know, ready to sacrifice part of their salaries. For various reasons that gesture could not be made for the time being; nevertheless, we appreciate the generous intention of those officials.

It is a universal spirit of co-operation and solidarity that will enable us to overcome our present difficulties. The difficulties will last for months yet, for years perhaps, but — and this is my final word — not for one moment can those difficulties make us doubt the future or relax our efforts.

The President:

Translation: M. Palacios, delegate of Spain, will address the Assembly.

M. Palacios (Spain):

Translation: I desire to draw special attention to the attitude adopted by the Spanish delegation in the Fourth Committee in regard to budgetary questions. I was, unfortunately, the only — or almost the only — delegate in the Fourth Committee to plead a cause different from that which the other delegations supported. The majority of the Committee asked for a reduction in the budget of the League, whereas the Spanish delegation, whose views were expressed first in the speech of M. Lerroux, the President of the Council, and then in that of M. de Madariaga, urged consistently that the expenditure of the League ought not to be reduced, although we are at present, as everyone says — and it is unfortunately only too true — in the throes of a world economic crisis. I may add that our opinion has been strengthened precisely on account of that phenomenon. I shall not repeat now what those speakers said in the Assembly or what I myself maintained in the Fourth Committee.

Nevertheless, one sentence in the report which M. Boheman, the Swedish delegate, has just been explaining to you prompts me to intervene in the hope of perhaps introducing a small change. The report states that all the speakers except the delegates of Spain and Lithuania pleaded in favour of economy. Instead of the word "economy" I should myself prefer the phrase "a reduction of expenditure". My colleagues on the Fourth Committee will remember that I was careful to say that, in the matter of economy, Spain would fall in with the opinion of the other speakers — that is, that she would agree to the idea of adapting means to ends as far as possible, in order to create a suitable and efficient instrument such as would enable the League to fulfil its mission. But Spain did not intend to accept an aggregate and somewhat arbitrary reduction of the means and resources of the League without taking into account its requirements, its objects and its noble purpose. We think that economy in the cause of peace means increased expenditure in the preparations for war.

During the present Assembly I sat for the first time on the Fourth Committee. I learned a great deal, especially through being in contact with the Supervisory Commission, which is so formidable from the standpoint of the other Committees. I desire, however, to pay a tribute to the Commission and, in particular, to its Chairman, M. Osuský, who frankly explained the necessity for severity in regard to League economy. To my mind, his deliberate, sometimes trenchant, form of eloquence is a fitting medium for what he has to say.

I was, however, struck by a problem of competence which at times was settled in what I thought rather a curious manner. The Fourth Committee and the Supervisory Commission have to deal with purely budgetary questions, with regard to which the powers both of the Fourth Committee and of the Supervisory Commission are absolute. But certain questions are budgetary only in part. Thus, when they are settled in the Fourth Committee, the latter may become a sort of committee for the settlement of political and other questions, without perhaps being so well qualified as the representatives of States sitting on the other Committees from which the pre-budgetary proposal or agreement emanated.

I should like to refer, in connection with mandates, to M. Rappard's speech. Despite the arguments he invoked before the Supervisory Commission and the Fourth Committee, the latter decided the question entirely from the standpoint of expenditure without taking into account the functions and mission of the Mandates Commission. The same thing happened in connection with slavery. That is a difficult question. Last year we opposed the proposal to reduce to three members the Committee which was already contemplated. Nevertheless, despite the Sixth Committee's decision, the Fourth Committee, sitting, almost like a court of appeal, decided that it would be desirable to constitute a smaller Committee and reduced the estimate framed by the Section of the Secretariat concerned. The same thing occurred again in connection with the suppression of publications on the enquiry into economic crises, and in other matters.

For these reasons I think the Assembly ought to consider the problem of the Fourth Committee's powers.

I thank you for the attention with which you have listened to my remarks. To be or not to be! The Spanish delegation emphatically reaffirms its conviction that, at the present time, during this world economic crisis, so essentially international in character, it is incumbent on us to give proof of our confidence in the League — which is the body best qualified to find a remedy — and to accord it the resources it requires for the proper accomplishment of its task.

The President:

Translation: M. Max Huber, delegate of Switzerland, will address the Assembly.

M. Max Huber (Switzerland):

Translation: May I, as delegate of Switzerland, make a few observations on the present report with reference to the Nansen International Office for Refugees.

The Office has realised that it will have to bear its share in the budgetary cuts imposed on the League as a result of the present crisis. I could, therefore, only bow before the decisions of the Committees at which I had to explain the special situation of the Office and the reasons which make it difficult for it to bear any reduction of its budget, already very low.

From the report of the Fourth Committee we find, however, that the budget of the Office has been more ruthlessly cut down than that of any one of the other organisations belonging to or affiliated to the League. The budget of the Office has been decreased by 10 per cent, whereas the percentage for the total of the revised budget as compared with the original budget (including the supplementary budget) is only 6 ½ per cent. That is a very big difference.

The diminution of our budget by 10 per cent — 33,000 francs — which is only one per thousand of the total budget of the League, is very appreciable to us, and will undoubtedly cripple our activities, especially in view of the additional work to which the Assembly has directed our special attention. But we shall do our very utmost to avoid diminishing the activity and utility of the Office, despite the decrease in the means at our disposal.

It should, however, be clearly understood that the reduction in the 1932 budget, which is occasioned by very exceptional circumstances, will be entirely without effect on future budgets or the whole plan for winding up the Office — a plan which you adopted a few days ago, which was prepared in conformity with the suggestions embodied in your previous resolutions, and which, as regards the total contribution of the League, is itself based on an annual budgetary reduction of 10 per cent.

If the necessary means were refused the Office in future, it would find it quite impossible to fulfil the mission you have assigned to it during the period when it is being wound up, and I should be obliged myself to ask you to release me from the mandate I accepted a year ago at your request.

I do not wish to leave this platform without expressing my deep gratitude to the statesmen who launched the Nansen appeal and to all those — in particular the British, the Danish and the Norwegian Committees — who by their generous gifts have helped to constitute the memorial fund. I should also like to emphasise the importance of your recommendations concerning the extended use of the Nansen stamp, for it is only by obtaining considerable funds that the Office will be able to meet the very numerous requests for co-operation and help addressed to it.

The President:

Translation: I think we can meet the wishes of the Spanish delegate by inserting the observations he has just made in the records. I may add that the Assembly is only called upon to adopt the conclusions of the report of the Fourth Committee, so that we need have no anxiety on that score.

If no other delegate wishes to speak, I shall regard the conclusions of the report of the Fourth Committee and the accompanying draft resolutions adopted.

The draft resolutions were adopted.

87. — ALLOCATION OF EXPENSES: REPORT OF THE FOURTH COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the Fourth Committee on the allocation of expenses (Annex 27, document A.92.1931.X).

The Rapporteur, M. Boheman, delegate of Sweden, will address the Assembly.

M. Boheman (Sweden), Rapporteur:

Translation: The entry into the League of Nations of a new Member is an agreeable event, not only because it represents a step towards that universality to which the League has always aspired, but also because the new Member will pay an annual contribution to the League and thus lighten the burden of other States.

The Committee on Allocation of Expenses, under the chairmanship of M. Réveillaud, has recommended that the number of units to be allocated this year to Mexico, the newcomer to the League, should be fourteen. I therefore have the honour to propose that the Assembly should ratify the recommendation of the Committee for the Allocation of Expenses.

The Assembly will remember that, in 1928, it asked the Council to instruct the Allocation Committee to submit to the 1932 Assembly a final scale for the allocation of expenses, based on scientific data. The provisional scale at present in force, which was established with so much difficulty, has admittedly given rise to serious criticisms from various quarters, criticisms which are certainly justified in more than one case.

It was therefore to be hoped that, from the year 1932, it would have been possible to establish a more equitable arrangement; but unfortunately in this, as in so many other fields, the economic crisis has intervened and upset our most careful calculations. Thus, the Allocation Committee informed the Fourth Committee, through its Chairman, that it considered it would be extremely difficult, if not impossible, to draw up at the height of a crisis a just and stable scale.

Several delegates on the Fourth Committee put forward arguments which were considered very weighty, regarding the difficulty which their countries would have in accepting an adjournment of the question.

In a spirit of mutual conciliation which the Assembly will certainly appreciate, it was unanimously decided to accept the proposal made by the Chairman of the Allocation Committee to postpone the question until the 1934 Assembly.

I therefore have the honour to propose the following draft resolution:

The Assembly,

I. Approving the recommendation of the Allocation Committee:

Fixes at fourteen the number of units allocated to Mexico in the scale of apportionment of the League's expenditure;

II. Amending the decision taken on September 26th, 1928:

Requests the Council to ask the Allocation Committee not to submit its draft revised scale until the 1934 Assembly.

The President:

Translation: As no other delegate has asked to speak, I shall consider the report of the Fourth Committee and the draft resolution contained therein adopted.

The draft resolution was adopted.

88. — CONSTRUCTION OF THE NEW BUILDINGS: REPORT OF THE FOURTH COMMITTEE: RESOLUTION.

The President:

Translation: The next item on the agenda is the discussion of the report of the Fourth Committee on the construction of the new buildings (Annex 28, document A.89.1931).

The Rapporteur, M. Boheman, delegate of Sweden, will address the Assembly.

M. Boheman (Sweden), Rapporteur:

Translation: It was with a feeling approaching stupefaction that the Fourth Committee took note of a special report of the Supervisory Commission informing it that the Building Committee had notified the Secretary-General that the estimates for the new buildings of the League — approved

by the Assembly in 1930 — would probably be exceeded by 7 to 8 million gold francs.

The Fourth Committee at once felt that this was a very serious question and that prompt and energetic measures must be taken. The question is a grave one, not only on account of the serious consequences it might involve for the League's finances, but also because it would afford the League's enemies a ready handle for criticism in their campaign against our institution.

As one speaker on the Fourth Committee aptly expressed it, how could confidence be placed in the League's capacity to construct an edifice of peace if it could not even construct its own buildings?

The Fourth Committee therefore asserted its firm intention to put the matter in order.

I will not go into the history of the question. All the essential facts are given in the printed report before you. I merely wish to remind you that, in 1927, the Assembly agreed, in principle, that the sum to be expended on the construction of the new buildings should be 19½ million francs.

Difficulties having arisen concerning the ground originally chosen at the edge of the lake, and the Ariana Park having been fixed upon as the site of the new buildings, the 1930 Assembly, after a very detailed examination by the Committee of Five, approved an estimate amounting to 23,633,150 francs for the Assembly Hall, the Secretariat building and the outside work, and 4,250,000 francs for the Library.

In February 1931, the Secretary-General notified the Supervisory Commission that the estimates had been exceeded by 178,000 francs on the work of levelling, and by 50,000 francs for drainage. Subsequently, during the excavations, further difficulties due to the nature of the subsoil necessitated the enlargement and reinforcement of the foundations to an appreciable degree, which resulted in further unforeseen expenditure.

As a result of this considerable excess over the estimates, the Building Committee, which, as the Assembly is aware, consists of high officials of the Secretariat and distinguished specialists, instructed the architects, during the summer of 1931, to revise completely the estimates presented to the Assembly in 1930. This revised estimate, which the architects were unable to submit to the Building Committee until September 9th, 1931, showed an increase of roughly 2,750,000 francs over the 1930 estimates for the Assembly Hall and Secretariat, the estimate for the Library remaining unchanged.

The Building Committee noted that the revised estimates included no margin for unforeseen expenditure, and that the architects were contemplating certain economies which were scarcely acceptable, such as the use of artificial stone instead of natural stone in some part of the façade; it therefore requested the architects to revise their calculations.

An estimate — approximate, naturally — made by the technical members of the Building Committee concerning the final cost of the buildings led to the conclusion that there was reason to fear that the 1930 estimates would ultimately be exceeded by about 7 or 8 million francs for the Assembly Hall and Secretariat, and that the estimates for the Library would exceed the original figure by about 1,750,000 francs.

Following upon discussions that took place on this subject between the technical members of the Building Committee and the architects, the latter addressed to the Building Committee two letters, both of which modify the figures of the revised estimates.

I shall not endeavour to fix here the responsibility for these deplorable occurrences. I will simply emphasise the fact that, in my opinion, part, and no small part, of the responsibility falls on the League itself. For reasons which I will not go into now, it entrusted the construction of its buildings to an association of five architects of different nationalities. That arrangement, which from the outset raised stringent criticism, has certainly been largely answerable for the present state of affairs.

The Fourth Committee came to the conclusion that it had neither the technical and legal competence, nor, at this late stage, the time necessary to go fully into the matter. The Committee therefore proposes, in this difficult situation as in so many others, to have recourse to the Supervisory Commission — a Commission which is fully qualified, both by its composition and by its experience, to put the matter in proper order.

The Supervisory Commission should act as a committee of enquiry; it should be granted the fullest liberty, while bearing in mind the necessity of remaining within the credits already voted. It must obtain the necessary technical and legal advice and, after examining *inter alia* the possibilities of establishing unity of direction in the work, report as soon as possible to the Council of the League.

I think that, by the adoption of these methods proposed by the Fourth Committee, the Assembly may separate in the knowledge that it has done all it can to place the construction of the League buildings on a sound basis.

I have the honour to propose the adoption of the following draft resolution:

The Assembly,

Having noted the report of the Fourth Committee on the question of the new buildings;

Painfully surprised at the information furnished to the Fourth Committee by the Supervisory Commission, to the effect that it is feared that the estimate approved by the Assembly at its eleventh ordinary session may be exceeded by from seven to eight million Swiss francs unless the situation is taken in hand;

Declares that it is resolved in principle to keep within the estimate adopted last year; and

Instructs the Supervisory Commission, after having obtained the necessary technical and legal advice and without excluding the possibility of reconsidering the contract concluded with the architects, to submit to the Council for approval, as soon as possible, a programme which will comply, under the best possible conditions, with the above decision.

The President:

Translation: Mr. Pienaar, delegate of the Union of South Africa, will address the Assembly.

Mr. Pienaar (Union of South Africa):

I merely wish to ask the Assembly, in considering the somewhat depressing document with which it is now dealing, to bear in mind that similar difficulties have no doubt arisen in the past in the case of

other famous buildings. I have no doubt that when Christopher Wren built St. Paul's Cathedral, when the Alhambra in Spain — and even the Pyramids — were being built the Fourth Committees of those days had difficulty with the architects. Therefore, while we should certainly take this question with all due seriousness, I do not think we should take it tragically. The Assembly, the Supervisory Commission and the Council must realise that care should be taken not to go to any extremes in dealing with this matter.

What is required is a building worthy of this great Assembly and of the task which is before us. I do not think that a mere matter of money is of so much importance. I look forward myself to the day when the League of Nations shall have accomplished its task of ensuring the peace of the world. Some may think that at that time the reason for its existence will exist no longer and that the League might then be disbanded. I, however, have another vision of the future.

I should like to imagine the day when, peace being assured, all the nations of the world, all the Governments of the world, will concentrate the activities of their Foreign Offices at Geneva; when we shall have all the Ministers for Foreign Affairs at Geneva for a great part of the year, when they will be able to discuss their foreign affairs and settle them face to face, by word of mouth, without delay and without any danger of misunderstandings. In those days, we shall certainly need buildings worthy of that purpose, and I therefore hope that, when this matter is dealt with by the Supervisory Commission and by the Council, this will be borne in mind and given due consideration.

The President:

Translation: As no other delegate has asked to speak, I shall consider the report of the Fourth Committee and the draft resolution contained therein adopted.

The draft resolution was adopted.

89. — TRIBUTE TO THE MEMORY OF COUNT SKRZYNSKI.

The President:

Translation: I have a communication to make to the Assembly. A former delegate to the Assembly has just died in particularly painful and tragic circumstances.

(The Assembly stood in token of mourning.)

Count Alexander Skrzynski, who was former President of the Council, and former Minister for Foreign Affairs of Poland, a signatory of the Locarno Treaties and delegate to the Assembly of the League of Nations, was recently killed in a motor accident.

This news cannot leave us unmoved. The name of Count Skrzynski recalls, to all of us who have been present at previous sessions of the Assembly, the memory of a statesman as remarkable for his talents as for his sympathy and charm. He placed these qualities at the service of his country, which he represented here with conspicuous ability.

It is only just that he should not be forgotten and that we should pay a special tribute to his memory. I feel sure I am interpreting the unanimous feeling of the Assembly in asking the Polish delegation to transmit to his Government our very sincere sympathy.

M. Sokal has asked to address the Assembly.

M. Sokal (Poland):

Translation: On behalf of the Polish delegation, I beg very sincerely to thank our President for the moving terms in which he spoke of Count Skrzynski. His tragic and premature end is a very great loss, not only to Poland, but to the League itself, of whose ideals he was a staunch champion. I shall duly communicate to my Government the touching tribute which, on the suggestion of our President, the Assembly has paid to the memory of Count Skrzynski.

90. — ERECTION OF A MONUMENT IN THE CITY OF SANTO DOMINGO TO THE MEMORY OF CHRISTOPHER COLUMBUS: TELEGRAM OF THANKS FROM THE GOVERNMENT OF THE DOMINICAN REPUBLIC.

The President:

Translation: I have just received a telegram from the Government of the Dominican Republic expressing its gratitude to the Assembly for the message of sympathy it conveyed in adopting its resolution regarding the erection of a lighthouse as a monument to the memory of Christopher Columbus. I am sure this communication will give pleasure to the Assembly, because it emanates from one of its most distinguished members.

91. — ARMAMENTS TRUCE: INFORMATION ON THE POSITION OF ARMAMENTS IN VARIOUS COUNTRIES. REPORT OF THE THIRD COMMITTEE: RESOLUTIONS.

The President:

Translation: The next item on the agenda is the discussion of the report of the Third Committee on the armaments truce (Annex 29, document A.93.1931.IX).

(On the invitation of the President, M. Munch, Chairman of the Third Committee, and M. de Madariaga, Rapporteur of the Third Committee, took their places on the platform.)

The President:

Translation: M. de Madariaga, Rapporteur, will address the Assembly.

M. de Madariaga (Spain), Rapporteur:

Translation: The report I have the honour to submit to you on behalf of the Third Committee comprises two clearly separate parts, each concluding with a resolution.

The second resolution reads as follows:

"The Assembly,

"Noting that, of the sixty-three Governments invited to participate in the Disarmament Conference, twenty-five have up to the present communicated information on the position of their armaments in conformity with the recommendation made by the Council at its January and May sessions:

"Requests the Council to invite the Governments which have not yet transmitted their replies to the circular letters from the Secretary-General dated February 17th and June 13th, 1931, on the position of their armaments, to do so as soon as possible and in any case before November 1st, 1931, in order to enable the Secretariat to provide the Disarmament Conference with adequate documentation."

This resolution is self-explanatory. As you are all aware, the Disarmament Conference must be prepared by means of adequate documentation, collected and co-ordinated by the Secretariat. For this purpose the Council authorised the Secretary-General to ask the Governments to supply the necessary material. At present, only twenty-five of the sixty-three Governments invited have replied. The need for documentation is obviously urgent, and the Assembly clearly owes it to itself to confirm the decision, supported here by all present, to see that the Conference meets on February 2nd next.

I now come to the first question, the armaments truce.

This idea originated in the eloquent speech pronounced here at the beginning of the general discussion by the Italian Minister for Foreign Affairs. In that speech it was announced that the Italian delegation would submit a proposal not to increase beyond their present level the armaments of all countries invited to the Conference, in order to prepare the way, by a moral gesture, for the Conference itself.

At the same time, the Assembly received a proposal from the Danish, Netherlands, Norwegian, Swedish and Swiss delegations, the main thesis of which was that the Assembly should request the Council the urge the Governments convened to the Conference to show their firm determination to support the efforts to ensure peace and re-establish mutual confidence by abstaining, pending the result of the Conference, from any measure leading to an increase of the present level of their armaments.

At the meeting of the Third Committee, the proposal announced by M. Grandi was submitted in concrete form by General de Marinis, the Italian delegate on the Third Committee. This proposal contained a more precise idea, although it was fundamentally the same as that of the five Powers mentioned above. The greater precision introduced by the Italian delegation consisted in transforming the recommendation referred to in the proposal of the five Powers into a definite declaration by the Governments. Moreover, there was a suggestion to give definite form to the limitation to be carried out in regard to armaments.

The Italian proposal was that each Government should undertake for a period of one year dating from November 1st, 1931:

(1) Not to increase its expenditure on land forces already authorised for the current financial year, and not to exceed the total of such expenditure during the next financial year until the expiry of the truce;

(2) Not to place any warship on the stocks, provided always that vessels under construction might be continued and completed;

(3) To suspend the construction of additional military aircraft, except to replace machines which are placed out of commission during the truce.

This proposal was strongly supported by the British delegation. We had, then, still on the basis of the moral gesture proposed by the five delegations, two new ideas: the transformation of the recommendation into a declaration by Governments — a declaration which would involve a moral engagement — and a definition of a specific and technical character, this definition even giving indications as regards the various kinds of armaments — air, land and sea.

Two general tendencies were revealed in the Third Committee; some preferred the recommendation, while others preferred the declaration. Some desired a general form of obligation and others a precise and technical form of limitation.

It will be easily understood that these two tendencies overlapped and shifted their ground. It is obviously easier to define a recommendation than a moral obligation; and, conversely, it was more advantageous that the declaration should have a general and elastic character.

I would emphasise the point that none of the delegations had any difficulty in making the moral gesture which everyone considered necessary — indeed, indispensable — to create an atmosphere favourable to the Conference. That was not the difficulty. The difficulty was caused by a real and objective obstacle. It was hard for countries suddenly to transform the measures taken by their departments of national defence. Any person with experience of departmental life knows that there is a kind of anticipation in programmes, a sort of normal development in the life of a State, and that programmes laid down in advance are gradually carried out. There are certain facts in current public life — work begun, contracts concluded with labour unions or associations of producers for the supply of raw materials, and so on — that cannot be altered. All these points make a sudden decision without previous consideration rather difficult.

I think we ought to interpret the difficulties we have encountered in the Third Committee as a desire to honour an obligation taken beforehand, and consequently as evidence of the necessity of not entering into engagements lightly. There is no need to labour the point; the report is, I trust, sufficiently clear.

I merely wished to note that at no time was there any difficulty in regard to fundamental matters. The only difficulty has been that of adjusting the special problems of the various States so that by some harmonious formula the conclusions of our discussions might be brought out with sufficient clarity to enable the various nations to realise that the Committee was not content merely to put words on paper. At the same time a fairly elastic formula had to be discovered in order that the difficulties of the various States might be solved.

We therefore decided on a form of resolution incorporating the idea we owe to the Italian delegation — namely, a truce. There is to be a truce in armaments for a period of one year, subject to any decisions which may be taken by the Assembly. The resolution submitted includes the idea of the moral gesture, preparatory to the Conference, which represents the contribution of the five Powers. It also includes the moral undertaking, to which all States will subscribe, not to increase their armaments; that is the contribution of the Italian delegation, to which other delegations, and in particular the British delegation, attach particular importance. Lastly, the ultimate formula is sufficiently elastic to allow States to adapt all these ideas to their own individual practice.

There remains, however, one factor which is to be found neither in the resolution nor in the report, and which it is perhaps necessary to explain, since all States will be called upon to express, between now and November 1st, 1931, their opinion on the subject and to state whether they adopt the truce or not.

The Council must take such decisions as may be necessary to enable States, within a period to be fixed subsequently, to know how matters stand as regards the intentions of other States. Obviously,

the undertaking cannot be final until all the States that affect the State entering into the undertaking have also similarly bound themselves. The Council must, then, make arrangements for a period during which the undertakings received from certain States will be temporary. Those undertakings will not become final until the other States which affect them have followed suit.

After these preliminary explanations, I will read the text of the resolution which the Third Committee has the honour to submit to you:

"Convinced that the crisis which at the present time is creating such profound disturbance among the nations of the world is due to a number of economic and political causes originating principally in the lack of mutual confidence between the nations; and,

"Convinced that a renewal of the competition in armaments would necessarily lead to an international and social catastrophe:

"The Assembly addresses a solemn appeal to all those who are desirous that practical effect should be given to the principles of peace and justice upon which the Covenant is based and urges them to devote all their efforts towards creating a world opinion strong enough to enable the General Disarmament Conference to achieve positive results, including, in particular, a gradual reduction of armaments to be continued until such time as the object laid down in Article 8 of the Covenant is attained.

"In view of the fact that an undertaking on the part of all States not to increase their armaments would help to create an atmosphere of confidence, to prevent competition in armaments and to prepare the ground for the success of the forthcoming Conference:

"The Assembly,

"Requests the Governments invited to the Disarmament Conference to prepare for this event by means of an armaments truce, and, accordingly,

"Requests the Council to urge the Governments convened to the said Conference to give proof of their earnest desire for the successful issue of the efforts to ensure and organise peace and, without prejudging the decisions of the Conference or the programmes or proposals submitted to it by each Government, to refrain from any measure involving an increase in their armaments;

"Likewise requests the Council to ask the Governments to state, before November 1st, 1931, whether they are prepared for a period of one year as from that date to accept this truce in armaments."

Before I conclude, I must point out that this resolution has been prepared by a Committee comprising representatives or observers of all the countries non-members of the League which were invited and were able to arrive in time to be present at our meetings. I should like to refer, as a very important fact, to the presence, amongst those representatives, of a duly authorised representative of the United States of America, whose profound interest in the question of disarmament is universally known. The collaboration of Mr. Wilson, the United States Minister at Berne, in the work of the Third Committee has therefore been of the very highest importance, and I feel bound to refer to it in this Assembly.

I should add that, although unable to send a representative on account of the short time available, the Union of Soviet Socialist Republics nevertheless stated that it was in agreement with the principle of the truce, under the conditions which you will find set out in the report.

We thus have before us a unanimous resolution approved by the States which will be present at the Conference in February 1932; and we are therefore entitled to hope that that Conference will open under happy auspices conducing to make it a conspicuous success.

The President:

Translation: Viscount Cecil of Chelwood, first delegate of the British Empire, will address the Assembly.

Viscount Cecil of Chelwood (British Empire):

It would be quite improper for me to attempt to review the achievements of the Assembly, which will no doubt be done in a masterful fashion in a short time by our President; but perhaps I may be permitted just to say that the Assembly, which opened under the impression that this was going to be a somewhat barren and uninteresting session, has found it to be one of the most fruitful and important in the history of the League.

I observe that our clock has stopped, but the League advances. It is merely sufficient to recall to you that we have admitted Mexico, thus taking an important step towards the universality of the League. We have made real progress in the attempt to extirpate slavery as an institution in the world; we have taken a step forward in the complicated questions involved in the nationality of women; we have had very important debates on the economic question, both in this Assembly and in the Second Committee; and, above all, we have had to deal with the difficult question of a dispute between two of our Members in which — in spite of certain criticism from outside — I persist in thinking that the League has shown itself at its best.

Coming nearer to the subject of the few observations I am going to make, I would remind you that the Third Committee has succeeded in establishing the text of a convention for strengthening the means against war, which is open for signature and which will, I hope, be signed by as many States as possible in the very near future, so as to make an important contribution to the development of that favourable atmosphere in which we hope the Disarmament Conference will meet.

It was with the same object that the matter now before you was inaugurated. The object was to proclaim in the civilised world a truce in the preparations for war — a pause, at any rate, in that senseless waste of money involved in the piling up of armaments which, if civilisation means anything, ought to be unnecessary.

I am glad that our Rapporteur has pointed out to you that the conclusions we reached are not only the conclusions of the Members of the League of Nations, but conclusions in which all the countries that have been summoned to the Disarmament Conference have taken their part. That, I think, is a fact of more importance even than appears on the surface; it inaugurates a system by which it is to be hoped that it may be possible for those States which are not Members of the League of Nations to give their collaboration, assistance and advice to the League when it is dealing with matters of first-rate importance.

What is the result of our efforts? We have not achieved everything. I could have wished, and my Government could have wished, to have gone

further even than we have gone; to have made, as the Italian delegation proposed, a more specific and definite statement of the policy of the suspension of armaments. But, though the result does not give us everything we may have desired, and in this world we seldom get everything we want, it is, in my judgment, a very considerable achievement.

Under the terms of our resolution, if the Assembly adopts it — as I hope it will — the Governments of the world will be asked to say clearly and definitely before a given date whether they accept the principle of a truce in armaments. The words are quite specific, quite definite. The Governments are asked to say whether they will refrain from any measure involving an increase in armaments. It is quite true that those are general words, and, in my judgment, however far we had proceeded in the direction in which the Italian delegation asked us to proceed, we should still have had to couch our resolution in general terms; but, if the resolution is carried out honestly and honourably by those Governments which assent to it, the result will be a real suspension, a real truce in armaments, which cannot but have an immensely valuable effect on the public opinion of the world.

As we have repeated in the Third Committee, and as was stated in the remarkable pronouncement made by M. Grandi, the whole conception depends upon an appeal to the honour of the States. We do not seek to bind them by rigid and definite rules; we ask them to accept an honourable engagement — what is sometimes called "a gentleman's agreement" — that they will refrain from all increase of armaments for one year from November 1st.

It will be open to the Governments, when they consider this request, to agree to it or reject it, or to agree to it with comments and explanations as to what their agreement means. To my mind, it will be a great test as to which Governments are so earnestly in favour of a reduction and limitation of armaments that they are not going to be deterred from taking a definite step in that direction by the exaggerated apprehensions which some of their advisers will always feel when the subject is mentioned. It will be, as it seems to me, a great exposition of where the Governments of the world stand, and those Governments which are most in favour of disarmament will have an opportunity of showing their faith by a public act which public opinion will note throughout the world. Similarly, it is a great opportunity, not only for Governments, but for public opinion in each country. All Governments must depend sooner or later on the public opinion of their countries. History emphasises that fact, political events make it clear to everyone who has ever taken part in public life. Now is the opportunity for those who really care for this great cause. Let them exert themselves to show to their Governments that, however far they advance in the direction of disarmament, they are sure of the support of their people.

I am not sure that I do not attach as much importance to the first effective paragraph of the resolution before us as I attach to its conclusions. I refer to the paragraph that urges all those who are desirous that practical effect should be given to the principles of peace and justice upon which the Covenant is based to devote their efforts towards creating a world opinion strong enough to enable the General Disarmament Conference to achieve positive results, including, in particular, a gradual reduction of armaments. That is a call to the peoples, just as the actual request for a declaration is a call to the Governments, and it is upon public opinion that we must always rely in the work which we are trying to do at Geneva. I cannot help feeling that the course of events, even in this matter, has shown how strong and alert a power public opinion is.

Let us review the course of events which produced this final resolution. We all remember the very remarkable speech of the Italian Foreign Minister from this tribune; it was the first speech delivered in this Assembly. It was not only admirable and courageous in itself, it instantly produced a response all over the world; it gave new hope, new confidence, to those who were striving for disarmament throughout the world, and I venture to say to the Governments that they must observe and reckon with that great response. It will show them how powerful the opinion of the people really is in favour of disarmament, and they will disregard that opinion at their peril.

I know that there are individuals — perhaps there are Governments — who are timid in this matter, but I would venture to say to them that, though they may be timid, the peoples of the world are in earnest.

I will conclude my observations by quoting a phrase from my countryman, Lord Grey, and I will say to all the Governments of the world and to the peoples that, if at this Disarmament Conference they do not take steps to make it a real and definite success, the consequences will be incalculable for the world. In his words, "The Governments and peoples of the world must either learn or perish".

The President:

Translation: The Rapporteur, M. de Madariaga, wishes to point out an error in the text of the report.

M. de Madariaga (Spain), Rapporteur:

Translation: I beg to point out that a sentence has been left in the printed document which should have been corrected.

The text of the last sentence of the paragraph beginning, "The Committee's aim has been to prepare the moral atmosphere of the Conference . . ." should be altered to read as follows: "Nevertheless, the Italian delegation, supported by other delegations, pointed out that this latter procedure would not enable the truce to be utilised as an element in preparing for the Conference, and it accordingly pressed its proposal".

The proposed amendment was adopted.

The President:

Translation: General de Marinis, delegate of Italy, will address the Assembly.

General de Marinis (Italy):

Translation: It was the first delegate of Italy who mooted the idea of an armaments truce at the beginning of the Assembly. Several delegates have since expressed their sympathy with the idea and have put forward weighty arguments in its favour.

The Italian delegation then made a concrete suggestion that time should be allowed to enable all delegations to reflect on the possibility of subscribing to this truce and the methods which might be followed to give effect to the idea.

A suggestion was submitted by the Italian delegation to the Third Committee and received considerable support. On the other hand, it was definitely opposed by certain delegations. The Italian delegation, animated by a sincere spirit of conciliation, agreed to the amendments to its proposal in order to facilitate unanimous acceptance.

After a long discussion, the Third Committee brought its work to a conclusion by proposing that the Assembly should adopt a resolution involving the declaration of a truce and its extension for a year — that is to say, an undertaking given by Governments in this present year not to increase their armaments. The resolution in question includes a request to the Governments to state whether they are ready to accept the truce. These were the principles on which our suggestion was based. Moreover, the resolution proposed to us shows that the truce will not prejudge the decision of the Conference or the programmes or proposals which each Government will submit. That is the interpretation we considered should be given to the suggestion.

We had, of course, asked for more, because we had in mind definite engagements for each category of armaments, whereas the resolution we are called upon to adopt refers to armaments as a whole, indicating that, during the truce, those armaments must not be increased above the existing level.

Nevertheless, even in this form the resolution of the twelfth Assembly will, I am sure, have a most beneficial effect in limiting the competition in armaments and will undoubtedly help to arrest the increase in armaments which we have witnessed during the last few years. All will depend upon the good faith and goodwill with which the truce is applied.

There is no doubt on that point, however. All Governments will respond to the powerful appeal of this Assembly and will realise in applying the truce the responsibility they are assuming before the whole world. Confident of this, the Italian delegation fully accedes to the resolution submitted to the Assembly, in the preparation of which it has co-operated with the utmost cordiality.

The President:

Translation: M. Massigli, delegate of France, will address the Assembly.

M. Massigli (France):

Translation: When the idea of concluding an armaments truce before the forthcoming Conference was proposed in this Assembly, and again in the Third Committee, certain delegations, among which was the French delegation, did not hide the misgivings they felt regarding a step the full moral value of which they recognised, but which seemed to them to be, not only a very ambitious anticipation of the work of the forthcoming Conference, but also a task which must inevitably encounter serious difficulties.

I would not say that events have borne out these misgivings; but no one, I think, will deny that they were to a certain extent justified. How could it be otherwise, since some of us seem to have conceived the bold and ambitious scheme of concluding in eight days a convention which the French delegation was advocating as far back as 1928?

Let us say it frankly: the Third Committee's discussions were very animated. Behind theories and principles there loomed at times the shadows of very definite and concrete problems, and we know by experience that such concrete problems cannot be adjusted as easily as principles. On the conclusion of one of the debates in which the various standpoints were freely, and sharply, contrasted, many must have realised that no member of the Committee felt himself quite free to associate himself with the Rapporteur when he came to this platform to secure approval for the Convention on the means of preventing war, which was the happy result of the discussion of three successive Assemblies. Following the example of Viscount Cecil, I avail myself of this occasion to repair the omission so far as I myself am concerned, and to express satisfaction, in the name of the French delegation, that at last there is open for the signature of States a convention which, if a large number of States ratify and adhere to it — as I hope they will — can give to the action of the Council, in certain cases connected with the application of Article 11 of the Covenant, more speed and consequently more efficacy.

And what are the results? The first, and perhaps the most important, is that, on the occasion of this discussion, we have been able not to create but to define, to "organise", if I may say so, a precedent enabling us henceforth, in our discussions, to have more frequently associated with us the representatives of the great American Republic who have been sitting with us for the last week. That is a fact of capital importance.

I now pass to the resolution before us and the report accompanying it, which is admittedly inseparable from it. Quite possibly, this resolution does not fully satisfy any of us. Some would have liked it to be more precise and some would have preferred that it should not definitely bind their Governments. Misunderstandings may arise — though I hope they will not — and perhaps even disputes; but this is no time for recrimination. Let us note the moral value, which Viscount Cecil emphasised so forcibly, of the act which has just been accomplished. Let us also remember the duty which lies upon us so to act that the truce that is to come into force shall be observed under the conditions defined in the report, and that it evinces a spirit of good understanding, goodwill and loyalty on the part of Governments and of nations.

Nothing could be more disappointing or destructive of the value of the truce than quarrelling or quibbling in regard to its application. Nothing could be more disappointing on the eve of so big an event as the Conference of February next. In his remarkable report, our colleague, M. de Madariaga, who has taken — I am sure he will allow me to say — a part in our discussions that will surprise no one who has seen him at work — M. de Madariaga, I say, writes that the Committee notes with satisfaction that the Conference for the Limitation and Reduction of Armaments is fixed for February 2nd next. I should have preferred it if he had added that this fact had been noted with all seriousness.

As this is the last occasion on which we shall have a chance in the Assembly of referring to the forthcoming Conference, may I express the hope that all Governments represented at that Conference will fully realise the importance of the event and that their delegates will come to Geneva armed with instructions and imbued with the spirit without which no success will be possible. I say "all Governments". As M. Briand emphasised from this platform, Governments have the formidable task of balancing, on the one hand, what they hold to be the vital necessities and interests of their countries and, on the other, the necessities and interests of the community of nations. If they come to Geneva hoping to achieve purely individualistic aims under the guise of great principles, whatever such aims might be, I should be very fearful for the result of the Conference. But if they consider it their task to harmonise those individual needs with general aspirations — if, in other words, they can organise their efforts and endeavour to achieve what is reasonable and possible, we may count upon success.

I hope that one year hence we shall meet here once again to register the conclusion of a general convention conceived in the spirit of Article 8 of the Covenant — a convention that will be the crown of a sincere effort to secure the organisation of peace on a solid foundation.

The President:

Translation: Mlle. Forchhammer, delegate of Denmark, will address the Assembly.

Mlle. Forchhammer (Denmark):

In a remarkable speech made by M. Briand in the Assembly two years ago, he appealed to the women to help in the work for peace. This year, again, a request has been made for the co-operation of women.

I want to assure you that women are taking an active part in the work for the establishment of peace and goodwill among the nations, in collaboration with men, as well as in their own associations. How could this be otherwise? Women, like the small nations, have nothing to gain and everything to fear from war.

Now, on the eve of the Disarmament Conference, the women's organisations are doubling their efforts to help bring about the moral disarmament which is so essential for the success of the Conference.

A few days ago a number of important women's organisations joined together to form a disarmament committee here at Geneva. They have pledged themselves "by every means in their power to help in organising the vast and growing public opinion in favour of the Conference and the realisation of the worldwide cry for disarmament and security".

Behind them are millions of women all over the world, who now appeal to the men who have the power to act and therefore the chief responsibility, appeal to them in the words of Bertha von Suttner: "Die Waffen nieder" (lay down your arms).

The President:

Translation: As no other delegate has asked to speak, I shall put to the vote the resolutions of the Third Committee which read as follows:

I. Convinced that the crisis which at the present time is creating such profound disturbance among the nations of the world is due to a number of economic and political causes originating principally in the lack of mutual confidence between the nations; and

Convinced that a renewal of the competition in armaments would necessarily lead to an international and social catastrophe:

The Assembly addresses a solemn appeal to all those who are desirous that practical effect should be given to the principles of peace and justice upon which the Covenant is based and urges them to devote all their efforts towards creating a world opinion strong enough to enable the General Disarmament Conference to achieve positive results, including, in particular, a gradual reduction of armaments to be continued until such time as the object laid down in Article 8 of the Covenant is attained.

In view of the fact that an undertaking on the part of all States not to increase their armaments would help to create an atmosphere of confidence, to prevent competition in armaments and to prepare the ground for the success of the forthcoming Conference:

The Assembly,

Requests the Governments invited to the Disarmament Conference to prepare for this event by means of an armaments truce, and, accordingly,

Requests the Council to urge the Governments convened to the said Conference to give proof of their earnest desire for the successful issue of the efforts to ensure and organise peace and, without prejudging the decisions of the Conference or the programmes or proposals submitted to it by each Government, to refrain from any measure involving an increase in their armaments;

Likewise requests the Council to ask the Governments to state, before November 1st, 1931, whether they are prepared for a period of one year as from that date to accept this truce in armaments.

II. The Assembly,

Noting that, of the sixty-three Governments invited to participate in the Disarmament Conference, twenty-five have up to the present communicated information on the position of their armaments in conformity with the recommendation made by the Council at its January and May sessions:

Requests the Council to invite the Governments which have not yet transmitted their replies to the circular letters from the Secretary-General dated February 17th and June 13th, 1931, on the position of their armaments, to do so as soon as possible, and, in any case, before November 1st, 1931, in order to enable the Secretariat to provide the Disarmament Conference with adequate documentation.

The draft resolutions were adopted.

92. — DISPUTE BETWEEN CHINA AND JAPAN: STATEMENT BY THE PRESIDENT OF THE COUNCIL.

The President:

Translation: The President of the Council has asked to make a communication to the Assembly.

(On the invitation of the President, M. Lerroux (Spain) came to the platform.)

M. Lerroux (Spain), Acting President of the Council:

Translation: In the statement which I had the honour to make to the Assembly on September 24th, 1931, I said I hoped that I should be in a position to make another statement before the end of the Assembly on the question submitted to the Council by the Chinese Government under Article 11 of the Covenant.

The Chinese Government's appeal was submitted on Monday, September 21st. The Council first examined it on September 22nd.

I shall now recapitulate the main facts regarding the origin and history of the affair, according to the statements of the representatives of the two Governments.

On the evening of September 18th, the first incident occurred near Mukden in the South Manchurian Railway zone, which was guarded by Japanese troops.

The Japanese officer in command, acting on the grounds of military precautions, sent troops outside the South Manchurian Railway zone — in particular, to the Mukden line on the Chinese Railway.

The Chinese Government, on receiving the news of the first incident, had contemplated the possibility of settling the matter by direct negotiation, but

decided then, in view of the aggravation of the situation, to lay the question before the Council.

The Council's first act, after its meeting on the Tuesday morning, which was devoted to hearing the first statements of the representatives of the two parties, was to authorise its President: (1) to address an urgent appeal to the Governments of China and Japan to abstain from any act which might aggravate the situation or prejudice the peaceful settlement of the problem; (2) to seek, in consultation with the representatives of China and Japan, adequate means whereby the two countries may proceed immediately to the withdrawal of their respective troops without compromising the security of life of their nationals or the protection of the property belonging to them.

The Council further decided to forward, for information, the Minutes of all its meetings, together with the documents relating to this question, to the Government of the United States of America.

On the evening of September 22nd, I telegraphed to the two Governments informing them of the duty entrusted to me by the Council and addressing to them the urgent appeal which the Council had authorised me to transmit.

Simultaneously with these consultations, I convened the Council, when I judged this useful, in order that the latter might be informed of the progress of the affair.

The two Governments replied promptly to the telegrams which I had sent them on September 22nd on behalf of the Council. The Chinese Government's reply was received on Thursday, September 24th, and that of the Japanese Government on Friday the 25th.

The Chinese Government urged that measures should be taken as rapidly as possible to ensure the immediate withdrawal of the Japanese troops. It added that it would assume entire responsibility for the protection of the lives and property of Japanese nationals directly its authority was re-established in the territories evacuated by the Japanese troops.

The Japanese Government, in its reply, stated that it was sincerely desirous of settling the matter peacefully and as soon as possible by negotiations between the two countries. It had withdrawn the greater part of its troops within the railway zone, where they were concentrated. Outside that zone only a few troops remained posted as a measure of precaution in the city of Mukden and in Kirin, while a few soldiers had been stationed at certain points. The withdrawal of the Japanese forces was being effected in so far as the security of Japanese nationals and the protection of the railway then allowed. The Japanese Government proposed to withdraw its troops into the railway zone as the situation improved and felt confident that the Council would, in this matter, trust the sincerity of its attitude.

The Secretary of State of the United States of America also communicated to me on September 24th, through the United States Minister at Berne, a document assuring me that his Government was in wholehearted sympathy with the attitude of the League as expressed in the Council resolution communicated to the Chinese and Japanese Governments, and that he proposed to send to Japan and to China notes on similar lines.

The Council thanked the United States Secretary of State for this communication, adding that it would be happy to continue to keep the United States Government informed of any steps it might take. The Council also expressed the hope that the United States Government would be prepared to enter into communication with it. On September 25th, the United States Minister at Berne communicated to me the text of the identical note addressed by the United States to the Chinese and Japanese Governments.

Following on the replies of the Chinese and Japanese Governments to my telegram of September 22nd, and the additional explanations furnished to the Council by the representatives of the two Governments at the meeting on Friday, September 25th, I was able to inform the Council that the withdrawal of the Japanese forces to within the railway zone was being carried out, and that, if on both sides efforts were pursued to arrive at pacification, the Council might hope for a satisfactory settlement of the problem.

I added that the Council must, in the first place, count on the firm goodwill of the two parties concerned, on their sincerity and on their sincere desire not to aggravate the situation. I stated that the Council would certainly wish, on the one hand, to address an appeal to the Japanese Government to withdraw its troops as soon as possible to within the railway zone, and I stated also that the Council had noted the declaration by the Chinese representative, who, referring to the undertaking contained in the telegram which his Government had addressed to me, gave an assurance that the latter would, in proportion as the withdrawal of the Japanese troops proceeded, assume responsibility for the security of Japanese nationals and the protection of their property outside the railway zone. I added that the Council would doubtless wish to be kept informed of the measures which would be taken by the two parties in reply to the appeal addressed to them.

At the following meeting of the Council, held yesterday (September 28th), the Japanese representative referred to the fact that the Chinese Government had stated through its representative that it would assume responsibility for the safety of Japanese nationals and the protection of their property. While noting the Chinese Government's admirable intentions, the Japanese representative gave the reasons for which it seemed to it necessary, before rescinding all the measures taken to ensure the protection of its nationals, to make certain that the local authorities were really in a position to maintain order, and that the Japanese were not likely to be exposed to danger as the result of the departure of the Japanese protective forces.

The Japanese representative also announced to the Council that the withdrawal of the Japanese troops was proceeding, and that the Japanese effectives stationed at Kirin had been reduced since the communication which he had made to the Council at the previous meeting. Outside the railway zone, there only remained, apart from Kirin and Mukden, small detachments at Hsinmingtung and Chenchiatung for the protection of Japanese nationals against the attacks of bands of Chinese soldiers and brigands which at that time were ravaging those districts.

The Japanese representative added that his Government would not fail to keep the Council closely informed on every phase of the situation and all the measures taken to secure a rapid settlement. As things were, the Japanese representative thought that any further steps in that connection were unnecessary. In conclusion, he asserted once more that his Government had no territorial ambitions in Manchuria, and that it still firmly maintained its intention, which it had already manifested for some days past in the form of definite acts, to bring back its forces into the railway zone, in which the security of its nationals and of their property would be effectively protected.

The Japanese representative hoped that his Government would be enabled to carry out its intentions in full and as rapidly as possible.

The Chinese representative, after stating his satisfaction at hearing that the withdrawal of the Japanese troops was proceeding, expressed his uneasiness on a number of points. On what date would the evacuation be completed? In the evacuated localities, had the prisoners been released and had the seized property been restored to its owners? He thought that certain steps might be taken to hasten the withdrawal of the troops, their withdrawal being desired, not only by China, but also by Japan and by the Council. In his desire to facilitate agreement between the two Governments, he announced that he was prepared, if this proposal were more agreeable to the representative of the Japanese Government, no longer to suggest, as he had done before, the despatch to the spot of a commission consisting of neutral members, but that the Council should assist the parties, in order that, with the assistance of neutral members, arrangements might be made on the spot which would make it possible to fix an early date for the complete withdrawal of the Japanese troops.

The Chinese representative will, I suppose, embody his proposal in a concrete form.

Such is the present situation, I only wish to refer to several essential points: firstly, the statement by the Japanese Government and by its representative that there never has been, and never will be, any question of the military occupation of Manchuria; secondly, the fact that the Japanese Government has on several occasions insisted, before the Council, on its intention to withdraw the Japanese forces as soon as possible to within the railway zone, in so far as the safety of its nationals and their property may be effectively guaranteed; thirdly, the fact that this intention has, according to the declaration made yesterday to the Council by the Japanese representative, already been translated, during the last two days, into definite action and that outside the railway zone Japanese troops are stationed in only four localities.

The Council has noted these reassuring statements by the Japanese Government. It feels certain that, in this very delicate affair, as in other affairs which have been laid before it, the goodwill of the parties and their loyalty to international engagements will be found to constitute the best guarantee for the peace of the world. Having had the matter laid before it under Article 11 of the Covenant, the Council will, after the close of this session of the Assembly, continue its efforts to assist the representatives of the two parties to obtain, by such measures as both may deem acceptable, a satisfactory settlement of a situation which has deeply affected the relations between two great nations and at one time even seemed likely, before the real progress achieved in the last few days, to constitute a threat to international peace.

The President:

Translation: The Assembly will have heard with very great appreciation and deep interest the statement which the President of the Council has been good enough to make. He has given a completely objective account of the cases of both parties and of the action decided upon by the Council.

In the circumstances, I think the Assembly will agree with me that the Council should continue to carry out its pacific mission, and that there is no need for the two parties in question, or for the other members of the Assembly, to open a discussion on the statement just made by the President of the Council. It only remains for me to express the firm conviction of the Assembly that the efforts of the Council will rapidly be crowned with complete success.

93. — CLOSING SPEECH BY THE PRESIDENT.

The President:

Translation: The twelfth Assembly has concluded its work, and the moment has come to take stock of the situation with all frankness, with the courage of sincerity, and at the same time with that sympathetic understanding which enables creative impulses to achieve their purpose.

This Assembly did not open in that atmosphere of chronic scepticism which has characterised the opening of previous Assemblies, an atmosphere which each year we have managed to dispel without too much difficulty, as it were by a ritual gesture. It opened rather in an atmosphere of legitimate distress caused by the serious lack of confidence which was rapidly spreading throughout the world, in every sphere where human effort had established order. Moreover, scarcely had we embarked upon our task when new, and unforeseen events in the domains of finance and politics served still further to aggravate the psychological conditions under which we were called upon to deliberate.

Events such as these would undoubtedly have completely disorganised any international Conference convened to meet the requirements of the hour. But they did not, they could not, upset an assembly of States such as ours, which is, after all, but the transient reflection of a permanent entity, a new form of collective life soundly organised from the outset, forging its way and pursuing its destiny still under the impulse of its early inspiration: and so, when darkness descends upon the earth, it at once takes its rightful place in the sun.

How has the twelfth Assembly reacted to these many adverse factors?

In the first place — and to me this is very important, though I recognise that to the uninitiated it must seem less so — the twelfth Assembly has proceeded methodically and enthusiastically with its ordinary work as if we were living in normal times, and has not allowed itself for a moment to be deflected from the accomplishment of its statutory task by the cries of alarm on every side — cries so insistent that it might have been thought that the work it was doing was not what was most urgently demanded by the times.

When the strong man is put to the test, he does not abandon his daily task; and that man alone is strong who derives from the daily round, the common task, such poise and calm as will enable him, when unexpected obstacles rise up in his path, to transform his energy into an all-compelling and irresistible force.

You will never know with what feelings of comfort and profound gratitude I have followed your discussions. Those discussions on many and varied subjects, in which responsible men from all over the world have participated despite their own anxieties — those discussions at which expert knowledge, goodwill and political good sense were perfectly blended, but which did sometimes, we must admit, seem to be not immediately relevant to the questions that called most urgently for a solution, will remain for all time a striking testimony in favour of this institution.

When the storm is over, it will be said of the twelfth Assembly: "When the world was going through that crisis, and men, despite wise counsels, were beginning to lose faith, the League of Nations, though a new creation in a world which was a prey to haunting anxiety, affirmed its will to live and to pursue the path mapped out in its constitutional character".

For this concrete act of faith, performed so calmly and so simply, for its power to maintain spiritual stability in an unstable world, the twelfth Assembly will have earned the gratitude of future Assemblies and especially of those destined to know better times than ours.

But, it may be asked, what results has the twelfth Assembly achieved? Let us be frank. Some of those results have fallen short of our expectations; others have come up to our expectations; while yet others have so far exceeded anything we had a right to hope that I think, in future, all forecasts with regard to the Assembly's work will be discounted from the outset. The programme of an Assembly such as ours is not based on previous agreement between chancelleries; we prepare our own programme and carry it out, applying to the unforeseen events of the moment the criteria of our fundamental charter.

Let us briefly analyse those results.

In the political field, the crisis has taken much of the sting out of the controversies which temporarily divide certain of our Members and which it has been their habit to discuss frankly and publicly here.

In all other fields — in the field of social, humanitarian and intellectual work and of health and transit — the League action has become more clearly defined, has extended its scope and has come nearer to attaining its goal.

In the economic field, the Council has approved the system of international mortgage credits as a first measure of assistance to sorely tried agricultural countries; but — let us frankly admit this — the twelfth Assembly has been able to add scarcely anything to the proposals of the economic experts, although, by adopting them, it has invested them with the authority attaching to its resolutions.

Having said so much, let us ask ourselves equally frankly if it could have been otherwise. We have been sitting at a time when States themselves were undecided as to the direction to be given to their national policy, and it has been difficult, therefore, to ask them to commit themselves *vis-à-vis* other countries before knowing exactly what undertakings they would have to give at home.

The League, moreover, is an association of States and, when a crisis affects all its Members in turn, it is only natural that, before acting as a collective body, those States should desire to deliberate among themselves as to whether the course proposed really points the way to salvation. Again, such slight delay as this involves is really only a moment of respite before the preparation of the big general solutions which we shall, I feel certain, be called upon to discuss in the very near future.

In the financial field, on the other hand, the Assembly's intentions have been more definite. It has asked the Council to take effective action with a view to financial assistance for States, and has requested the technical organs of the League to hold themselves in readiness, and, should the States apply to them, to accord such assistance immediately, whether by sending delegations or by some other means.

While we are speaking of finances, how can we avoid touching upon the disquieting problem of our own finances?

The twelfth Assembly, desirous of proving to the world by a noble gesture, which caused it no little effort, that it appreciates the needs of the hour, has imposed on the League sacrifices imposed by circumstances on each of its Members. I respect the Assembly's intention; I appreciate its efforts. May I, however, the President of this Assembly, be permitted, at all events in my individual capacity, to attribute to this gesture a symbolic value, believing firmly, as I do, that its effect must be restricted to the coming year and that it is not the prelude to a future policy. The fact is that League expenditure is expenditure in the cause of peace. It may sound paradoxical, but, the greater the crisis the greater the League's responsibilities and the greater its expenditure.

True, we must be careful not to waste the nations' money. Let us not forget, however, that the contributions of States are simply in the nature of an insurance premium against terrible afflictions which it is our aim to banish for ever; let us not forget that those contributions are infinitesimal compared with the crushing financial burdens which the nations have freely assumed in order that they may make war upon one another. Our duty, obviously, is to do all in our power to repair the consequences of that tragic error — war. We must have recourse to every means, save one — we must not bungle peace by restricting the League's activities, for ours is the only invention ever devised for silencing the thunder of the guns.

In connection with finances, which are, after all, our means of action, how can we help thinking first and foremost and all the time of those whose duty it is to act on our behalf — I mean, the members of the Secretariat and of the International Labour Office?

I am too old and proved a friend of the Secretariat and of every one of its members for there to be any danger of their hearing from me the conventional compliments addressed to them at the close of each Assembly; but I should like to assure them of the high esteem in which this magnificent team of workers, perpetuating the Wilsonian tradition, is held by the Assembly — a team unremitting in its labour, wedded to supple methods and uncompromising in the pursuit of its objects.

True, from time to time we hear criticisms of the Secretariat, criticisms never devoid of courtesy. They bear witness to the important part which the members of the Secretariat have elected to play in the functioning of this institution. When anything goes wrong we say at once: "It is the Secretariat's fault". That is a compliment! But when a thing is going just as we want it to, no one says: "Yes, thanks to the Secretariat". It is so much a matter of course that no one dreams of mentioning it. There you have your revenge!

I should have liked to speak of our Secretary-General, but he is absent — do not misunderstand me — not physically absent, for there he sits with his ever-ready smile, which is so much a part of him that no one ever knows when he is pleased and when he is not. But, mentally, the Secretary-General is no longer with the twelfth Assembly. For him, it has long been over. His spirit is far away, and I will tell you where it is. After ranging over the Disarmament Conference and all the international Conferences that may follow in its train and all the coming Assemblies, his mind is

now coping with the agenda of the twentieth Assembly.

We know, Mr. Secretary-General, that you remain here, firm as a rock, while we pass by, a never-ending stream. We know that your lead will always be followed because you are always ready to give a lead, vigilant and confident. But we beg you to come back to earth and join our councils. The twelfth Assembly has not yet terminated its proceedings. It is here before your eyes, anxious to express through me, its President, its affectionate admiration — the admiration of us all, your friends in joy or sorrow, or rather, I should say, in sorrow, for it is your joy to labour for us.

To come back to the results. What we have accomplished would honour any Assembly and satisfy the most exacting, even people who are only aware of the League when the Assembly is sitting, even those who regard the League as no more than a form of hypertrophy of the month of September.

But the twelfth Assembly has done one thing more — and that will be its claim to honour. More than any of its predecessors, it has paved the way for the future; more than any of its predecessors, it has refused to leave to chance the interval which separates it from the next Assembly.

What is the explanation? It is because instinctively it has obeyed the laws which govern collective achievement.

You have all noticed that, as a Conference is drawing to its close, the work it does appears more and more useful. There is a psychological reason for this.

Anyone who has kept in touch with international conferences — and I, though I represent a Power whose interests are essentially limited, have followed them nearly all with ungrudging attention, from the Peace Conference onwards — has observed that any diplomatic gathering goes through three phases.

The first phase is mistrust — national particularism and an uncompromising attitude are the predominating features. During that phase members threaten to leave the Conference if anyone ventures to suggest their reducing their demands below the minimum compatible with their national dignity.

The second phase is that of explanations. We say exactly what we think to one another, in an impeccable form. This is the stage where we are grateful to diplomacy for having remained the last refuge of courtesy, for, without it, how could we diplomats be so agreeably disagreeable?

The third phase is that of sympathy. Delegates are no longer hampered by the necessity of furnishing explanations with regard to their national mandate and begin to regard one another more benevolently. They find, each one of them, that their colleagues are not as bad as they may have been inclined to think. Personal relations begin to play their part and regret is felt that inter-State relations are not as satisfactory as these personal relations. Then gradually and insensibly the inter-State relations are merged in the personal relations. Then it is that the collective spirit of the Conference is formed, and from that moment the Conference really gets to work. As time goes on, even the most unexpected solutions are found to be acceptable. Unfortunately, just as the collective spirit is producing its effect, the Conference comes to an end, and the next one has to begin all over again.

This simply means that international life, like any form of life, is subject to the laws of matter, and that every constructive spirit has somewhere a material body behind it. We do not succeed in accomplishing our tasks as rapidly as we could wish, for we have to break up the collective body just when the spirit informing it is born.

The twelfth Assembly has understood this law which governs collective achievement, and, more than any previous Assembly, it has determined to perpetuate its endeavours; more than any other it has insisted on extending its action beyond the time when it should, officially, have ceased to exist.

The Disarmament Conference is at hand. The eleventh Assembly requested the Council to fix the date, which it did; but we all realise that it is thanks to the twelfth Assembly — which has given the delegates an opportunity of expressing their views and of removing all doubts with regard to the possibility of adjournment — that February 2nd, 1932, has become a categorical imperative of such compelling force that the nations would still meet at Geneva, even if no one mentioned disarmament between now and then.

The Disarmament Conference will be the touchstone of concord between the nations. The issue is not whether this or that view shall prevail, but whether the nations have decided to make a real advance in the direction of applying Article 8, so that — political problems being interdependent — we may know whether, by settling one of them, we can facilitate the settlement of all the others.

Accordingly, we welcome the adoption by the twelfth Assembly of the draft Convention for improving the Means of preventing War, which, together with the draft Convention for Financial Assistance adopted last year, proves that efforts with a view to security go hand in hand with disarmament schemes.

We hail with enthusiasm the action of the First Committee in referring to the jurists included in the delegations to the Disarmament Conference the question of the amendment of the Covenant and the insertion in our fundamental statute of an absolute prohibition of recourse to war.

We cannot but feel infinitely grateful for the suggestion for an armaments truce which you have adopted to-day as a result of the proposal originally made by the Italian delegation and of the resolution submitted in the name of five Powers. As a matter of fact, this is anticipating the Disarmament Conference. So anxious was the twelfth Assembly to perpetuate its activities that it even determined to play out the first act of that Conference.

An institution which, in these difficult circumstances, gives proof of spiritual stability and vitality such as this cannot but command respect, and it has been the privilege of the twelfth Assembly to take unto itself the highest testimony of the League's prestige throughout the world.

For the League must aim at universality, and there are only two means of securing this. The first is to increase the number of Member States and the second is by more intensive and continuous collaboration with non-member States. But not to admit that the second means is only a preparation for the first and, normally, its happy prelude, would be to misinterpret the laws of nature and to

deny the wonder of invisible germination until such time as the flower blossoms which alone spells faith to those whose unbelief depends on ignorance.

The twelfth Assembly has made tremendous progress towards universality. The entry of Mexico into the League at this juncture proves that, although the world may be suffering from lack of confidence, one domain — the League — exists to which this does not apply.

Again, the fact that the majority of non-member States have collaborated in the Third Committee proceedings proves that, when it is a question of satisfying the nations' anxiety and strengthening the bases of peace, there is identity of will and outlook among the Member and non-member States, and for this I thank them all very sincerely.

I should like especially to thank the United States of America for its valuable co-operation with the League in the important problems affecting the maintenance and progress of peace. Let us hope that this collaboration will continue and, as far as possible, be extended.

But I want to make myself quite clear. We all realise perfectly the nature of their co-operation. It is voluntary, not arising out of any obligation, and cannot be held directly or indirectly to increase the obligations of the United States. Having said so much, I feel bound to add that the result has been to increase the prestige both of the League and of the United States in the eyes of the world.

In the light of these happenings, how should we refuse to admit that what we call our fundamental charter — the Covenant — is in reality simply a collection of commandments dictated by our own conscience? What does it matter whether they are written or unwritten, accepted or not accepted? When conscience commands, men of honour always act in the same way.

Lastly, it has been the privilege of the twelfth Assembly, before terminating its work, to record a great example of energy and to witness a happy *rapprochement*.

This lesson of energy was given to us by none other than Great Britain, that great nation, whose age-long history may be summed up in a few simple words: an implacable will to conquer by honourable means, in the face of dire adversity. May I be allowed to express to Great Britain the admiration we have all felt at this further proof of her determination to be true to herself?

As for the *rapprochement* of which I just spoke, what *rapprochement* could give us more pleasure than that of France and Germany, whose close co-operation in the interests of true peace has been newly strengthened at Berlin?

I ask you to compare the atmosphere in which we are concluding our work with that in which we began it, and to ask yourselves whether any rational being can still doubt.

When it is a matter of choosing the best means of realising some new venture which is a living reality to all of us, doubt may be legitimate; yet to entertain doubts in regard to what does exist when we do not know for certain what we should put in its place is nothing less than suicide.

No, this time the enemy is not at our doors: he is within ourselves. Let us banish the enemy in our midst — deadly doubt, and most of all that absurd idea that the individual can be saved when the community is in danger of perishing.

Let us do this, and we shall hear the voice of instinct: "Man's destiny is imperishable". Let us do this and then we can say with firm conviction: "The hour of darkness is past, for the light is in us".

I declare the twelfth session of the Assembly of the League of Nations closed.

The Assembly rose at 1 p.m.

ANNEXES

Series of Publications: 1931.I(*a*). *Official No.:* A.2(I).1931.

ANNEX 1.

AGENDA OF THE TWELFTH SESSION OF THE ASSEMBLY AND SUPPLEMENTARY LIST OF QUESTIONS.

1. Election of Officers, Appointment of Committees and Adoption of Agenda.

A.6.1931. 2. REPORT ON THE WORK OF THE LEAGUE SINCE THE ELEVENTH SESSION OF THE ASSEMBLY.

3. Election of Three Non-Permanent Members of the Council.

ITEMS INSERTED BY OR ARISING OUT OF THE DECISIONS OF THE ASSEMBLY.

A.12.1931.V. 4. Progressive Codification of International Law.

A.28.1931.V. 5. Preparatory Procedure to be followed in the Case of General Conventions to be negotiated under the Auspices of the League.

C.623.M.245.1930.V. A.11.1931.V. A.11(*a*).1931.V. 6. Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris.

C.338.M.138.1930.V. 7. Proposal of the Government of Finland to confer on the Permanent Court of International Justice Jurisdiction as a Tribunal of Appeal in respect of Arbitral Tribunals established by States.

8. Organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice.

A 8.1931. (*a*) Report of the Committee appointed to give Further Consideration to Certain Questions relating to the Organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice;

A.15.1931.X. (*b*) Questions adjourned by the Last Assembly:

(I) Salaries of Counsellors;
(II) Septennial Leave.

A.18.1931.X. 9. Election of Members of the Supervisory Commission.

A.25.1931.IV. 10. Penal Administration: Report by the Secretary-General.

A.17.1931.VII. 11. Commission of Enquiry for European Union.

A.9.1931.VII. A.14.1931.VII. 12. Special Committee for the Drawing-up of a Draft General Convention to strengthen the Means of preventing War.

A.27.1931. 13. Nansen International Office for Refugees.

14. Slavery:

A.13.1931.VI. (*a*) Annual Report by the Council;
A.29.1931.VI. (*b*) Information received as a Result of the Resolution adopted by the Assembly at its Eleventh Session: Report by the Secretary-General.

ITEMS PROPOSED BY THE COUNCIL TOGETHER WITH REPORTS FROM TECHNICAL ORGANISATIONS OF THE LEAGUE.

A.19.1931.V. 15. Nationality of Women: Report by the Secretary-General.

16. Work of the Economic and Financial Organisations.

17. Work of the Organisation for Communications and Transit.

A.7.1931.III. 18. Work of the Health Organisation.

C.168.M.62. 1931.XI. / C.168(a).M.62(a). 1931.XI. 19. Work of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs.

20. Work of the Advisory Commission for the Protection and Welfare of Children and Young People:

C.267.M.122. 1931.IV. (a) Report of the Committee on Traffic in Women and Children;

C.249.M.113. 1931.IV. (b) Report of the Child Welfare Committee.

21. Intellectual Co-operation:

A.23.1931.XII. (a) Work of the International Committee on Intellectual Co-operation;

A.24.1931.XII. (b) Work of the International Educational Cinematograph Institute at Rome.

BUDGET.

A.3.1931.X. / A.4.1931.X. / A.4(b).1931.X. / A.5.1931.X. / A.20.1931. 22. Budget for 1932, including the Budgets of the International Labour Organisation and of the Permanent Court of International Justice: Audited Accounts for the Twelfth Financial Period (1930): Reports of the Supervisory Commission. Report of the Administrative Board of the Staff Pensions Fund.

LIST OF SUPPLEMENTARY ITEMS CIRCULATED IN ACCORDANCE WITH RULE 4, PARAGRAPH 3, OF THE RULES OF PROCEDURE OF THE ASSEMBLY.

Item proposed by the Council.

Draft Convention for the Regulation of Whale Fishing.[1]

Series of Publications: 1931.2. *Official No.:* A.2(a).1931.

ANNEX 1 a.

EXPLANATORY NOTE ON THE AGENDA OF THE TWELFTH SESSION OF THE ASSEMBLY (SEPTEMBER 7TH, 1931).

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1. Constitution of the Assembly and its Committees: Appointment of Officers.

[On arrival at Geneva, all delegates receive a printed booklet, which describes as clearly as possible the organisation of the Assembly.]

(a) Election of the Credentials Committee.
(b) Election of the President.
(c) Examination and adoption of the agenda.
(d) Nomination of the six Committees to which the Assembly normally refers the various questions, and election of Chairmen of these Committees.

[1] See Circular Letter 168.1931.II.B. and the Report by the Economic Committee on its thirty-fifth session (document C.427.M.177.1931.II.B).

The questions are generally divided between the Committees in the following manner:

First Committee:	Legal questions.
Second Committee:	Questions connected with the work of the technical organisations.
Third Committee:	Disarmament questions.
Fourth Committee:	Administrative and budgetary questions.
Fifth Committee:	Social questions.
Sixth Committee:	Political questions.

(*e*) Election of six Vice-Presidents.

2. Report on the Work of the League since the Last Session of the Assembly.

Each year the Secretary-General prepares a general report on the work of the League since the last Assembly, up to May 31st. This report is circulated on July 1st. The work accomplished during June and July is recorded in a supplementary report, which is circulated at the opening of the Assembly.

These two reports form the basis of the general discussion at the beginning of the Assembly, during which the various delegations have an opportunity of stating their opinions on the work of the League.

The Assembly may refer to the appropriate Committee any part of these reports dealing with a question which does not appear on the agenda—*e.g.*, mandates, disarmament, minorities, etc.

3. Election of Three Non-permanent Members of the Council.

The Assembly decided, in 1926, to elect each year three non-permanent Members of the Council for a period of three years from the date of their election.

The States whose terms of office come to an end this year are Spain, Persia and Venezuela. Spain was declared re-eligible by a vote of the Assembly on September 10th, 1928.

A. Items inserted by or arising out of the Decisions of the Assembly.

I. Legal Questions.

4. Progressive Codification of International Law.

In 1930, the Assembly adjourned this question to its next session, and invited the Governments to send in their observations for consideration by the 1931 Assembly. These observations will be circulated during the summer.

5. Preparatory Procedure to be followed in the Case of General Conventions to be negotiated under the Auspices of the League.

The 1930 Assembly deferred to 1931 the question whether the rules laid down in its resolution of October 3rd, 1930, should be modified as a result of the observations received from Governments and from the Technical Organisations of the League.

The observations received will be circulated during the summer.

6. Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris.

The 1930 Assembly decided to continue its study of this question in 1931. It will examine, in particular, the proposals made by the Sub-Committee of the First Committee in 1930 and any observations made by Members of the League (see documents C.175.M.64. and C.175(*a*).M.64(*a*). 1931.V).

7. Proposal of the Government of Finland to confer on the Permanent Court of International Justice Jurisdiction as a Tribunal of Appeal in respect of Arbitral Tribunals established by States.

The 1930 Assembly adjourned to its 1931 session the examination of the report of the Committee set up to study this proposal (document C.338.M.138.1930.V).

II. Budgetary and Administrative Questions.

8. Organisation of the Secretariat, the International Labour Office and the Permanent Court of International Justice.

(*a*) Report of the Committee appointed to give further consideration to certain questions relating to the organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice (document A.8.1931).

(*b*) Questions adjourned by the last Assembly (document A.86.1930.X):

(1) Salaries of counsellors (that is to say, the small number of international officials who have received or may receive this title);

(2) Septennial leave (for international officials of the first division).

9. Election of Two Members of the Supervisory Commission.

III. Social Questions.

10. Penal Administration.

The 1930 Assembly requested the Secretary-General to submit to its 1931 session a further report on the Rules for the Treatment of Prisoners drafted by the International Prison Commission (document C.620.M.241.1930.IV). This report will be included in the general report by the Secretary-General on the work of the League since the last Assembly.

IV. Political Questions.

11. Commission of Enquiry for European Union.

During 1931, the Commission of Enquiry for European Union set up by the Assembly has carried out various work—enquiries into the economic depression and unemployment; disposal of present and future cereal stocks; establishment of an international institute for agricultural credits—with the help of the Financial Committee, etc. The results of this work will be submitted to the 1931 Assembly.

12. Draft General Convention to strengthen the Means of preventing War.

The 1930 Assembly requested the Council to nominate a special Committee. This Committee met on May 11th, 1931; its report will be circulated later.

13. Nansen International Office for Refugees.

Under its Statutes, this office has to submit a report on its work each year to the Assembly.

Further, on the recommendation of the Fourth Committee, the 1930 Assembly requested the International Organisation for Refugees to submit to its 1931 session a systematic plan for the winding-up of the Refugee Organisation by December 31st, 1939.

These two documents will be circulated at the opening of the Assembly.

14. Slavery.

(*a*) Annual Report by the Council.

In 1926, the Assembly requested the Council to prepare every year a document mentioning the laws and regulations communicated to the Secretary-General by the parties to the Slavery Convention in conformity with Article 7 of that Convention, together with any supplementary information forwarded by the States Members of the League with regard to the measures taken by them with a view to the progressive abolition of slavery and analogous conditions.

This year, the Council report, which will be distributed in August, will contain, in addition, the report of the International Commission of Enquiry in Liberia and all relevant documents

(in accordance with the Council decision of January 24th, 1931). Most of these documents will be found in the *Official Journal* of February 1931.

(*b*) Information received as a result of the resolution adopted by the Assembly at its eleventh session.

In 1930, the Assembly invited the Members of the League and the States non-members to amplify the information already given by furnishing such particulars as might assist the Assembly to form an idea, not only of the conditions prevailing in their own territories, but also of the present general position in regard to slavery.

The report of the Secretary-General containing all the information received will be circulated in August.

B. Questions inserted on the Proposal of the Council.

15. Nationality of Women.

The Secretary-General will present a report to the Assembly. Certain international women's organisations particularly interested in this question have been invited to make joint proposals which will be annexed to this report. The report will be circulated during the summer.

C. Technical Organisations of the League.

N. B. — The list of questions under this heading is not complete. The object is merely to point out, for the convenience of delegations, the principal subjects dealt with by the technical organisations.

16. Economic and Financial Organisations.

I. *Economic Work.*

1. Steps taken to carry out the decision of the tenth Assembly regarding concerted economic action.
2. Work of the Economic Committee:
   - (*a*) Study of the agricultural crisis (the report on this question will be circulated in June in document C.239.M.105.1931.II.B);
   - (*b*) Preparation of veterinary conventions;
   - (*c*) Most-favoured-nation clause;
   - (*d*) Establishment of a unified Customs nomenclature.
3. Results of the Conference for the Unification of Laws relating to Cheques. (Three Conventions have been drawn up. They are contained in document C.194.M.77. 1931.II.B.)

II. *Financial Work.*

1. Organisation of a system of agricultural credits.
2. Enquiry into the economic depression (the results of this enquiry will be included in a document to be distributed during the summer).
3. Gold (see document C.75.M.31.1931.II).

17. Communications and Transit Organisation.

- (*a*) Conference of Maritime States on the Unification of Buoyage and Lighting of Coasts, held at Lisbon.
- (*b*) European Conference for the Unification of River Law, held at Geneva (Convention concerning collisions, etc.).
- (*c*) European Conference on Road Traffic, held at Geneva (Convention on Fiscal Regime for Foreign Motor Vehicles, etc.).
- (*d*) Work of the Advisory and Technical Committee and its different sub-committees: Preparation of the fourth General Conference for Communications and Transit; question of the installation of an aerodrome near the seat of the League, etc.

The results of this work will be described in the report on the work of the League since the last Assembly.

18. Health Organisation.

1. Co-operation of the League with China and South American countries in health matters.
2. Enquiry on the results of the treatment of syphilis.
3. Preparation of the European Conference on Rural Hygiene (June 1931).
4. Study of the principles and methods employed in the prevention of leprosy.

Information on the work on these questions will be found in the annual report of the Health Organisation for 1930 (document A.7.1931.III).

19. Advisory Committee on Traffic in Opium and Other Dangerous Drugs (see documents C.168.M.62.1931.XI and C.168(a).M.62(a).1931.XI).

1. Work of the Advisory Committee with regard to the supervision of the application of the Opium Conventions and the suppression of the illicit traffic;
2. Conference for the limitation of the manufacture of narcotics (May 27th, 1931) (see document C.168.M.62.1931.XI).
3. Report of the Commission of Enquiry into Opium-smoking in the Far East.

This report forms two volumes. The first has already been distributed (document C.635. M.254.1930.XI). The second will appear during the summer.

20. Advisory Commission for the Protection and Welfare of Children and Young People.

(*a*) Traffic in Women and Children Committee:

1. Application of the 1923 Convention on Obscene Publications.
2. Draft Protocol to the 1921 Convention with regard to the penalties to be inflicted on persons living on immoral earnings.
3. Employment of women police.

The Committee's report is contained in document C.267.M.122.1931.IV.

(*b*) Child Welfare Committee:

1. Establishment of a Convention for the return to their homes of children and young people.
2. Question of the setting-up of a Special Committee to study assistance to foreign minors and the execution of maintenance orders abroad.
3. Study of the auxiliary services of children's courts.

The report of this Committee is contained in document C.249.M.113.1931.IV.

21. Intellectual Co-operation:

(*a*) Work of the International Committee on Intellectual Co-operation.

This Committee meets in July. Its report, which will be circulated in August, will include information on the work of the International Institute of Intellectual Co-operation, which is the executive organ of the Committee.

(*b*) Work of the International Educational Cinematographic Institute at Rome.

D. Budget of the League.

22 Budget for 1932, including the Budgets of the International Labour Organisation and of the Permanent Court of International Justice: Audited Accounts for the Twelfth Financial Period (1930): Reports of the Supervisory Commission.

ANNEXES 2 AND 2a.[1]

Official No.: A.70.1931.IV.

ANNEX 3.

PENAL AND PENITENTIARY QUESTIONS: IMPROVEMENTS IN PENAL ADMINISTRATION.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: Professor V. PELLA (Roumania).

INTRODUCTION.

The Fifth Committee has studied with the greatest interest the report on penal administration which was submitted by the Secretary-General to the Twelfth Assembly. The introductory portion contains a summary of the resolutions adopted by the League since 1930 and traces the history of the question brought before the League by the Howard League for Penal Reform.

It might be well to mention that, with a view to a more thorough study of the problem, a proposal relating to international co-operation for the prevention of ordinary crimes was made to the League of Nations as far back as 1924 (see *Revue internationale de droit pénal*, No. 1, 1924).

In 1927, the representative of Roumania pointed out at the eighth Assembly that the League could not remain indifferent to the increase in crime, which is keeping pace with the continuous transformation and internationalisation of contemporary social life, by becoming international itself. Accordingly, he suggested to the eighth Assembly that the League should turn its attention to this scourge of humanity. These suggestions, which were made during the discussion of the problem of the codification of international law (see document C.548.M.196.1925.V, page 40), were referred to by the Howard League in its memorandum to the League of Nations (document A.P.1). In this document, the Howard League stated that, in connection with the codification of international law, the Committee of three jurists suggested in the report which it presented to the Council in June 1929 that Conventions should be concluded on international criminal law and on assistance between States with a view to the punishment of criminal offences. The Howard League added that it was surely the concern of the States Members of the League that the methods of such punishment should be enlightened and humane.

The representative of Roumania who was appointed by the Fifth Committee to present the question of penal administration to the Committee showed in his preparatory report that the League of Nations would be discharging its duty by organising co-operation between States for the suppression of crime. He stated, moreover, that, internationally, the problem of penal administration, or rather of international criminal policy, might be regarded from three angles: *the progressive unification of penal law, the co-operation between States for the prevention and suppression of crime* and *the execution of the penalty.*

The representative of the British Empire considered that it was not advisable for the Fifth Committee to discuss the parts of the preparatory report concerning the unification of penal law and the co-operation between States for the prosecution and punishment of criminals. He called attention to the fact that the only subject on the agenda of the Committee was that of penal administration, and he expressed the opinion that the immense problems raised by the Rapporteur were not germane to the subject on the agenda. This view was supported by the representatives of Germany and Canada.

The representatives of Belgium, Italy, Poland, Czechoslovakia, Spain and Roumania thought that, in view of the complexity of the problem, it would be difficult for the Committee to define its scope. They maintained that all the questions referred to in the preparatory report should be included in the Committee's general discussion.

The general discussion which took place in the Committee covered the problems dealt with in the three following chapters.

I. PROGRESSIVE UNIFICATION OF PENAL LAW.

The representatives of Belgium, France, Spain, Italy, Czechoslovakia, India and Roumania spoke on the progressive unification of penal law.

[1] For the sake of economy, the Report and the supplementary Report on the work of the League since the Eleventh Session of the Assembly (documents A6 and A6(a) 1931) are not reproduced this year.

The Indian representative emphasised the fact that physical, climatic and social conditions vary from one country to another, and that this fact ought to be taken into account in any attempt at unification of law.

The representatives of the other countries mentioned above agreed that *progressive unification of penal law* was desirable. Some of them drew attention to the passages in the preparatory report which stated that the activity of the League with regard to certain *offences of an international character*, such as the traffic in women and children, slavery, the traffic in drugs, obscene publications and counterfeiting currency had been most productive. The fact that international conventions concerning the offences referred to above have been drafted or supplemented under the auspices of the League bears eloquent witness to this fact.[1]

But it is not only in the matter of forms of charges that certain of the existing conventions tend towards international unification, or have even succeeded in reaching it. A similar unification is now being carried out with regard to the *fundamental principles of criminal law*. For instance, the Convention of April 1929 for the suppression of counterfeiting currency contains provisions concerning attempts to commit forgery, complicity and habitual criminality.

It may be recalled also, that the League is at present undertaking investigations for the purpose of preparing new conventions for the punishment of certain other offences which are regarded as having an international character. The Financial Committee is dealing with the question of the possible preparation of a convention for the prevention and international suppression of the forging of documents of value other than paper money and banknotes—*e.g.*, shares and bonds, cheques, bills of exchange, etc.

Certain private or governmental institutions, such as the Association internationale de droit pénal (Brussels Congress, 1926) and the International Penal and Penitentiary Commission (Prague Congress, 1930), reflecting the contemporary tendency towards the international unification of criminal law, have discussed the problem of unification and passed resolutions clearly favourable to such unification.

The representatives of Belgium and Roumania drew attention to the work of a special international institution set up for the unification of criminal law. The aim of the *International Bureau for the Unification of Criminal Law* is to study the proposals made by Governments, the various organisations of the League of Nations and international associations, for harmonising and co-ordinating criminal law; to carry out preparatory work for the purpose of deciding which questions of criminal law can form the subject of uniform regulations in the various countries, and to take the necessary steps for summoning *international conferences for the unification of criminal law.*[2]

The Spanish representative moreover drew attention to the passages in the preparatory report which point out that the present time is favourable for the unification of criminal law, and that the opportunity should not be lost. Many States are now engaged in framing new criminal codes. These countries can at present unify the principles relating to punishment—particularly the punishment of international offences—more easily than when they have framed and passed their codes.

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[1] The report states that an examination of these conventions shows the tendency to secure international solidarity against criminality by the unification of certain forms of charges in the law of the various countries. Although the results obtained in the older conventions as regards the unification of forms of charges cannot be regarded as altogether satisfactory, it must nevertheless be acknowledged that, as far as counterfeiting currency is concerned, the Convention of April 1929 reached a satisfactory solution.

This Convention is considered in the report as a model to be kept in mind when previous conventions concerning the prevention and punishment of certain other international offences are revised.

The Conference for the Limitation of the Manufacture of Narcotic and Other Dangerous Drugs, which was held under the auspices of the League in July 1931, and which, in the Final Act, contains the following recommendation, expressed a similar view:

> "The Conference,
>
> "Considering that the Advisory Committee on Traffic in Opium and other Dangerous Drugs has been presented by the International Criminal Police Commission with a draft international Convention for the Suppression of the Illicit Traffic in Narcotic Drugs, the main features of which are based on the Convention of April 20th, 1929, against counterfeiting currency,
>
> "Expresses the wish that, on the basis of the work undertaken by the Advisory Committee, a convention may be concluded with the least possible delay for the prosecution and punishment of breaches of the law relating to the manufacture of, trade in and possession of narcotic drugs."

The report points out that the tendency to unify certain indictments in municipal law is also facilitated by a general phenomenon. The international spirit is beginning to influence the juridical conceptions of the civilised nations, the effect being to internationalise municipal law. At a more distant date, the possibility might even be contemplated of embodying all the provisions of existing conventions in a *general convention*, which would include all the rules relating to the punishment of offences declared to be international offences by treaty provisions. All other offences which the Governments might agree to regard as international in character could be inserted within the framework of such a Convention, without its being necessary to draft new conventions.

[2] The preparatory report mentions that, proceeding with the caution necessary for the accomplishment of such a task, the three official Conferences for the Unification of Criminal Law which have so far been held have secured encouraging results. The aim of these Conferences (Warsaw 1927, Rome 1928 and Brussels 1930) was *inter alia* the unification of forms of charges for offences covered by the Conventions for the Suppression of the Traffic in Drugs, the Traffic in Obscene Publications and the Suppression of Counterfeiting Currency. The next Unification Conference, which is to meet in Paris at the end of this year, will deal particularly with the traffic in women and children, slavery and piracy.

The representative of Roumania reminded the Committee that the Assembly had, at one of its previous sessions, pronounced itself in favour of the principle of the *unification of private law*. There would, therefore, in his view be no reason for objecting to the principle of the *progressive unification of criminal law*. Of course, specialists will have to establish carefully the scheme of unification—*i.e.*, to determine its scope.

The Roumanian representative emphasised the point that the unification can only be progressive, and should apply *in the first place* to offences in the suppression of which all civilised States are interested, particularly international crimes and offences (*e.g.*, traffic in women and children, slavery, piracy, traffic in drugs, etc.).

Taking into account the views expressed on this subject and considering the importance of the efforts already made with a view to the progressive unification of penal law, the Fifth Committee considers that the best method would be to ask certain specially qualified independent organisations in what way the League of Nations could give assistance in this work of unification.

The Fifth Committee considers that, after the observations of the said organisations have been received, they should be submitted to the Members of the League in order to ascertain whether the latter desire the League of Nations also to give its assistance in the matter.

II. International Co-operation for the Prevention and Suppression of Crime.

The Fifth Committee also discussed the question of international co-operation in the suppression of crime. Reference must not be omitted to the work which the League of Nations has carried on in this field.

In this connection, members of the Committee recalled the fact that the Committee for the Codification of International Law had investigated the questions of *extradition, the competence of States with regard to offences committed outside their territory* and *the communication of judicial and extra-judicial documents in criminal matters*. Although its work did not lead to the conclusion of multilateral Conventions, it provided models for certain countries in framing bilateral conventions. [1]

The codification of international criminal law is often seriously impeded by national susceptibilities. These will continue as long as important differences exist between the codes of the various countries in regard to the fundamental principles of prosecution and punishment. The preparatory report mentions that the Interparliamentary Union, at its Paris Conference (August 1927), bearing in mind the difficulties encountered by the Committee for the Codification of International Law, adopted a recommendation to *prepare the ground* for the codification of international criminal law *by first of all removing* the differences in the various codes. [2]

It was also urged that the opposition between countries whose penal system is based on strict territoriality and those whose systems admit as a general rule of the punishment of crimes committed abroad, constitutes a serious difficulty in arriving at international agreements on criminal matters.

The preparatory report maintains, however, that experience has proved the contrary. Indeed, in the Convention for the Suppression of Counterfeiting Currency, drawn up under the auspices of the League, *compromise formulas* of a most satisfactory nature were devised, which none the less respect the principles of competence in criminal matters maintained by the different countries. [3]

The representative of Belgium laid stress on the work accomplished in the matter of international criminal law by governmental or private institution. In this connection, without referring in detail to what was done before the war by the International Criminal Law Union and the Institut de Droit international, or to the more recent work of the International Law Association, a special committee of which, at its congress in Warsaw, adopted a preliminary draft model extradition treaty, mention was made of the fact that the International Penal Law Association, the International Penal and Penitentiary Commission, the International Criminal Police Commission and the International Bureau for the Unification of Criminal Law have undertaken the elaboration of certain principles of international criminal law.

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[1] A case in point is the Convention regarding Extradition and Judicial Co-operation in Criminal Matters between Portugal and Roumania, which was signed at Lisbon in February 1930. It was based on certain provisional and tentative results obtained by the League Committee for the Progressive Codification of International Law.

[2] The preparatory report stated that evidence of the decidedly favourable attitude of a large number of States to the unification of certain principles of criminal law is also furnished by Recommendations 12 and 14 of the Diplomatic Conference on Counterfeiting Currency.

The said recommendations ask " that the rules for the extradition of accused or convicted persons should be unified on an international basis with a view to obtaining a really effective suppression of crime, and that the despatch and the execution of letters of request should be regulated by an international convention so as to produce a uniform system of rules ".

It may also be recalled that the first Conference of Central Police Offices, which met at Geneva under the auspices of the League in March 1931, unanimously adopted a recommendation in favour of the conclusion of multilateral and regional extradition treaties, to replace, in the case of certain groups of States whose legal codes present no fundamental differences of principle, the many existing bilateral treaties (see document C.193.M.76.1931.II.A, page 15).

[3] This is the case with Article 4 (complicity, distinct offences), with Article 6 (international recognition of previous convictions), with Article 8 (principle of active personality) and with Article 9 (partial application of the principle of the universality of punishment).

As regards *international police co-operation*, members of the Committee recalled a recommendation made by the Conference of Central Police Offices held this year in Geneva under the auspices of the League. [1]

The representative of Roumania expressed his conviction that, in this branch of its work, the League of Nations can derive advantage from collaborating with an important institution—namely, the *International Criminal Police Commission*. The work of this institution—the value of which has been unanimously recognised by specialists—the valuable assistance which it has afforded and is affording to States in identifying and arresting criminals, as well as its congresses on scientific police work, show how useful and helpful the Commission can be in securing the general application of international measures relating to identification and arrest.

With regard to all the problems connected with international co-operation for the prevention and suppression of crime, the Fifth Committee, taking account of the importance of certain results already obtained, both by several international conventions and by certain organs of the League and various other institutions, also considers that the best system would be to consult certain independent organisations on these problems and submit their observations to the Members of the League. They should be asked whether they consider that the League of Nations could give useful assistance with a view to a satisfactory solution of these problems. In this field also, while the principle of international co-operation for the prevention and suppression of crime must be followed, the material must be carefully chosen, beginning by questions in which such co-operation appears the most urgent and the most easily secured.

III. Execution of Penalties, Preventive Measures and Aid to Discharged Prisoners.

A penalty can no longer in these days be regarded merely as the infliction of pain or the expiation of a crime. Apart from quite exceptional cases, when the criminal has to be *eliminated*, a penalty is to be looked on as a means of *re-adapting the offender to social life*—as a means of reclamation. It is moreover this view of the nature of punishment which has contributed to the great development of penology.

Owing to the great importance of the problem, certain organisations decided to have the question of the need for a *special code concerning the execution of penalties* examined. The question has been submitted to the Third Congress of the International Penal Law Association to be held at Palermo in April 1932.

If, in the immense majority of cases, the penalty is regarded as a means of reclaiming the delinquent, and if it is intended to influence the whole character of the criminal, it must obviously not be executed in a barbarous spirit, as then it would fail in its real aim, which is to reform and humanise the delinquent.

Thus, it is not without a certain uneasiness that we have to draw attention to the abuses in the execution of penalties, to which reference has been made by the Howard League in its memorandum addressed to the League of Nations.

From a social and humanitarian standpoint, therefore, the question of the regulation of the execution of penalties of imprisonment concerns and must concern the League of Nations.

In this connection the representative of the British Empire pointed out to the Committee that the treatment of prisoners varies very much in different countries. Even in one single country a great divergence of opinion may exist as regards the conception of what such treatment should be. He asserted that abuses still occurred in the treatment of prisoners, and felt that it was a humanitarian question which the League ought to take up, especially as these victims of ill-treatment in prison might be nationals of a foreign State. At the same time, unlike the other evils which the League was trying to remedy, evils due to natural causes or to individuals acting contrary to the laws of their own country, the particular evil in question was almost always the fault of a Government. That made the question particularly delicate, as improvements could not be obtained except with the voluntary co-operation of Governments. He thought, however, that the League's action with a view to obtaining such co-operation might be extremely effective.

Bearing in mind the important work of the International Penal and Penitentiary Commission in this sphere, the representatives of Germany and Roumania expressed the desire that the Fifth Committee should submit to the Assembly a recommendation that States Me mbers of the League which do not as yet form part of this Commission should be invited to belong to it.

The Fifth Committee thought that such a recommendation could be proposed when the States Members of the League had expressed themselves in favour of collaboration with the International Penal and Penitentiary Commission as regards all questions relating to the treatment of prisoners. It proposed that Member States should be asked whether the best means

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[1] This Conference recommends:

". . . that the Council of the League of Nations should, if it thinks fit and expedient, in view of the increasingly international character of crime in its various aspects, study the possibility of preparing a Convention on international co-operation between police forces and the establishment of an official police information bureau forming a link between the various police forces, with the general object of ensuring more effective prevention and punishment of crime ". (See document C.193.M.76.1931.II.A.)

whereby the League could assist in this domain would be to collaborate with the *International Penal and Penitentiary Commission* or to establish *a special Committee of the League.*

The Fifth Committee was also called upon to give an opinion on the question of the action to be taken in regard to the enquiries carried out and the observations submitted by the various Governments on the *General Body of Rules for the Treatment of Prisoners* drawn up by the International Penal and Penitentiary Commission. These Rules have given rise to a large number of problems. The Fifth Committee thought that it would be impossible for the Assembly at the present stage to pronounce upon the substance of this question.

While recognising the great value of these Rules, the representatives of Germany and Roumania maintained that they might be regarded by certain countries, which have made considerable progress in this matter, as falling below the minimum requirements desirable. Moreover, in fixing the minimum conditions, care must be taken to avoid giving the impression that certain other countries whose systems conform to those conditions need make no further efforts. Accordingly it has been proposed in the report that these minimum Rules should be converted into a *body of fundamental principles for the treatment of prisoners.*

Without attempting a full analysis of the Rules drawn up by the International Penal and Penitentiary Commission, which, generally speaking, have had a favourable reception, we would point out that the international institutions consulted, and also the International Labour Office and certain organs of the League, have raised objections in regard to certain special points.

The International Labour Office has drawn up a scholarly memorandum on prison labour (document 200.19.01). The representatives of Germany, Roumania and Czechoslovakia expressed the desire that the International Labour Office should forward its memorandum to the States Members of the League of Nations. In the memorandum it raises objections, *inter alia,* to Rule No. 13 concerning *remuneration for work.* This Rule is not imperative, but is a simple recommendation. The International Labour Office also regrets that the General Body of Rules does not deal with the *quantity of work* given to the prisoner.

Referring to the General Body of Rules, the representatives of Canada, Italy and Czechoslovakia explained to the Committee the recent progress made in their respective countries as regards the treatment of prisoners.

Beginning with the principles upon which the *reclassification of offenders* should be based, it is obvious that the problem of *juvenile delinquents* should receive special attention. According to the preparatory report, more stress might be laid upon this problem in the General Body of Rules. The Child Welfare Committee recommends that detention in prisons should be absolutely forbidden in the case of children.

As regards the treatment of juvenile delinquents, certain countries are very backward, while others have made considerable progress. Among the most recent reforms, we would mention the entry into force of the new Italian Penal Code (July 1931).

The Child Welfare Committee has already undertaken enquiries into the question of juvenile delinquents, and it is to be hoped that its efforts will help to improve the methods of their treatment.

It was also maintained in the Fifth Committee that the problem of *habitual criminality* and the special measures to be taken in regard to the treatment of professional criminals might have been dealt with more definitely in the General Body of Rules.

Special reference was made also to the special treatment of *abnormal criminals,* and the desire was expressed that, when the Rules for the Treatment of Prisoners are revised, this question might be dealt with more fully.

Lastly, in certain replies from the organisation consulted, special reference is made to the question of the treatment of *political offenders.* Without going more deeply into this matter, according to the preparatory report one fact seems certain—namely, that there is a great difference between political offences and common law offences. It would be expedient, therefore, to study the consequences that this might have on the prison system.

Moreover, the *International Penal Law Association* (memorandum by Professor Roux) considers that the question, whether maintenance of very large prisons is or is not desirable, should also have been settled in the General Body of Rules. The International Penal Law Association is in favour of *medium-sized prisons,* because, if these institutions are too large, the moral influence of the director cannot be effectively exercised. The International Labour Office states in its memorandum that it entirely agrees with the observations of the International Penal Law Association.

As regards the *separation of offenders* (separation by sex, age, and separation of untried from convicted prisoners), this Association also suggests that they should be separated according to the motives of the crime.

The desire was also expressed in the Fifth Committee that, when the General Body of Rules is revised, further stress should be laid on the application of the *progressive system,* which is based on a careful classification of prisoners and is designed to avoid the risk of moral contagion.

The delicate problem of the *cell system* was also dealt with in the observations submitted by the various organisations. For instance, the *International Penal Law Union* (memorandum by Professor Grünhut) states that *permanent* solitary confinement is no longer admissible in any case. The length of time during which a prisoner may be confined alone in a cell should be strictly limited by the legislation of every country.

Certain other problems, such as *disciplinary measures, corporal punishment* of a disciplinary nature, and *instruments of restraint* have also given rise to interesting observations.

Finally, the problem of *prisoners' health* has given rise to certain suggestions on the part of the Health Committee, which also proposes to continue its investigations into this special matter. The Fifth Committee suggests that the Health Committee should forward the results of its investigations direct to the International Penal and Penitentiary Commission.

Other questions which have been dealt with in certain countries (the sex problem in prisons, etc.) might also form the subject of further enquiries.

The representatives of Germany, Spain and Roumania stressed the question of the *choice of officials*, a question to which the most careful attention should be given. It was suggested that it might be best to entrust the management of women's prisons entirely to women. The International Labour Office considers that, if enquiries were made, they would show that, in order to ensure satisfactory organisation, it is in no wise necessary to entrust the management of women's prisons to men. The preparatory report affirms that, in all countries in which these duties have been assigned to women, the latter have been equal to their task. In Spain, the general control even of prisons has recently been entrusted to a woman.

Certain other questions were dealt with in the Fifth Committee, such as the *conversion in some countries of a fine, in the case of non-payment, into imprisonment*. In this connection it was suggested that it might be desirable, in accordance with the provisions of certain draft penal codes, convert to the fine into a certain number of days' labour without detention, or, if it is impossible for the person convicted to work, into a number of days' arrest at home, with a view to preventing the imposition of short-term penalties of imprisonment, which in many cases tend to corrupt the prisoner.

It was also urged that an enquiry should be held into the conditions under which the system of *open-air labour*, which, when it is well organised, produces admirable results in certain countries, might be made general.

The preparatory report also lays stress on *remuneration for the prisoners' labour*. Certain countries, such as Poland (Decree of March 7th, 1928), have gone so far as to allow prisoners the legal right to substantiate their claim to the sum placed to their account.

Lastly, certain delegates proposed the formation in all countries of a " pécule " derived in part from the prisoner's labour. The object of this " pécule ", which was introduced in Amsterdam prisons as long ago as the 17th century, is to make it possible to re-adapt the offender and fit him for an honest life after he leaves prison, and also to assist the members of his family. In some countries, it is possible for a portion of the prisoner's earnings to be given to the members of his family; this is the case in Austria, Belgium, Finland, Germany, Norway, Sweden and some other countries.

Certain of the organisations consulted deal with one very delicate problem, which has given rise to a great deal of discussion—namely, *deportation* (banishment, transportation). From a humanitarian point of view it would be desirable to consider whether the actual system of deportation should be abandoned, or whether all that is necessary is to improve the conditions of application of such a system, so that the life and health of convicts may no longer be endangered.

From this standpoint, also, attention was drawn to the necessity of limiting the period during which *convicts are required to work in mines*.

In view of the above particulars and of the fact that a large number of questions still remain to be cleared up, the Fifth Committee came to the conclusion that the League is not in a position to reach a decision as to the substance of the problem of the treatment of prisoners. The Fifth Committee thought, therefore, that the General Body of Rules should be referred to the International Penal and Penitentiary Commission, with a request that they might be re-examined in the light of the various observations submitted.

The Fifth Committee thought it necessary also that the International Labour Office should be asked to continue its investigations into prison labour.

Finally, the *moral support, assistance and repatriation of foreign prisoners* who have been discharged represent some of the grave problems which cannot be ignored in considering the whole question of international policy in regard to crime.

In this connection, suggestions were submitted to the Fifth Committee concerning the establishment of an *international federation of the different associations dealing in each country with the welfare of prisoners*. The Committee thought that such a laudable proposal should be encouraged.

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Further, it would be advisable for the League to endeavour to *co-ordinate the multiple activities of the governmental and private organisations* which deal with prison problems on an international plane. With this object, the Fifth Committee thinks it desirable to ask the Secretary-General to get more closely into touch with such organisations.

It was also proposed that the League of Nations might take advantage of the meeting of the Commission for the Protection and Welfare of Children and Young People in April 1932 to consult the Government delegates serving on this Commission, to whom might be added a representative of each of the organisations dealing with prison problems, concerning a systematic programme of work in regard to penal matters. This meeting might also serve as a means of establishing closer co-operation between those organisations and the League.

Apart from budgetary considerations, the Fifth Committee felt that the problem was too vast for it to be usefully examined by the Commission for the Protection and Welfare of Children and Young People. However, the Fifth Committee proposes, in No. 4 of its draft resolution, consultation with certain independent organisations specially competent in the matter. It is desirable as regards the questions included under No. 4 that the representatives of the institutions consulted should arrange to hold a meeting to discuss the different problems referred to them, so as to arrive at conclusions taking into account the various aspects of those problems.

The Fifth Committee also pointed out that if the organisations mentioned in No. 4 were not able to forward a sufficient number of copies of their replies, in the two official languages of the League, for distribution to all the Members, the Secretary-General might forward to Governments, in conformity with No. 5 of the resolution, the conclusions only of the replies of the said organisations.

The proceedings of the Fifth Committee resulted in the framing of the following draft resolution which was adopted unanimously and which the Committee now has the honour to submit to the Assembly for approval:

" The Assembly:

" Having been invited by the Council in January 1930 to consider the best way in which the League of Nations could co-operate with the International Penal and Penitentiary Commission and other organisations in their efforts to assist in the improvement of prisons in accordance with modern economic, social and health standards;

" Having noted the observations of the States Members and non-members of the League of Nations and of the organisations which have been consulted regarding the Standard Minimum Rules for the Treatment of Prisoners (see document C.620.M.24.1930.IV);

" Considering that, if the improvement of penal administration by co-operation between Governments is to receive the support of the League of Nations, the latter will need the advice and assistance of a body of experts;

" Considering, further, the importance of the efforts which have already been made, both by means of a number of international conventions, and by certain organs of the League of Nations and various institutions, to achieve a gradual unification of penal law and to establish co-operation of States in the prevention and suppression of crime:

" Requests the Secretary-General:

" (1) To refer to the International Penal and Penitentiary Commission the replies and observations received regarding the Standard Minimum Rules for the Treatment of Prisoners, and also the report and Minutes of the Fifth Committee, and to ask it to reconsider these rules in the light of the aforementioned replies and observations;

" (2) To develop the policy of co-operation with organisations dealing with the international aspect of penal and penitentiary problems;

" (3) To ask the International Labour Office to continue its study in connection with prison labour;

" (4) To forward the report and the Minutes of the Fifth Committee to the International Penal Law Association, the International Bureau for the Unification of Penal Law, the International Criminal Police Commission, the International Penal and Penitentiary Commission, the Howard League for Penal Reform, the International Law Association, the International Penal Law Union, and any other international organisations which may be proposed by the Governments to the Secretary-General, and to ask them in what manner they consider that the assistance of the League of Nations might be of value with a view to achieving a gradual unification of criminal law and the co-operation of States in the prevention and suppression of crime;

" (5) After having received the observations of these organisations, to forward them, together with the report and Minutes of the Fifth Committee, to the States Members of the League, and to ask them whether they wish the League of Nations to lend its assistance also in regard to the questions referred to in No. 4.

" (6) After having received the answer of the International Penal and Penitentiary Commission on the Standard Minimum Rules, to ask the Governments of States Members of the League whether they consider that the League could best assist in connection with the treatment of prisoners by co-operation with the International Penal and Penitentiary Commission, or by setting up a special Committee of the League to study this problem.

" The Secretary-General is asked to submit a report to the next Assembly on all questions contained in this resolution. "

ANNEX 4.

Official No. : A. 65. 1931. V.

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. SAWADA (Japan).

In laying before the Assembly an outline of the activities of the League during the last twelve months in the struggle against the traffic in opium and other dangerous drugs, the Fifth Committee desires to mention with particular satisfaction the important advance represented by the establishment, by the Conference of 1931, of a Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs. The Committee is convinced that the League is now in possession of an effective instrument for combating this evil, provided that all necessary steps are taken to ensure the strict and universal enforcement of the Convention, while at the same time every effort should be made to observe more fully the Geneva Convention, which the new diplomatic instrument is intended, not to replace, but to supplement and strengthen.

I. CONVENTION FOR LIMITING THE MANUFACTURE AND REGULATING THE DISTRIBUTION OF NARCOTIC DRUGS.

The Fifth Committee has learnt with the keenest interest of the proceedings of the Conference for the Limitation of the Manufacture of Narcotic Drugs, which met at Geneva from May 27th to July 13th, 1931, under the presidency of Senator de Brouckère. It was attended by the delegations of fifty-seven countries, including several non-Members of the League.[1] The Committee desires to pay a tribute to the distinguished President of the Conference, to the conciliatory attitude of the various delegations, thanks to which an agreement was reached, and also to all the work of political and technical preparation accomplished by the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs. This work was made easier by the very large volume of material which had been collected by the Secretariat. The delegates to the Fifth Committee, especially the Portuguese delegate, who is Chairman of the Advisory Committee, and the Italian delegate, referred with gratification to the progress made as a result of this Convention.

The Convention marks an entirely new and highly important development in international co-operation, since this is the first time that an industry has been brought under international regulation, and that manufacture in its economic aspect has been wholly subordinated to higher humanitarian and moral aims. Thanks to the system established by this Convention and the Geneva Convention, there will be at the headquarters of the League itself a sort of central counting-house for the world traffic in drugs. The League's efforts in the economic field to reconstruct the world on new foundations find an example and an encouragement in this Convention.

The new Convention covers a far larger number of drugs than preceding Conventions; it brings codeine under control, whereas for many years morphine converted into codeine has to some extent escaped all supervision; it prohibits the export, except on very strict conditions, of a substance which has in the past bulked very large in the illicit traffic — diacetylmorphine — and raises the question of its replacement by less dangerous substances. It contains stipulations relating to reserve stocks and surplus stocks, which will be gradually brought into use for legitimate consumption by a corresponding reduction in ouptut, or will be disposed of under the sole responsibility of the Government.

Above all, through a system of estimates furnished by Governments, the Convention enables a world total of the quantities to be manufactured to be fixed, and sets up a Supervisory Body to examine those estimates. The Supervisory Body is composed of members of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs of the League of Nations, of the Permanent Central Board, of the Health Committee of the League and of the Office international d'hygiène publique. Efforts have been made to confer an exceptional degree of authority on this international body. The work of the secretariat of the Supervisory Body will be provided for by the Secretary-General of the League, in close co-operation with the Permanent Central Board established by the Geneva Opium Convention.

[1] Afghanistan, Brazil, Costa Rica, Free City of Danzig, Egypt, Hejaz, San Marino, Turkey, the United States of America and the Union of Soviet Socialist Republics.

The new Convention strengthens the powers of various League organisations, especially the Advisory Committee and the Permanent Central Board. The Fifth Committee emphasised the importance it attached to the provisions instructing the Advisory Committee to draw up a model administrative code to serve, as it were, as a body of regulations for the application of the Convention and as a pattern for national laws and regulations. It is anxious that this code should be drawn up as quickly as possible. Furthermore, the system of annual reports and reports of seizures, which forms an essential part of the Committee's work, is for the first time effectually incorporated in an international Convention. The Advisory Committee will also have an important part to play in the work of the Supervisory Body, as regards consideration of the estimates, and likewise — in concert with the Health Committee — when any question arises of extending the Convention to new drugs.

The powers and responsibilities of the Permanent Central Board are also enlarged. It will be the duty of the Board, not only to collect statistics from the various countries, but also to prepare a statement of these figures, so that it may be possible to discover or prevent over-production or excessive imports and exports, or the accumulation of stocks which might find their way into the illicit traffic. By defining more clearly the relations between the Advisory Committee on Traffic in Opium and the Central Board, the new Convention will associate them yet more closely in the common task.

Several delegates to the Committee felt that the new Convention, like any other product of the human mind, suffered from certain deficiencies, and that it was incumbent on the League, and on the Advisory Committee in particular, to take steps in the future to make these good. The deficiencies to which attention was drawn by the Polish delegate may be briefly stated as follows: the Convention has not defined the upper limit of the reserve stocks referred to in Articles 5 and 6, and, consequently, in the view of this delegate, Article 6 loses some of its value. There are enormous differences in the morphine content of raw opium imported, according to its origin; but the Convention makes no provision for an impartial analysis of that content, though this is necessary for verifying the quantity of drugs manufactured. The Convention does not touch upon the question of the steps to be taken to prevent a rise in the price of drugs and raw materials, which was a matter of concern to the Assembly of 1929. The Italian delegation mentioned as a weak point the impossibility of enforcing penalties, though it admitted that the publication by the Permanent Central Board of the explanations given by a country that does not fulfil its engagements is at all events a moral sanction. Certain delegations expressed the opinion that the Convention left Governments too much latitude in the disposal of drugs seized, and they would have liked to see the adoption of a resolution moved by the Hungarian delegate, to the effect that the Council should ask Governments to destroy all drugs seized, so as to prevent them from reappearing in the traffic in any form. This view was not accepted by the majority of the delegates, on the ground that the solution provided in the Convention was the outcome of exhaustive discussion in a very representative Conference which has only lately concluded its work.

Lastly, the Fifth Committee specially calls the attention of Governments to the Conference's recommendation (Recommendation IX), which was embodied in the Final Act in consequence of a proposal by the delegate of Panama, based on the idea that manufacture greatly exceeds the medical and scientific requirements of the world. Quoting the figures which, according to the investigations of the League Secretariat (document Conf. L.F.S. 3 (1), Parts 1, 2 and 3, pages 8, 61 and 65), approximately represent the total present medical requirements of these drugs (morphine, for use as such, 9 tons; diacetylmorphine, 2 tons; cocaine, 5½ tons), the Conference recommends that, pending the entry into force of the Convention, countries manufacturing these drugs should, as far as possible, limit their manufacture for use as such to the quantities necessary for domestic consumption and export for medical and scientific purposes.

The Fifth Committee notes with satisfaction that thirty-six signatures to the Convention have been received. It is also glad to learn from the delegates of several Governments, including those of China, Colombia, Persia and Roumania, that they hope to be able to sign the Convention shortly. The Polish delegate stated that he had been authorised by his Government to sign the Convention. The Committee urges the responsible delegates to do their utmost to hasten the ratification of the Convention by their Governments, so that it may be universally enforced — which is the essential condition for it to be an affective .nstrument.

II. Proposed Conference for the Limitation of the Production of Raw Materials.

The Fifth Committee takes the view that the limitation of the manufacture of narcotic drugs is a first step towards a subsequent limitation of the production of raw materials. Noting the decision reached by the Council at its sixty-second session, in January 1931, to ask the Advisory Committee on Traffic in Opium and Other Dangerous Drugs to consider the possibility of summoning a conference of the Governments concerned and to report to the Council on the sub,ect, it welcomed the resolution proposed by the representative of

Panama. This resolution asks that all material which may serve as a basis for the discussions of a Conference for the Limitation of Production should be collected.

The British delegation moved an amendment asking that it should be specified that the limitation was to apply to the cultivation and harvesting of the coca-leaf. The text of the resolution unanimously adopted by the Committee is as follows :

" The Assembly,

" Taking note of the wish of certain Governments that a conference should meet in the near future to consider the possibility of limiting and controlling the cultivation of the opium-poppy and the cultivation and harvesting of the coca-leaf ; and

" Taking note also of the decision reached by the Council at its sixty-second session, in January 1931, to ask the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs to consider the possibility of summoning a conference of the Governments concerned and to report to the Council on the subject :

" Asks the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs and the competent Sections of the Secretariat of the League of Nations to undertake, as soon as possible, the collection of all material that may serve as a basis for the discussions of a Conference on the Limitation of the Production of Opium and the cultivation and harvesting of the coca-leaf, and for that purpose to send a questionnaire to the Governments Members and non-members of the League."

When this resolution was under discussion, the delegates of certain countries producing raw materials announced that they had no objection to this preliminary enquiry, but hoped, that, in a spirit of international co-operation, the other countries would pay due heed to the economic aspect of the question and the difficulties it involved for them. The Persian delegate particularly stressed the difficulties involved in limiting production in a country whose opium exports amount to 25 per cent of its foreign trade. He pointed out that this question should come into the general field of the economic investigations on which the League's attention is particularly concentrated at the present time.

III. Position of the Ratification of the Geneva Convention. — Legislative and Administrative Measures.

The Fifth Committee has noted with satisfaction the progress made in the ratification of the Geneva Convention. The number of ratifications is now forty-seven as a result of the accessions of Lithuania (February 16th, 1931), Norway (March 16th) and Iraq (August 8th), and the ratifications of Cuba (July 6th) and the Irish Free State (September 1st). The Geneva Convention now more than ever heads the list of League Conventions as regards the number of ratifications received. As, however, there is still a long list of States which have not yet ratified the Convention, including an important group of Latin-American countries, the Fifth Committee appeals to those countries which have not yet acceded or ratified for their co-operation, which is essential if the Geneva Convention is to produce its full effect.

The Fifth Committee was glad to learn of various legislative measures introduced or contemplated by several countries.

In Germany, at the Government's request, the drug factories have given up manufacturing benzylmorphine (peronine), although this drug is not covered either by the 1925 Convention or by the new German Opium Law.

In Colombia, a decree has been issued placing the import and distribution of drugs for medical and scientific purposes under the control of the National Health Office. Parliament is considering a new law for the severe punishment of clandestine trading.

The Roumanian Government is preparing a new bill to convert the drug trade into a Government monopoly, and considerable attention will be paid in this bill to the Limitation Convention.

The Swiss delegate stated that excellent results had been obtained in his country from the application of the measures of control and the various recommendations of the Advisory Committee regarding the post and Customs. The output and export figures have fallen appreciably, and are worth quoting here. The output of morphine fell from 2,246 kilogrammes in 1928 to 1,576 kilogrammes in 1930 ; the output of heroin from 952 kilogrammes in 1928 to 4 kilogrammes in 1930 ; exports of morphine from 1,761 kilogrammes in 1928 to 615 kilogrammes in 1930 ; exports of heroin from 1,119 kilogrammes in 1928 to 83 kilogrammes in 1930.

Lastly, in connection with legislative measures, the Polish delegation emphasised the importance of the introduction into the text of the Convention for the Limitation of Manufacture of an article binding the signatory States to communicate to one another the laws and regulations enacted by them in order to give effect to the provisions of the

Convention. As a complement to this article, the Polish delegation formulated a resolution, which was unanimously adopted by the Fifth Committee, to the effect that the Secretariat should collect and analyse all legislation relating to narcotics. This resolution is as follows:

> " The Assembly,
>
> " Recalling the recommendation adopted by the tenth Assembly instructing the Secretariat to draw up a list of the laws and regulations at present in force in the different countries on the traffic in opium and other dangerous drugs with a view to the preparation of a compilation or analysis of this legislation;
>
> " Observing that the performance of this task has had to be delayed owing to the necessity of preparing for the work of the Conference on Limitation:
>
> " Expresses the wish that the Secretariat, within the limits of the funds at its disposal, should undertake the preparation of this compilation of laws with a view to publishing it as soon as possible after the entry into force of the Convention for limiting the manufacture and regulating the distribution of narcotics, and that this compilation should embrace all laws or regulations concerning the supervision of the manufacture of and trade in narcotics and the measures taken to combat the drug habit. "

IV. Illicit Traffic and Control Measures for suppressing it.

The Fifth Committee was happy to note the important results obtained in the matter of the suppression of the illicit traffic. These very results, however, show the enormous ravages caused by this traffic and reveal the fact that quantities of narcotics greatly in excess of those needed for medical and scientific requirements are being produced and circulated throughout the world. The Committee — and in particular the delegate of India — drew attention to the fact that new regulations had been promulgated by the Japanese Government in regard to the control of the manufacture of cocaine.

The Committee also emphasised the importance of the new regulations issued by the Turkish Government in February 1931, under which drugs may only be exported against an import certificate issued by the Government of the importing country. It paid a tribute to the spirit of co-operation shown by the Turkish Government, which has closed the Etkin narcotic drugs factory at Eyoub (Istambul), this factory having been implicated in illicit transactions, and it expressed the hope that the Turkish Government would participate more and more closely in the League's work and would consider the possibility of acceding to the League's Conventions.

The Committee noted with equal satisfaction the decline in addiction reported in Egypt and the improvement of the supervisory system in Persia, where, according to the declaration made by the Persian representative on the Council on January 22nd, 1931, " a formal clause in the exclusive concession recently granted by the Monopoly Service for the total export of Persian opium obliged the concession-holder to submit for each case of opium that left the country a certificate from the importing country ". The Committee hopes that this new system will make it possible to suppress the illicit traffic which has sprung up during the last few years at Bushire, its chief destination being China.

While it fully sympathised with the efforts made by the Chinese Government to meet a difficult situation and one which was still very serious, the Fifth Committee earnestly hoped that, in accordance with the recommendation adopted by the Advisory Committee at its thirteenth session, it would be possible for China and the Treaty Powers to establish a practical co-operation with a view to combating the illicit traffic.

The Committee was pleased to note the Advisory Committee's proposal concerning the despatch of annual reports on the concessions and leased territories, with regard to which the Secretary-General is now sending a communication to the Governments concerned. The delegate of China said he would state the opinion of his Government later.

The Committee approved, subject to certain observations made by the German Government and mentioned below, the various recommendations of the Advisory Committee dealing with general measures for the purpose of combating the illicit traffic; these measures refer, *inter alia*, to firms manufacturing or supplying the narcotic drugs for the illicit traffic, the withdrawal of passports held by habitual smugglers, the necessity for an effective control of seizures, closer co-operation between the police authorities and the League, the communication to the Secretary-General of information of every kind regarding the illicit traffic and addiction, in accordance with the resolution of the 1930 Assembly. It associated itself with the Advisory Committee in urging that this work of suppression and moral improvement in the international sphere be vigorously pursued, andin insisting on the necessity for increasing the penalties imposed on traffickers.

Referring to the statement made by the German representative on the Council at its session in May 1931, the German delegate explained why his country objected to the two resolutions in document C.168*(a)*.M.62*(a)*.1931.XI. As regards the recommendation concerning the withdrawal of manufacturing or trading licences (No. 2*(a)*), he explained

that, in the case of products not covered by the 1925 Convention, the Government of the Reich could not accept such a severe measure except in specially grave cases. As mentioned above, he recalled the fact that, since April 1st, 1931, German factories had abandoned, at the request of their Government, the manufacture of benzylmorphine (peronine). As regards recommendation No. 2 *(b)*, the Secretary-General's circular letter dated January 11th, 1929, had not come to the knowledge of the German Government until October 1929, at which date the inclusion of morphine esters in the list of substances covered by the German opium law was already under consideration. This was why the Government had not communicated the circular letter to the factories and commercial firms concerned.

As regards the resolution concerning the refusal to issue import and export licences, the German Government considered that the procedure proposed by the Opium Advisory Committee would be justified only if there were valid reasons for believing that the Government of the country in which the firm applying for the licence was situated was not respecting the international obligations undertaken by it.

Lastly, the Fifth Committee emphasised the importance of the question of the chartering of vessels by foreigners, which had been referred for examination to the Committee on Ports and Maritime Navigation of the Advisory and Technical Committee for Communications and Transit. This former Committee is to be reinforced by several members of the Transit Committee's Permanent Legal Committee. On the proposal of the delegate of Australia, the Fifth Committee asked that the question of smuggling by aircraft should be examined at the same time in view of the great facilities afforded by air navigation for the illicit transport of drugs.

V. Distribution of Annual Reports to Governments.

The Fifth Committee approved by a majority (Spain, Italy and Poland abstained from voting) a memorandum by the Secretariat on this matter (document A.V/2.1931). This memorandum proposes that, subject to the approval of the Assembly and for reasons of economy, annual reports *in extenso* should in future be distributed only to the Advisory Committee. The printed summary of annual reports prepared by the Secretariat will alone be distributed both to the Advisory Committee and to all Governments, but it is understood that any Government desirous of obtaining the annual reports may do so on request.

The Committee noted with satisfaction the Secretary's statement to the effect that this new procedure would result in a saving of approximately 8,000 Swiss francs, which would be added to the 7,000 francs resulting from the new procedure adopted by the Advisory Committee in regard to the communication of the returns of seizures. This would represent a total saving of 15,000 francs on the expenses of the Central Services, without increasing the printing expenses charged to the Opium Section's budget.

VI. Enquiry into the Control of Opium-smoking in the Far East.

The Fifth Committee cannot close its report on the work done during the past year without expressing the hope that the Conference which is to meet at Bangkok on November 9th of this year, at the invitation of the Siamese Government, will mark a further important advance in the campaign against the scourge of narcotics.

* * *

Despite the considerable progress made this year, the Fifth Committee is fully conscious of the necessity for sparing no efforts in future, not only with a view to maintaining the results already achieved, but in order to complete the enormous task which has still to be carried out.

The Fifth Committee accordingly requests the Assembly to adopt the present report and resolutions.

ANNEX 5.

Official No.: A. 71. 1931. IV.

CHILD WELFARE.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: Countess Apponyi (Hungary).

The Child Welfare Committee held its seventh session at Geneva from April 14th to 20th last. The report on the work of this session (document C.249.M.113.1931.IV) was approved by the Council at its session in May last.

The Fifth Committee noted with satisfaction that the question of the return of children and young people to their homes, which has been on the Child Welfare Committee's agenda for several years, has been solved most satisfactorily. The Committee submitted a draft

convention to the Council, which, at its meeting on May 20th last, approved the draft and instructed the Secretary-General to submit it to the Governments as a model for the conclusion of bilateral or plurilateral agreements. The Secretary-General also requested all Governments to inform him of any agreements they might conclude on that model.

The Council took further action with regard to two other questions to which the Child Welfare Committee has also been devoting attention for several years: assistance to foreign minors and the recognition and execution of maintenance orders abroad.

The Child Welfare Committee recognised, after careful examination, that the problem of assistance to foreign minors was connected with the problem of assistance to destitute foreigners generally and that the latter question exceeded the limits of its competence. It accordingly recommended the Council to set up a special committee, composed of experts appointed by a small number of countries interested in the question, which would study the question as a whole and preparé a preliminary draft international convention.

When the Committee came to consider the question of the recognition and execution of maintenance orders abroad, it was obliged to recognise one thing — that, while the question has an important bearing on child welfare, it may be argued that the Child Welfare Committee is not competent to deal with it, since maintenance orders may benefit adults at the same time as children. The Committee accordingly came to the conclusion that the study of this question could best be undertaken by a special committee which might be the same as that which it proposed should be appointed to discuss the problem of assistance.

Consequently, at its meeting on May 20th, the Council decided to set up a temporary special committee to investigate these two questions. At its meeting on September 4th, it named twelve countries, the Governments of which would be invited to nominate experts to form this special committee. The Council took into consideration the interest manifested by certain countries in questions relating to assistance at previous international conferences, and also the desirability of having emigrant and immigrant countries represented.

The twelve countries selected are:

Argentine,	Hungary,
Canada,	Italy,
Denmark,	Japan,
France,	Netherlands,
Germany,	Poland,
Great Britain,	Switzerland.

The Council also fixed the first session of this special committee for October 1932, unless circumstances should call for any change.

I hope the Assembly will express a strong desire that the meetings of this special committee should not be further postponed. The information derived from official sources as well as that supplied by voluntary societies has shown the Child Welfare Committee that, in the case of minors, the problem of assistance is urgent. Consequently the Fifth Committee draws the attention of the Assembly to the fact that the Committee has suggested to the Council to instruct the special Committee, if the Committee considers that a complete solution of the whole problem would involve considerable delay, to give prior attention to the question of assistance to minors so as to arrive at a solution, even if only a partial and provisional one, of the problem. It also might be well to call the attention of the experts to the main ideas on the subject of assistance to foreign minors put forward by Count Carton de Wiart in 1929, in his report to the Tenth Assembly.

The Child Welfare Committee very carefully examined the reports laid before it by the Rapporteurs and by the Secretariat on the auxiliary services of juvenile courts. It recognised that the three main factors in the treatment of delinquent children — juvenile courts, auxiliary services, and institutions entrusted with the execution of the measures prescribed — cannot be considered separately. It decided to publish, in collaboration with the International Prison Commission, all the information collected concerning the existence and organisation of juvenile courts; and it appointed a sub-committee to draft, in agreement with the International Prison Commission, a questionnaire to be sent to all Governments with the object of obtaining information regarding institutions for erring or delinquent minors in all countries, whether they do or do not possess juvenile courts. In a few years, therefore, the Child Welfare Committee will be in possession of full information with the aid of which it will be able to study the whole question — one of the most important in connection with child welfare.

On the proposal of the delegate of the British Empire, the Fifth Committee unanimously decided, however, to invite the Assembly to adopt the following resolution:

> "The Assembly,
>
> "In view of the special importance during the present crisis of the treatment and prevention of juvenile delinquency,
>
> "Decides to make an urgent recommendation to the delegates of the countries which have not yet established special juvenile courts, to press for this reform and for the association of women therewith to the fullest extent authorised by the national legislation."

The Child Welfare Committee has been unable to discuss this year the subjects of illegitimate children and of the cinematograph. It is preferable that the Committee should concentrate its attention on a small number of questions which it can deal with thoroughly and conscientiously.

The Fifth Committee recommends that the Assembly should inform the Child Welfare Committee of the great importance it attaches to the improvement of the position of illegitimate children, requesting it at the same time to maintain on its programme, among other questions, the examination of the best means of facilitating the marriage of parents, with a view to legitimising the children.

Various interesting communications were made to the Child Welfare Committee by the officers of the International Labour Office and the Health Organisation and by certain members and assessors, with regard to blind children, crippled children, the cinematograph, etc.

Finally the delegate of Australia pointed out to the Fifth Committee the special dangers under which the present economic world situation placed adolescents, both boys and girls, from the aspects of employment, education, nutrition and health, and recommended to the Assembly that the Child Welfare Committee should within the limits of its competence direct its attention particularly to this immediate and urgent problem.

* * *

In conclusion, the Fifth Committee proposed that the Assembly should adopt the following resolution:

> "The Assembly takes note of the Child Welfare Committee's report on the work of its seventh session, recommends that the Committee continue its work in conformity with the suggestions and decisions contained in that report, and expresses its satisfaction with the work done."

ANNEX 6.

Official No. A. 72. 1931. IV.

TRAFFIC IN WOMEN AND CHILDREN.

REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: MRS. PLUMPTRE (Canada).

The Fifth Committee has the honour to lay before the Assembly an account of the progress made by the League during the past year in its efforts to suppress the Traffic in Women and Children. Ten years have now elapsed since the conclusion of the Convention of 1921 and the Fifth Committee is happy to announce that, apart from colonies, possessions and mandated territories, thirty-eight Governments are now parties to the Convention — the latest signature having been deposited during the present Assembly.

The Traffic in Women and Children Committee devoted special attention to this convention at its last Session; as a result of its deliberations, the Council directed the Secretary-General to ask Governments non-members of the League, who had not adhered to the Convention, whether they were prepared to do so. It is of the greatest importance that as many Governments as possible should adhere to this Convention. Therefore the following Governments were approached: Afghanistan, United States of America, Argentine Republic, Ecuador, Egypt, Hedjaz, Iceland, Liechtenstein, San Marino, Sudan, Union of Soviet Socialist Republics, and Turkey.

The Government of Turkey has declared its intention of considering accession; and in June, the Egyptian Government informed the League that the ratifications of the Agreement of 1904 and of the Conventions of 1910 and 1921 would be forwarded shortly. The Government of the United States of America, while regretting that it was unable to sign the Convention since some of its provisions pertain to the police functions of the several States of the Union and are therefore outside the competence of the Federal Government, added that it is in full sympathy with the aims of the Convention and hopes to be able to co-operate in the future in the formulation of a Convention to which the United States might become a party. The Committee announces with pleasure that the Governments of Monaco and Lithuania have acceded to the Convention since last Assembly, and that the British Government has informed the Secretariat of the accessions of the Colony and Protectorate of Gambia, of the Protectorate of Uganda, and of the Territory of Tanganyika.

Yet there are still twelve States Members of the League who have not yet acceded to the Convention and five others who have not yet ratified their signatures. In the resolution with which this report concludes, the Assembly is requested to bring this important matter once more to the attention of Governments.

The Traffic in Women and Children Committee at its tenth session dealt also with two matters directly connected with the Convention.

(a) The Convention of 1910 as amended by the Convention of 1921 fixed the age-limit at twenty-one years; but there is a growing desire to abolish this limit. Twenty-six Governments have replied in favour of abolition; but in view of the reservations made by certain Governments, the Committee decided to reconsider the matter at a future meeting.

(b) The definition of the *souteneur* and the penalties which might properly be imposed upon such persons were discussed at great length by the Traffic in Women and Children Committee. A Draft Protocol supplementing the 1921 Convention is now before the Governments for their observations and suggestions. The Secretariat has prepared a concise statement of the laws and penalties relating to *souteneurs*, which embodies much careful research. It should be of great value for study of the matter.

A resolution, relating to the effect of penalties on *souteneurs*, introduced by the delegates of the British Empire and India adopted unanimously, suggested a further line of inquiry into this problem. It will be found among the resolutions at the close of this report.

Attention was called to the severe penalties which may be inflicted upon *souteneurs* in Poland and Canada. In Poland, the maximum punishment is fifteen years' imprisonment; and, in Canada, a maximum of ten years' imprisonment, with whipping for a second offence.

The attention of the Committee was directed by the delegate of Roumania to the activities of certain secret societies which carry on the traffic in women and children; and she suggested that the Committee should study the methods by which penalties might be inflicted upon their members.

The Committee on Traffic in Women and Children also dealt with the matter of women police on which a preliminary study was submitted by the Secretariat. It decided, however, that it had not yet sufficient information, based upon experience, to justify the formulation of definite conclusions.

On the other hand, taking into consideration that the countries in which women police have been established declare their satisfaction with the same, the Fifth Committee suggests that this matter should be brought again to the attention of the States members of the League who do not yet employ women in their police service.

It seems evident, from the discussions of the Traffic in Women and Children Committee, that the time is approaching when it will be necessary to prepare for a conference to deal with amendments and additions to the 1921 Convention. In addition to the subjects already referred to above, the work of the Central Authorities appears to need further co-ordination and standardisation. The preliminary report on this subject, prepared by the Secretariat on the instructions of the Council, has still to be studied by the Governments. The Traffic in Women and Children Committee expects to deal with this report and with the replies of the Governments at its 1932 session.

The repatriation of foreign prostitutes has been the subject of preliminary discussions: but there is a great diversity of opinion among States Members of the League as to the advisability of such a measure; and no conclusions have been reached.

The suppression of the circulation of, and traffic in, obscene publications was brought to the attention of Governments by a questionnaire in 1930. Thirty-three Governments have already replied. The Secretariat has compiled a collection of the laws relating to this question which will be of great assistance in the further standardisation of methods employed in dealing with it. The Traffic in Women and Children Committee suggested that the Secretary-General be instructed to publish these in a handy form as soon as possible. Particular attention is drawn to the Belgian bill establishing around the schools a protective zone where it is forbidden to exhibit anything which might be of a nature to disturb the imagination of the child, as it is known that the first approaches by agents of the traffic to children and young people are often made through the exhibition of indecent postcards which are printed in certain centres and distributed to all parts of the world. It is therefore evident that the co-operation of all States Members of the League is necessary for effective action.

In connection with obscene publications, the influence of pornographic films should not be overlooked. Even some of those ostensibly prepared as propaganda against venereal diseases, prostitution and the traffic are likely to do more harm than good owing to their crude methods of presentation.

The Committee reports, with deep regret, that the present financial conditions of the League do not permit of the printing and distributing of the digest of the laws and regulations against the traffic in women which has been prepared by the Secretariat. Since the last Assembly stated that "this collection of laws and regulations would be of great value" the Committee hopes that the publication is merely deferred.

In presenting this report, the Fifth Committee desires to direct the attention of the Assembly to the dangers that attend the present conditions of unemployment and economic

pressure. Such conditions may tend to make many women and young girls peculiarly open to the approaches of the procurer and the *souteneur* and to the tempting profits of prostitution. It is especially necessary to watch the transfer of young girls, under contract, from one country to another. It was pointed out that the present world situation seems to provide a unique opportunity for obtaining conclusive evidence, on the relations between economic need and prostitution, and that information and statistics relevant to this problem should as far as possible be collected and analysed. The co-operation of States in preventing all phases of the Traffic in Women and Children is therefore particularly important now.

The signing of the 1921 Convention by those members who have not already adhered, and the careful implementing of responsibilities by those who have already ratified it, will enable the League to fulfil its duty at this time of special need and difficulty.

In conclusion, the Fifth Committee submits the following resolution:

"The Assembly,

"1. Having taken note of the Report of the Traffic in Women and Children Committee, welcomes the new accessions to the 1921 Convention for the Suppression of the Traffic in Women and Children, and expresses the hope that further ratifications will be registered in 1932;

"2. Considers that the studies already made on the part played by *souteneurs* in this traffic show the need for further consideration of this subject.

"3. Recommends that the Traffic in Women and Children Committee should consider the possibility of ascertaining, with special reference to the recurrent conviction of habitual offenders, the results of the penalties inflicted on *souteneurs*, as defined in Article 1 of the Additional Draft Protocol of the International Convention of 1921 for the suppression of Traffic in Women and Children;

"4. Commends to the attention of States Members of the League the draft Protocol (document C.267.M.122.1931.IV, page 9) supplementing the 1921 Convention, submitted for their observations;

"5. Thanks the Traffic in Women and Children Committee for its work and invites it to continue its efforts to suppress this infamous trade especially at this time, when unemployment and economic distress afford special opportunities for the activities of its agents."

ANNEX 7.

Official No. : A. 67. 1931. I.

PROTECTION OF MINORITIES.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Baron YRJÖ-KOSKINEN (Finland).

The Sixth Committee examined during its meeting of September 16th that part of the Secretary-General's report on the work of the League since the last session of the Assembly which deals with the protection of minorities.

The representative of Germany, who had moved that the question should be referred to the Sixth Committee, began by referring to the principles enunciated by M. Motta in the report he had submitted to the last Assembly and by Mr. Henderson in the speech he made before the Council on January 24th, 1931. He then gave a general analysis of the application of the system for the protection of minorities by the League of Nations during the past year, taking in particular as a basis the statistics published by the Secretariat in the *Official Journal* of August last in regard to petitions and the working of the Minority Committees. The representative of Germany indicated the direction in which he desired to see the present system developed. In his view, it would be advisable that Minority Committees consisting of five Members of the Council should be constituted more frequently, that the Committees should ask the petitioners more often for information and that means should be found for ensuring that the petitioners would be in a position to take note of the contents of the observations sent by the Governments concerned on the subject of their petitions, though that would not necessarily imply any recognition of their status as parties in a procedure in which both sides were to be heard. In this connection the representative of Germany emphasised the importance of securing the publicity of the result of the

examination of questions by Minorities Committees in the largest possible number of cases. He pointed out, in particular, that under the present system it was impossible to know in which cases the non-publication of these results was due to the fact that the Committees did nothing in the matter, and in which cases the initiative of the Committees did not meet with the approval of the Government concerned. The representative of Germany added that, in his view, further efforts would be necessary to arrive at a system for the protection of minorities which would operate without creating friction, but that he did not intend on this occasion to make definite proposals.

The delegate of Roumania pointed out, on behalf of Czechoslovakia, Greece, Poland, Roumania and Yugoslavia, that these States had had an opportunity during the discussions in the Sixth Committee in 1930 to state their point of view on the question of minorities. These States had nothing to add to the declarations which were then made and which they maintained in their entirety, it being understood thereby that they were opposed to any extension of the Council resolution of June 13th, 1929.

The representatives of Hungary, Canada, the British Empire and France also stated that they maintained the divergent and well-known views which their delegations had previously upheld. The delegate of Spain, after emphasising in particular the psychological side of the minorities problem, quoted the example of Spain, which is now engaged in settling the Catalan problem in accordance with the principles enunciated by the League of Nations in regard to the protection of minorities.

I would only add that I think we can express satisfaction, as our distinguished Chairman has already done, at the impartiality and moderation which have marked the discussion, and I would propose that the Assembly take note of this report.

ANNEX 8.

Official No.: A. 68. 1931. VI.

MANDATES.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: Dr. Christian L. LANGE (Norway).

The annual reports of the mandatory Powers, the reports of the Permanent Mandates Commission and the Minutes of the discussions of the Council on mandates questions during the period which has elapsed since the close of the eleventh session of the Assembly have, as in previous years, been submitted to the Sixth Committee.

The Committee has noted that, thanks to the efforts of the Council, of the Permanent Mandates Commission and of the Mandatory Powers, the essentially humanitarian experiment instituted by Article 22 of the Covenant has, after only a short period, been crowned with indisputable success. Hence the Permanent Mandates Commission has again received the praise of several delegations for an achievement to which it has largely contributed.

Furthermore, the delegates of the mandatory Powers have again emphasised the value of the co-operation which has been established between their Governments and the Mandates Commission, to the great advantage of the task undertaken. Some of these delegates laid stress upon the value of the results already achieved.

The Sixth Committee has approved the rules laid down in the Council's resolution of September 4th, 1931, with regard to the general conditions to be fulfilled before the mandate regime can be brought to an end, in respect of a country placed under that regime. Like the Mandates Commission and the Council, it considered that the emancipation of the territories covered by Article 22 of the Covenant should be made dependent on the fulfilment of certain *de facto* conditions, and on the existence of certain guarantees stipulated in the interests both of the territories concerned and of the international community. The guarantees relating to the safeguarding of the rights of foreigners, the effective protection of racial, linguistic and religious minorities and the maintenance of the principle of economic equality are, in the Sixth Committee's opinion, of quite special importance and deserve the Assembly's particular attention.

Another problem common to all the territories under mandate was raised in the course of the debate, that of the development of the public health services in the mandated territories, which has recently been dealt with in a Council resolution. The recommendations put forward in this connection by the Permanent Mandates Commission, which the Council has endorsed and which it has forwarded to the mandatory Powers, seem likely to contribute largely to the success of the work of civilisation undertaken in the mandated territories under the auspices of the League of Nations.

Lastly, the Sixth Committee has once again manifested the importance which it attaches to the settlement, in Palestine, of the controversies that have arisen owing to the establishment of the Jewish National Home in that territory. The Committee noted that order had not again been disturbed since the regrettable incidents of 1929, and associated itself with the hope expressed by the Mandates Commission and the Council that the efforts made by the mandatory Power to facilitate Jewish immigration without infringing the rights of the Arab population would be crowned with success.

The Sixth Committee has the honour to recommend to the Assembly the adoption of the following resolution:

"DRAFT RESOLUTION:

"The Assembly,

"Having taken note of the work accomplished by the mandatory Powers, the Permanent Mandates Commission and the Council in regard to the execution of Article 22 of the Covenant;

"*(a)* Renews the expression of confidence in them voted by the past sessions of the Assembly and again congratulates them on what has been achieved through co-operation between them;

"*(b)* Expresses its gratification at the constructive and particularly useful work which the Council has just performed with the help of the Permanent Mandates Commission in determining the criterion to be applied when it is proposed to bring to an end the mandate regime in respect of a country placed under that regime;

"*(c)* Specially notes in the Council's resolution on this question the importance attached to the maintenance of the principle of economic equality and to guarantees for the effective protection of racial, linguistic and religious minorities.

"*(d)* Expresses the hope, as in previous years, that through the prosecution of the joint efforts of the mandatory Powers, the Council and the Permanent Mandates Commission, the mandatory system may continue to ensure the achievement of the ideal of civilisation proclaimed in Article 22 of the Covenant".

ANNEX 9.

Official No.: A. 69. 1931. XII.

WORK OF THE INTERNATIONAL COMMITTEE ON INTELLECTUAL CO-OPERATION.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: His Excellency M. SATO (Japan).

Last year, the Assembly of the League of Nations was informed of the reorganisation plan prepared by the International Committee on Intellectual Co-operation to give a more clearly defined direction to its own activities and also to improve the methods of work of its executive organs and, in particular, the International Institute of Intellectual Co-operation. The Assembly warmly approved the entire scheme laid before it by the Committee. This year, we see the first results and are in possession of the authoritative opinion expressed by the distinguished men who met at Geneva in July under the chairmanship of Professor Gilbert Murray and M. Paul Painlevé on the value of the work accomplished.

I am glad to state that the Committee's opinion is, without exception, favourable to the new methods adopted and that, generally speaking, it is entirely satisfied with the reforms recommended last year. I feel sure we can unreservedly endorse this verdict, and that for several reasons.

In the first place, the methods of work adopted by the Committee and its executive organs are based direct on the experience of the other technical organs of the League. These methods, skilfully adapted to the special requirements of the Intellectuel Co-operation Organisation, will enable it to assume its appropriate place in the general scheme of the League's work, and to render to the several countries and also to the community of States the immense services we are entitled to expect. Without an intellectual *rapprochement* of the nations, without good mutual understanding and without concerted action to improve by mutual assistance and co-operation the conditions governing thought, scientific work and the education of the young, it is to be feared that the future of the League would be uncertain and the efforts we are elsewhere making to establish a durable peace would be largely wasted.

The characteristic feature of these new methods, as applied by the International Committee on Intellectual Co-operation, is to bring together, under its ægis, the best minds of the various countries to deal with education, art, literature or science. The international questions with which we have to deal in these spheres are innumerable. The Committee does not claim to have elucidated all of these at once. It has made a judicious selection and, when handling those which it has retained, it invariably calls upon the Institute of Intellectual Co-operation to summon a Committee of Experts consisting of the distinguished persons to whom I referred a moment ago. It thus enjoys the benefit of the best advice. It brings into intimate touch the different forms of culture, the most varied experience and the great tendencies of thought. It allows the experts to discuss direct and without any intermediary, the questions with which they are concerned, to compare their methods and to communicate to each other those they deem most satisfactory. It thus proposes to promote and extend progress in all the various branches of intellectual activity. There is no need to add that, in many cases, it thus establishes a new international link between the national departments of education and fine arts and between the learned bodies and scientific institutions of the various countries. That is, if I am not mistaken, the supreme purpose of the League of Nations — that association of Governments and countries which we represent here.

The International Institute of Intellectual Co-operation places at the disposal of the Committees of Experts which I have just mentioned, a body of officials whose work is arranged on the same lines as that of the Secretariat of the League. That number has been reduced but the organisation has been made less rigid, so that the work as a whole does not suffer and their activities may be directed according to circumstances along the desired lines. Thus a large proportion of the funds generously placed at the disposal of the Institute by the French Government and various other Governments — and I take this opportunity of thanking them — may be devoted to summoning the Committees of Experts; a large number of these will meet next year at the Institute of Intellectual Co-operation, which performs services of the utmost importance. Fairly large sums are also available for special investigations carried out by qualified specialists; accordingly, the Council of the League of Nations, when dealing with international questions relating to intellectual organisation, has at its command in the Committee on Intellectual Co-operation itself and the various bodies dependent on it a well-planned and well-equipped organisation, which, in accordance with the methods it has adopted, makes every effort not to let its work overlap that of existing institutions and organisations.

In reading the reports submitted to the Committee and the resolutions adopted by it, one is struck first of all by the important place it has given to educational questions. It is endeavouring to create direct contact between ministries of education both in connection with the universities and with secondary and elementary teaching. As regards universities, it has taken the opinion of the international students' associations and of the university offices, and soon their suggestions will be submitted by the Institute of Intellectual Co-operation to a committee of directors of higher education which will have on its agenda such important problems as the equivalence of diplomas and the overcrowding of our universities.

It has undertaken an enquiry into the best methods to be employed to gain satisfactory results from the increasingly numerous journeys abroad undertaken by the young people of our secondary and elementary schools. In the course of the year, it proposes to bring our respective administrations into contact in order to ensure regular interchanges of scholastic documentation, material and methods and, in a word, to co-operate in pedagogical questions.

Special mention should be made of the work entrusted to the International Institute of Intellectual Co-operation in regard to educational broadcasting. The use of wireless in schools, and its utilisation in the teaching of adults and more generally for bringing about the *rapprochement* of nations and better mutual understanding between them, are subjects which have engaged the Committee's attention and to which it will revert next year in the light of the information supplied to it and obtained both from the competent official departments and the big international organisations, and especially from qualified experts in regard to the teaching of the young. The observations of the British and French delegations have strongly emphasised the importance of this question.

Among the fresh tasks undertaken during the year, there is one which deserves special mention; a certain number of institutes engaged in scientific research in the sphere of political, economic or social sciences have regularly sent representatives to the Paris Institute to study jointly various technical questions which interest them. It was decided this year that those institutions should henceforward hold an annual study conference at which they would compare the results of their work during the year on one of the main international problems which call for attention from the political angle of the League of Nations. The originality of their work will consist in its being done in a purely objective spirit of scientific and disinterested research; the results of their discussions should not take the form of recommendations or resolutions and they should aim only at elucidating the questions submitted to them. Thus, in one of the most vital and topical domains of intellectual co-operation, that of present-day international relations and of economic and political contacts, a fresh contribution of great value will be brought to the League of Nations.

I ought also to speak of the work of the Intellectual Co-operation Organisation in the matter of scientific co-ordination in arts, bibliography, etc., according to the proposals

of the Committee of Advisers presided over by Madame Curie. A general feature which characterises the various reports devoted to these questions is the practical character of the work undertaken. The Committee of Librarians and the Museums Office are concentrating their efforts on facilitating co-operation between the great national institutions. Thus, to take one example, an important conference, summoned and organised by the International Museums Office, will shortly be held at Athens and will bring together delegations of nearly all our Fine Arts Administrations. This conference will study a question which is of great importance to numerous countries in every continent, that of the conservation of artistic and historical monuments. New technical methods have recently been introduced. These will be compared and studied; the best of them will be noted and generalised and thus, in a few days, the technical administrations concerned will be able to give each other valuable assistance which will facilitate their future work and will undoubtedly save them a great deal of time and perhaps money.

In this connection, I must not forget to thank the Greek Government, which has generously helped the International Institute of Intellectual co-operation to organise this great meeting.

The protection of intellectual rights also remains on the agenda of our Intellectual Co-operation Organisation. Regular co-operation has been established between the official institutions concerned, the Berne Bureaux, the Secretariat of the League of Nations, the Rome Institute for the Unification of Private Law and the International Labour Office, which henceforward will hold an annual meeting at the International Institute of Intellectual Co-operation to organise jointly the work to be done in this connection.

But it is not only the material rights of intellectual workers of all kinds with which our Committee is concerned. It has decided to approach the great problems which are of most direct importance to human culture and to give men of science and thought the place which is their due in national and international contemporary life. These lofty considerations belong to the sphere of the Permanent Committee of Arts and Letters, which met this year at Geneva. It drew up a programme which will be carried out in the course of the year and which will respond to the request so often made to the League of Nations to arrange for a wide interchange of thought between those who devote themselves to the things of mind.

It remains for me to refer rapidly to two or three particular points which deserve the Assembly's attention. First of all there is the question of instruction with regard to the League of Nations and the methods of international co-operation which it has introduced. A fresh impulse has been given this year to the work undertaken in liaison with the ministries of education and with the main international associations. Last year, the Assembly approved the programme drawn up by the Committee to solve the often-debated question of school textbooks. A complete documentary report has been drawn up by the International Institute of Intellectual Co-operation. It relates all the measures taken in the different countries to remove from schoolbooks passages harmful to friendly international relations. It outlines the methods employed and the results obtained. When it came before the Committee, the latter decided that a Committee of historians and educational experts should study it and should draw the necessary conclusions and that these conclusions would be submitted to us next year. Several delegations on the Sixth Committee were gratified to find that this question was beginning to take a practical shape.

Another important event must be noted: the Intellectual Co-operation Organisation has this year received two requests for assistance which have every reason to welcome. One came from the International Labour Office, which was already so closely associated with our work through its Committee on Intellectual Workers. At its request, the Institute of Intellectual Co-operation has undertaken an enquiry into the utilisation of libraries and popular arts for the purpose of workers' sparre time. In this way, the Intellectual Co-operation Organisation will contribute to the solution of a social question which is of interest to all of us; and it will do so in a most happy way by endeavouring to open the spheres of art and culture to the working classes.

Secondly, the League of Nations has received from the Chinese Government a request with a view to a larger development of intellectual collaboration between China and the other Members of the League of Nations.

The object of this request is that the League should "find advisers to assist the development of the Chinese educational system and facilitate the intercourse between the centres of intellectual activity in China and abroad".

As far as education is concerned, the request has been referred by the Council of the League of Nations to our Intellectual Co-operation Organisation, which immediately made arrangements to send four distinguished educational experts to Nanking. The eminence of the persons which it reappointed is in itself a sufficient proof of the importance attached by the League of Nations to the Chinese Government's request. I am sure that the Assembly will warmly approve of the steps already taken and will unanimously associate itself with this great enterprise.

Lastly, the Committee on Intellectual Co-operation asks us to urge Governments — and the Assembly unanimously agrees — to take an active part in the preparation of the international exhibition of popular arts which the Swiss Government is organising on a magnificent scale at Berne in 1934. Thanks to the initiative of our Intellectual Co-operation Organisation, which held a general congress of popular arts at Prague in 1928, new vigour has been infused into the study of this essential and popular form of culture.

The beautiful volumes published by the International Institute of Intellectual Co-operation on the Prague Congress show the importance of these researches, which will be given full prominence by the generous initiative of the Canton of Berne and the Swiss Government.

During the debates, the Polish delegate presented to the Sixth Committee a draft resolution which is reproduced in the Minutes of the meeting, and according to which the International Committee on Intellectual Co-operation would be requested to study the suggestion of the International Federation of League of Nations Societies to summon a World Conference on Training in World Citizenship.

Owing to lack of time, the Sixth Committee was unable to discuss this suggestion. M. de Reynold, Rapporteur of the International Committee on Intellectual Co-operation, who was present at the meeting, expressed, however, the opinion that the programme of the International Committee in regard to education was already in conformity with the aims of the Polish resolution. It should be noted that the object of this draft resolution was to obtain the opinion of the International Committee on Intellectual Co-operation on this question. In these conditions, and as moreover the International Committee will give very careful attention to the records of our Committee, it would seem that the desire of the Polish delegation will be attained.

In conclusion, and referring to the observations expressed by several members of the Sixth Committee, I would draw the Assembly's attention to the universal character of all the work undertaken by the Intellectual Co-operation Organisation. It is concerned equally with all continents and all countries. Though some activities may appear at first sight to be more limited in scope, their object is to secure closer relationship between the various great cultures of the world. This applies, for example, to the publication of a collection of Latin-American classics for which the International Institute of Intellectual Co-operation is arranging.

The common interest of all nations in this international work is moreover shown by the development of the National Committees on Intellectual Co-operation, whose activities are steadily expanding and whose number has again increased this year. During the Committee's discussions, attention was drawn to the utility of the liaison work carried out by the National Committees between the learned bodies and institutions dealing with intellectual work in their respective countries. A further proof of this interest is the growing tendency of the various national administrations interested in intellectual questions to establish contact with the Central Organisation of the League. There is now a regular machinery of intellectual co-operation with a centre which is international, but is connected more and more closely to the bodies representing in each country the interests of the mind and of literature, art or science. As a representative of an Asiatic State, I am particularly gratified by the development of these intellectual exchanges through which the countries of the East, and particularly my own country, are united ever more firmly with the other Members of the League.

In these circumstances, the Assembly will be happy to approve the proposal submitted to it that a Conference of the National Committees on Intellectual Co-operation should be convened in 1934.

It will also be glad to accede, like the Council, to the desire of the International Committee on Intellectual Co-operation that the existence of the Intellectual Co-operation Organisation, composed of the bodies to which I have referred in the course of my statement, should be explicitly recognised. Furthermore, I would ask it to urge the various Governments to give material support to the International Institute of Intellectual Co-operation in response to the wish expressed by its Governing Body, after noting the work which the Institute had accomplished and the results secured.

Finally, we would offer our sincere thanks to the eminent members of the Committee on Intellectual Co-operation and the committees connected therewith. The League of Nations is proud to have the assistance of such collaborators. It is happy to see these representatives of the world of thought, these unselfish workers devoting themselves to international tasks; it deeply appreciates, for example, the resolution which they unanimously adopted in favour of the reduction of armaments. It realises that, for the success of all its enterprises, it must rely first and foremost on the support of those who direct and form public opinion and who have the noble task of training the minds of the young generations.

* * *

It is one of the pleasant duties of the Rapporteur of the Committee to give an account of the results of the work of the International Educational Cinematographic Institute at Rome. These results have been consistently encouraging, and the Governing Body of the Institute, which meets every year in October, is thus able to show in its report that the work accomplished already fulfils in a large measure the high aims which led to the creation of this Institute.

Up to the end of the year 1930, the efforts of the Institute were especially devoted to extending its relations with international organisations pursuing similar objects. For

example, arrangements were made in agreement with the Secretariat of the League of Nations for promoting the production of educational films concerning the League.

The Institute has also undertaken enquiries in close co-operation with the International Child Welfare Committee, the Health Section of the League of Nations, the International Labour Office, the International Institute of Agriculture and the League of Red Cross Societies, with a view to securing closer co-ordination between the parallel efforts of these institutions in the matter of education by the cinematograph.

The list of the results achieved by the Institute is too long for me to be able to mention them all. They are concerned with the most various objects — hygiene, particularly social hygiene, education, etc. Comparative studies have been carried out on the censorship of films in different countries, on cinematography as applied to agriculture and on the social aspects of the cinematograph, among which may be mentioned its use for the prevention of labour accidents.

The preparatory work for a Conference for the abolition of Customs barriers in respect of educational films is being continued. Thirty-eight replies, of which many are favourable, have been received from Governments. An impartial study of the opinions collected will be made by a Committee of Experts, so that any measures which the Governing Body of the Institute may finally take may be based on the wishes expressed by the Governments themselves.

One of the most notable achievements of the International Education Cinematographic Institute is the publication of its *Review*, which appears in five languages and to which contributions have been made by specialists throughout the world. This *Review* has aroused such great interest in the circles for which it was intended that the cost of its publication has been entirely covered by subscriptions and sales, which is very rarely the case with a publication of this kind. This shows that its success is most encouraging and that the monographs which are published in it reach a very wide range of readers.

I am sure the Committee will agree with me that the results realised by the International Educational Cinematographic Institute are very satisfactory. We hope and believe that they are not only a reward for efforts of the past, but a promise of future achievements.

The Italian Government, to which the League of Nations is indebted for the creation of the Institute, continues to interest itself in the work and to give it support. It has once more shown its generosity this year by making the Institute an additional grant of 200,000 lire.

RESOLUTION.

" The Assembly,

" Having noted the reports of the International Committee on Intellectual Co-operation and of the Governing Body of the International Institute of Intellectual Co-operation (documents A.23 and A.24. 1931);

" Noting with great satisfaction the results achieved during the year by the Intellectual Co-operation Organisation as a whole, and expressing its gratification that the reorganisation effected last year has made it possible to carry on, in the most effective way possible the international work of liaison and co-ordination which in the intellectual sphere appears essential to the future of the League of Nations:

I.

" (1) Approves the work undertaken in the different branches of intellectual activity and the programme of work drawn up for the coming year.

" (2) Recognises the existence of the Intellectual Co-operation Organisation, comprising the International Committee on Intellectual Co-operation which is the advisory body of the League of Nations; the commissions and committees dependent on it; the International Institute of Intellectual Co-operation, its executive organ, and the International Educational Cinematographic Institute, these two institutes having been placed at the League's disposal under the conditions laid down in their respective statutes; and the National Committees on Intellectual Co-operation, whose representatives may be called upon to meet occasionally in conference on the proposal of the International Committee on Intellectual Co-operation;

" (3) Is glad that special importance is being attached to education and that a plan has been drawn up by the International Committee on Intellectual Co-operation for promoting international co-operation in this respect and for spreading still further among the young a knowledge of the League of Nations and mutual understanding among the peoples;

" (4) Expresses its satisfaction at the measures proposed to ensure regular co-operation between the official institutions dealing with the protection of intellectual rights;

" (5) Has noted with satisfaction the new work undertaken to ensure an objective and disinterested study of the major international problems through the institutes engaged in the scientific study of International relations, and of the programme drawn up by the Committee of Arts and Letters for the League of Nations to assist, by arranging for regular intellectual exchanges in the international sphere, in defending the interest of culture and civilisation;

" (6) Approves the steps taken by the Committee in response to the Chinese Government's request and anticipates the most happy results from this co-operation ;

" (7) Approves the summoning of a meeting of the National Committees on Intellectual Co-operation in 1934.

II.

" (1) Draws the attention of the States Members of the League of Nations to the experiments being made by a certain number of countries with regard to the use of broadcasting as a means of education ;

" (2) Approves the step taken by the Committee on Intellectual Co-operation in asking the Institute to undertake an enquiry, in co-operation with the other competent organisations, into the educational aspects of broadcasting and recommends that this enquiry should cover all the international questions raised by the use of broadcasting in regard to good international relations ;

" (3) Asks the States Members of the League to encourage the use of broadcasting to create better mutual understanding, to secure a more thorough comprehension of the international character of a large number of urgent problems, to permit of a more complete appreciation of the task of the League of Nations and of the aims which it has before it and requests the International Institute of Intellectual Co-operation to get into touch for that purpose with the principal national and international broadcasting organisations.

III.

" Drawing the attention of the States Members of the League of Nations to the initiative taken by the City of Berne and the invitation addressed to them by the Federal Government to participate in the Exhibition of Popular Arts in 1934 ;

" Having regard to the Council's resolution of September 2nd, 1927, and the Assembly's resolution of the 22nd of the same month :

" Urges the Members of the League of Nations to associate themselves with this great international manifestation and to take suitable steps for this purpose.

" The Assembly,

" Having noted the report of the Governing Body of the International Educational Cinematographic Institute :

" Expresses its gratification at the results achieved ;

" Is happy to note the progress of the preparatory work for the Conference for the abolition of Customs barriers for educational films ;

" Expresses its satisfaction at the gratifying development of the *International Review of Educational Cinematography.*"

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ANNEX 10.

ECONOMIC WORK OF THE LEAGUE OF NATIONS.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. Louis ROLLIN (France).

A. INTRODUCTION.

1. GENERAL CONSIDERATIONS.

The Second Committee's debates this year bear the mark of the extremely grave situation in which we are placed.

Our position as representatives of our sorely tried countries has, in the present circumstances, a painful and almost tragic character, since it seems to leave us almost helpless face to face with events beyond our control.

The peoples of the world are going through a crisis without precedent in its extent, duration and intensity, and we are feeling this crisis acutely.

We can discern the causes of the evil and the perils which are already upon us or threatening us. All of us, with the same goodwill, sincerity and fervour, desire to remove them. We have heard appeals pronounced from the Assembly platform by the most qualified authorities, who have drawn attention to the gravity of present problems and the urgency of solving them, and we should like to be able to respond by deeds to these poignant appeals.

We realise that salvation is only to be found in the union of peoples, which to-day are so closely dependent on one another that they may be compared to limbs of the same body, none of which can be sick or unhealthy without all the others being immediately affected. We should like to foster their economic relations with the ardent hope that this exchange of interests will pave the way to intellectual and moral *rapprochement*. But we find ourselves faced with difficult barriers on which our intentions stumble, if they do not fall.

Failing a complete solution, we have to look for fragmentary and partial ones; but, when we apply them to realities, we feel that they are fragile and inadequate.

International solidarity calls for sacrifices, but the national communities which have to accept them are immediately filled with unrest and anxiety.

The work before us is long, but our sufferings require immediate relief and time presses. We should like to go full speed ahead; time is a factor which it is impossible to disregard.

We should like to open up ampler communications between the peoples, to multiply and strengthen the bonds which unite them, and to create community of interest between them; but we are hampered at every turn by the prejudices accumulated by age-long selfishness and misunderstandings.

Our great scheme of economic union requires confidence, and confidence has still to be created.

Cruel is the conflict between human intentions guided by the spirit of Geneva and the brutal force of realities. We must not fear to emphasise this conflict, for the nations we represent must realise it.

Does this mean that we must give way to a gloomy fatalism and to purely negative pessimism ?

Can we allow it to be said that nothing can be done but bow before the storm and wait for greater sufferings to bring a useful lesson to mankind ? We have no right to do so. Without illusion, but without discouragement, we must apply ourselves to bringing the national communities to an understanding of the principles laid down in the recommendations of the 1927 Economic Conference and the Conferences of 1929 and 1930, in the remarkable studies made by its economic organs, and in the conclusions of the Commission of Enquiry for European Union.

We must call upon the Governments to examine with the greatest attention the resolutions adopted by the technical experts with regard to the solutions to be applied to the economic crisis.

Should we confine ourselves to these recommendations ? The Second Committee does not think so, and it has reached an agreement of principle on several proposals. These—although they certainly do not provide a general and final solution for our present ills—suggest remedies which, although only partial, may none the less be genuinely effective if supported by the goodwill of the peoples.

With great penetration and wisdom, the Sub-Committee of Economic Experts recently, at the beginning of its admirable report, emphasised the primary importance of the part played by lack of confidence in aggravating the world situation.

> " The growing international distrust ", it says, " is accentuating the effects of the crisis, increasing the obstacles to the normal circulation of capital and obstructing to an ever-increasing extent the whole mechanism of international trade. Lack of confidence not only entails stagnation of capital, reluctance to lend abroad, and refusal to enter into longterm undertakings, but also tends to paralyse and retard all forms and phases of economic life.
>
> " The result is a flagging of the spirit of enterprise, the postponement of programmes already decided upon, the abandonment of the search for new markets, the limitation of the purchase of raw materials to daily requirements, . . . the dismissal of workers, excessive caution instead of productive activity and stagnation instead of progress."

These wise words must be heard. Governments must learn the lesson they contain, must instruct their public opinion and silence the disturbing elements and the authors of hatred, fear and distrust, in order that the peoples, instead of looking backwards with regret and revengeful feelings, may resolutely advance in a new spirit and with free hearts towards a true economic solidarity, the source of well-being and pacification.

2. Continuity of the Economic Work of the League of Nations.

Two years ago, the tenth Assembly, noting that the recommendations of the World Economic Conference had been carried out only to a limited extent, took the initiative of drawing up a new programme based on two fundamental ideas—" a Customs truce " and, by means of that truce, the execution of a detailed scheme of negotiations.

This initiative was termed " *concerted economic action*".

The eleventh Assembly still held to the same principle.

It is noteworthy, however, that, in the discussions which have taken place in the Second Committee, very little mention has been made of concerted economic action, whereas a prominent place has been given to the work and the programme of the Commission of Enquiry for European Union. This change might give the impression of a certain lack of continuity and coherence, of an unexpected change of direction in the League's economic work.

It is important to remove this impression. In point of fact, the change we have observed is really no more than a change of terms. Concerted economic action was conceived by the tenth Assembly on a worldwide scale. All countries were invited to take part in it, and it was only through a process of auto-selection, probably in response to urgently felt needs, that the successive Conferences with a View to Concerted Economic Action acquired a definitely European character. It may therefore legitimately be said that the work of European solidarity in the economic field had spontaneously begun even before the creation of the Commission of Enquiry.

Moreover, the world aspects of the economic question were not neglected at any time either before or after the World Economic Conference. As we shall see, they reappear in the list of the various activities which follows these general observations. The Assembly and the Council have constantly taken judicious steps to maintain the work relating more particularly to the economic restoration of Europe, within the province and in the spirit of the League.

Thus the development we have witnessed, which started from the general formulas of 1927 and passed through the various fields of concerted economic action, has now—without, however, losing its close connection with the world aspects of the problem—led up to the programme of the Commission of Enquiry for European Union.

It would therefore be incorrect to say that the League's economic work lacks coherence or continuity.

B. ECONOMIC ACTIVITY OF THE LEAGUE OF NATIONS AND OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION SINCE THE LAST ASSEMBLY.

1. Concerted Economic Action—Commercial Convention.

The last Assembly particularly urged the necessity of putting into force the Commercial Convention of March 24th, 1930, and the immediate execution of the programme of negotiations provided for in the Protocol of the same date.

(*a*) The Assembly this year regrets to note, however, that, despite two successive attempts in November 1930 and March 1931, it has not been possible to bring the Convention into force. The Second Committee fully realises the reasons for the failure to do so. The economic depression was bound to have a considerable influence on the commercial relations between countries. The unprecedented fall in agricultural prices led to protective measures on the part of importing countries, which were anxious as to the fate of their agriculture. It also led the agricultural

countries of Central and Eastern Europe to press with ever-increasing urgency for more favourable conditions for their exports of cereals. Moreover, the shrinking of the external markets for the industrial products of the various exporting countries compelled the latter to seek on the home market compensation for the diminution of their external markets, thereby causing the parties concerned to call with growing urgency for protection, in some cases even to the exclusion of foreign competition.

Faced with this situation, many countries felt it necessary to preserve their freedom of action in tariff matters. Where that freedom was even in part restricted by agreements, they endeavoured to regain it by a process of deconsolidation of duties, and even by the denunciation of treaties.

In view of this ill-success, the Commission of Enquiry for European Union felt grave misgivings, and, at its session in May 1931, made a last effort to save at all events the essential principles of the Convention. It recognised that progress was difficult if the sudden and frequent changes in the basis of international trade could not be checked. Accordingly, the Commission of Enquiry asked the European States to conform, as far as possible, to the principles laid down by the Convention.

The Second Committee associates itself with that appeal, drawing the attention of all States without distinction to the obstacle to the restoration of the economic situation represented by the growing instability of commercial relations, and accordingly it welcomes the Oslo Convention. The signatory States of that Convention have undertaken to apply amongst themselves certain principles of the Commercial Convention, including notification in advance of negotiations with parties who consider themselves prejudiced by the tariff measures contemplated.

(*b*) The Protocol regarding future negotiations provided for a reduction of Customs tariffs by means of a collective agreement, and also for efforts to devise concerted methods of solving a large number of problems not connected with tariffs, but nevertheless of primary importance for international trade.

After many exchanges of views, the execution of the first of these tasks had to be left to bilateral negotiations. Was the Economic Conference wrong in pointing to collective action as one of the best means of lowering Customs tariffs ? We do not think so. At that time, as the result of the conclusion of a number of important international agreements, a relative stability of international relations had been secured, which enabled further possibilities to be envisaged. At the very time when the first steps were taken in that direction, however, the world crisis developed and rendered them practically useless.

Despite the ill-success of this first attempt to regularise international economic relations, the Second Committee is more than ever convinced that a final remedy for the economic ills from which the world is suffering can be found only in common efforts on the part of all States. It is therefore glad to note the attempts which have been made with this object by the Commission of Enquiry for European Union.

2. Economic " Rapprochements ".

It is only natural that the Commission of Enquiry for European Union should be concerned primarily with the improvement of commercial relations among the European countries. It has asked highly qualified economic experts to seek means for providing closer economic co-operation among the countries of Europe with a view to bringing about in the general interest a better organisation of production and trade.

The economic experts recognised that the weakness of the economic structure of Europe is due more particularly to the multiplicity of Customs tariffs, resulting from the division of Europe into a large number of separate economic units. The existence in that continent of numerous tariff barriers which, under the pressure of the existing crisis, naturally and constantly tend to rise even higher, constitutes, in the experts' opinion, one of the obstacles to the improvement of the economic situation of the world and, in particular, of Europe. The efforts which the League has hitherto made to improve international co-operation having achieved very little result, it is necessary, in the experts' opinion, to contemplate entirely new methods:

" The ultimate goal must be the widest possible collaboration of the nations of Europe in the sense of making Europe a single market for the products of any and every country in it. "

The Co-ordination Committee, summarising the views of the economic experts, says that:

> " Even when Europe has emerged from the present crisis, she cannot hope for a real economic revival unless she is prepared gradually to adapt the traditional conception of separate national economic units and to approximate it—with every necessary precaution, and possibly in forms as yet unknown—to the conception of one vast market accessible on equal terms to all or most of the producers of Europe. "

In this connection, the economic experts were led to contemplate for Europe " economic *rapprochements* " which might even lead to a complete European Customs union.

The Second Committee welcomes the fact that Europe is making efforts to bring about the restoration of her economic situation, and thereby improve world conditions. But the Committee is naturally bound to consider the effects such efforts might have on relations between the European

countries and countries in other parts of the world. It is therefore glad to note that the experts have surrounded their proposals with guarantees for the purpose of safeguarding the interests of other countries, and that they still consider the regime of the most-favoured-nation clause the essential safeguard of normal commercial relations between the nations.

3. International Economic Agreements.

Among the means contemplated for improving the organisation of production and for substituting systematic and co-ordinated organisations for unorganised activity, the World Economic Conference, and still more recently, the Sub-Committee of Economic Experts, have mentioned the development of international agreements. The Second Committee agrees with the opinion expressed by them that, under certain conditions and guarantees which they define, the development of international economic agreements may exercise a beneficial influence on the organisation of industry, agriculture and trade. Agreements of this kind may reduce the danger of overproduction, and also provide a basis for international co-operation. In this connection, the Second Committee looks forward with interest to the publication of the report by the special Experts who have studied the problem of international industrial agreements under the direction of the Economic Committee.

It is undoubtedly important, in order to avoid any disadvantages which they might involve, to provide all necessary guarantees in respect of such agreements and their operation. It is essential that the interests of consumers should be adequately safeguarded, and that States should not be left without means of protecting themselves against an influence which might become too powerful, and that, moreover, any combines formed should be sufficiently adaptable to avoid permanently crystallising the existing conditions of manufacture in the various countries, and to give the economic life of various countries legitimate scope for expansion.

While leaving the Economic Organisation to appreciate the conditions in which these meetings would offer the greatest chances of success and to select the products in respect of which agreement appears to it most easily obtainable, the Commission calls its attention to the fact that, in the discussion, the following commodities were mentioned by several delegations as being likely to fulfil most satisfactorily the conditions for this purpose: cereals, wine, cork, hemp, coal, wood, paper, artificial silk, leather, hides and skins, electrical material, motor-cars and chemical products.

4. Agricultural Questions.

(*a*) With the co-operation of the International Institute of Agriculture, a large number of agricultural experts were heard by the Economic Committee in January 1931. The experts' reports were published in the form of a study of the question which enables the worldwide nature of the *agricultural crisis* to be realised.

The gravity of that crisis is such that the agricultural experts must continue to afford their co-operation in the examination of all economic questions affecting agriculture.

(*b*) Most of the experts attach particular importance to the *organisation of the cereal trade.* Efforts have been made to establish that organisation on a worldwide scale.

The International Institute of Agriculture held, in March 1931, a preparatory conference with a view to a world conference on wheat. In May 1931, the London Conference, which comprised the wheat-exporting countries of Europe and overseas, did not succeed in reaching any wide international agreement. The Second Committee recommends that active efforts should be continued with a view to reaching world agreement.

(*c*) As regards Europe, certain countries have concluded bilateral agreements involving *preference for purchases of cereals* from Central and Eastern European States.

These countries affirm that they have no wish to infringe the principle of the most-favoured-nation clause, nor have they any intention of setting up any new economic doctrine, their efforts being directed solely towards granting a temporary and limited exception, which is urgently necessary in the present grave circumstances. They also expressed the opinion that the granting of a preferential tariff on cereals would enable countries benefiting by it to sell their cereals at a fairly remunerative price, and not, as is the case to-day, at much less than cost price; in this way, their economic situation would be improved and their purchasing capacity increased. They add that the advantages granted in return by the exporting countries would benefit, not only the country giving the assistance, but all States without distinction. The agreements would be submitted to the League and would be given wide publicity.

Those countries consider that, in the exceptional conditions of the present time, and in view of the economic distress which exists in certain countries, but which affects all other countries, preferential tariffs might constitute an exceptional and temporary remedy; and that, subject to the agreed reservations in regard to the previous approval of the agreements, and provided they are given publicity and are in conformity with the principles laid down by the Commission of Enquiry for European Union, they may be regarded as likely to bring an appreciable measure of relief to the economic systems concerned.

On the other hand, certain countries pointed out the drawbacks which might be involved by these departures from the most-favoured-nation clause. In their opinion, the League should not give its approval to special benefits or privileges limited to particular groups of nations.

The Second Committee notes the report drawn up on this matter by the Commission of Enquiry for European Union.

(*d*) Some European countries have asked that the possibilities of *extending the preference* to agricultural products other than cereals (tobacco, raisins, etc.) should be studied.

The report submitted to the Commission of Enquiry for European Union by the Economic Co-ordination Sub-Committee provided that the study of this question should be entrusted to a special Committee, such as that on cereals.

The Second Committee notes this recommendation, but observes that the extension of the preference to products other than cereals is likely to give rise to anxiety in the minds of certain delegations who would like the special Committee's conclusions to be carefully examined.

(*e*) Certain delegations, voicing the views of a large number of agricultural experts, expressed their belief that the *co-operative association of production and consumption* has an important part to play in the organisation of the disposal of agricultural products. It also would assist to adjust and regulate production with reference to fluctuations in demand as well as to reduce disparity between agricultural and manufacturing prices. This could further be expected to reduce agricultural costs and the burden of agricultural debts.

Finally, the collateral effect of the development of such co-operation would be to contribute towards lowering tariffs, especially emergency tariffs.

The Second Committee considers that this question must be carefully studied by the Economic Organisation, with the assistance of its agricultural experts and in close co-operation with the International Institute of Agriculture and the International Labour Office.

(*f*) The Second Committee welcomes the establishment of an International *Agricultural Mortgage Credit* Company under the auspices of the League. International agricultural credit would have an important part to play in improving the conditions of agricultural production and trade and in developing markets. It would have most desirable moral and psychological effects in restoring confidence and bringing about, in the financial sphere, effective international co-operation among all countries.

Several delegations expressed a desire that the activities of the International Agricultural Mortgage Credit Company should not be confined to Europe.

The Second Committee hopes that the Conference convened by the International Institute of Agriculture for short-term agricultural credit will soon achieve practical results.

5. Veterinary Conventions.

After carrying out lengthy investigations with the assistance of veterinary experts of both importing and exporting countries, the Economic Committee, in June last, examined three preliminary draft Conventions relating to:

(*a*) The campaign against contagious diseases of animals;
(*b*) The conveyance in transit of animals, meat and other products of animal origin;
(*c*) Exports and imports of products of animal origin other than meat, meat preparations, fresh animal products, milk and products derived from milk.

Although these draft conventions do not yet seem likely to provide the live-stock trade with the facilities which exporting States have for long been demanding, they nevertheless will probably improve the transit of and trade in products of animal origin.

The Council therefore considered it desirable to communicate these drafts to the Governments, requesting them to send in their observations on them, and to state whether they considered them suitable to form a basis for an international Conference.

Further, the Committee noted the intention of the Commission of Enquiry for European Union to ask the Council " to request the Economic Committee of the League of Nations to examine the expediency of preparing a preliminary draft international convention on the import and export of animals, meat and other products of animal origin ".

In view of the importance which is attached to the trade in stock-breeding products from the point of view of economic *rapprochement*, the Second Committee approves this recommendation and expresses the hope that the Economic Committee will resume, as soon as possible, the study of this question.

6. Unemployment.

(*a*) Among the measures of international solidarity calculated to mitigate the effects of the economic depression and to contribute to the restoration of economic activity for the benefit of the workers of all countries, the Committee thought it desirable to contemplate *the execution of large public works* undertaken jointly by public or private bodies in European or extra-European territories.

Subject to the financial considerations involved, such a programme would primarily have the effect of remedying to some extent the distressing unemployment crisis. The execution of such a programme would be likely to bring relief to branches of trade in which the unemployed are particularly suffering from poverty. It would also tend to bring about among the producers

concerned the necessary co-ordination of joint efforts, and would thus indirectly help to create a solidarity which could be further developed in the future.

The problem has already been attacked by the Commission of Enquiry for European Union, and the competent organs of the League of Nations are now dealing with it.

(*b*) The Committee approves the proposals submitted regarding the *international placing of labour*, and, in particular, proposals for the summoning of a technical Conference for that purpose.

(*c*) It also approves the recommendations of the Commission of Enquiry regarding the suggestions for the *co-operation of factors in production* for the exploitation of undeveloped territories.

7. Most-favoured-nation Clause.

The Assembly of 1930 having taken up the question of various divergences of opinion which had been revealed in the interpretation of the most-favoured-nation clause, and desiring to eliminate this source of disputes and conflicts in inter-State commercial relations, asked the Economic Committee to study certain contested points relating to application such as *Customs quotas, anti-dumping and countervailing duties, nationality of goods* and *" like products "*.

The Assembly will now see that the Economic Committee has carried out most of its task. With the help of experts appointed by the countries which had laid these important questions before the Assembly, the Committee reached, in regard to Customs quotas, the nationality of goods and "like products", certain conclusions which amplify and define more closely the doctrine of the most-favoured-nation clause which it formulated in 1929. It has still to give its decision with regard to the problem of anti-dumping and countervailing duties.

On the other controversial points, the Economic Committee expressed a view which is in no way a rigidly theoretical one, but is based on essentially practical conceptions.

The Second Committee is glad to note the results reached by the Economic Committee, and suggests that the Assembly should recommend to the attention of the Governments the conclusions of the Economic Committee.

8. Treatment of Foreigners.

In the Final Protocol of the International Conference on the Treatment of Foreigners, signed at Paris on December 5th, 1929, the delegates of the countries there represented urged the desirability of drafting the proposed Convention on the most liberal lines, with the possibility of allowing for the special situations of certain countries by granting them certain exceptions.

The Committee was informed that, although the enquiries made with regard to the documentation of the Paris Conference from the Governments which had taken part therein had not been completed within the prescribed time-limit, the interval had, nevertheless, been made use of by a certain number of Governments to initiate negotiations with a view to an agreement on a draft Convention which, in their opinion, would constitute an important progress as compared with the present situation.

The Committee was glad to hear that these negotiations were on the point of reaching a successful conclusion.

The Commission of Enquiry for European Union expressed the opinion that " a system of co-operation between European States is inconceivable unless the nationals and undertakings of one State receive in the territory of the other States equitable treatment approaching as nearly as possible to that accorded to the nationals and undertakings of the States concerned ".

The Committee entirely shares this view, but it considers that this equitable treatment should extend to all countries, and at any rate to all Members of the League. It hopes that the agreement which is on the point of being reached between a certain number of countries will facilitate the preparatory work for the second session of the Conference, and the conclusion of an international convention established on such a basis as to provide solutions for the various problems raised by the draft originally submitted to the Conference—solutions which will be likely to further the development of economic relations and international *rapprochement*.

9. Customs Nomenclature.

The Sub-Committee of Experts appointed by the Economic Committee to study the unification of Customs nomenclature has to-day virtually concluded its work after four years' assiduous labour. Accordingly, the Council, in a resolution dated September 1st, 1931, authorised the Secretary-General to forward the draft unified Customs nomenclature for examination to all Members and States non-Members of the League of Nations, these States being requested to say within six months from the receipt of the draft whether they are in principle prepared to adopt it, and to communicate their observations, if any, to the Secretary-General after consulting agricultural, industrial and commercial circles in their respective countries.

It considers it highly desirable that the different Governments should respond without delay to the invitation thus addressed to them in order to allow the Economic Committee to revise

the draft on the basis of the comments received from the Governments. Once this revision has been effected, the Economic Committee will have to prepare a draft international convention for the adoption of the unified nomenclature.

The Committee is aware that the adoption of the unified Customs nomenclature will entail certain difficulties for the majority of States; but it is convinced that the adjustments which may be necessary will be amply compensated by the considerable advantages resulting from its adoption

10. Indirect Protectionism: Marks of Origin.

The Economic Conference of 1927 pointed out that Customs tariffs did not constitute the sole obstacle to the development of commercial relations between the different countries, but that Customs barriers were often reinforced by administrative measures constituting one of the manifestations of indirect protectionism, the effects of which were often more injurious even than those of high tariffs.

In this connection attention was drawn to a large number of similar measures. The studies which the Economic Committee has devoted to them related, in particular, to the complaints aroused in industrial and commercial circles by the application of national laws prescribing the affixing of marks of origin to the goods themselves or to their make-up or packing.

The Economic Committee examined this question in all its aspects and endeavoured to find both equitable and practicable remedies. The consultation of specially qualified experts to which it proceeded enabled it to draw up a series of conclusions which, without denying countries the right to take steps to enable consumers to distinguish between home and foreign goods, nevertheless stipulate that the means employed by States for this purpose should be chosen in such a way as to reduce to a minimum the obstacles and drawbacks which the resulting regulations may impose on the trade and industry of the exporting countries.

The Committee drew from this principle a series of conclusions which the Council has communicated to the Members and the States non-members of the League of Nations, calling their attention to these conclusions.

The Second Committee is convinced that the observance of the Economic Committee's recommendations in this connection will have the most satisfactory results.

11. Bills of Exchange and Cheques.

The League of Nations achieved a further success during the year 1931 in the sphere of the unification of laws of the so-called "Continental" type relating to cheques. The Conference held during the winter, like that of last year with regard to bills of exchange and promissory notes, succeeded in concluding three Conventions, which were signed within the prescribed time-limit by twenty-six States. (The Convention on the Stamp Laws in connection with Cheques was signed by twenty-seven States.)

The time-limit for the deposit of ratifications of the Conventions on bills of exchange and promissory notes expires on September 1st, 1932, and that for the Conventions regarding cheques on September 1st, 1933.

It is to be hoped that the Governments of the States concerned will take without delay the necessary steps for the instruments of ratification to be deposited within the prescribed periods. It is true that, as the application of these Conventions involves a change in the national legislation of States, Governments will have to proceed first of all to consultations and studies which cannot be effected very rapidly. It is to be hoped that, despite this difficulty, these States will be able to avoid a delay which might compromise the success of a work from which the most excellent results may be anticipated.

12. National Economic Councils.

International economic co-operation could no doubt attain more considerable results if the principal elements in each of the national economic systems, having been associated in good time with the preparation of these results, were disposed to accept the obligations which their Governments might enter into in the international sphere.

Further, a more or less direct participation of the different economic circles in the studies, researches and debates initiated by the League of Nations with regard to problems of common interest, would be likely to prepare in each country an enlightened body of public opinion giving international agreements the best chances of success.

During the year 1931, two meetings have already been held at Geneva between the representatives of national economic councils with a view to the common study of the causes of the present economic depression, and it appears that they have already given good results. The Committee considers that further steps should be taken in this direction. When organisations of this kind function in a larger number of countries, having studied the same questions, meetings of these organisations under the auspices of the League of Nations will bring a particularly valuable contribution to the examination of the grave problems of the present day.

The Committee thinks it sufficient to draw the Council's attention to the utility of ensuring the co-operation of these national economic councils in the work of the League of Nations, leaving

it to the Council to seek the best means of carrying this idea into effect. It has been suggested in the Committee that this aim might be achieved by means of a suitable modification in the existing Economic Consultative Committee.

13. Economic Tendencies liable to influence World Peace.

Realising the connection which exists between economic policy and peace, the Second Committee is of opinion that the study begun in this connection by the Economic Organisation at the suggestion of the World Economic Conference of 1927 should be pursued.

14. Pact of Economic Non-aggression.

The Second Committee shares the Sixth Committee's opinion that the proposal aiming at the creation of a Pact of Economic Non-aggression submitted to the Commission of Enquiry for European Union is a question of worldwide importance.

Leaving it to the proposed special committee to examine the substance of the question, the Second Committee confined itself to suggesting to the Sixth Committee that certain extra-European States should be requested to take part in the work of the special committee.

C. DRAFT RESOLUTIONS.

In conclusion, the Second Committee submits the following draft resolutions to the Assembly:

" 1. The Assembly,

" Recognising that the normal exchange of commodities between the nations is seriously hampered by *frequent changes in Customs tariffs* and, generally, by instability in commercial policy;

" Considering the statement made by the Sub-Committee of Economic Experts to the Commission of Enquiry for European Union to the effect that the increasing disparity of tariffs greatly complicates the task of maintaining stability in the monetary and credit system of the world:

" Earnestly hopes that every country will try to the utmost possible extent to avoid any such change in tariff or commercial policy as would tend to suspend commercial agreements or to increase the economic disequilibrium and further disturb the general balance of payments. It also recommends that such agreements, where they do not exist, should be concluded on as liberal a basis as possible."

" 2. The Assembly,

" Having noted the resolutions Nos. I and III to VI (document A.38.1931) adopted by the Commission of Enquiry for European Union as a consequence of the report of its Co-ordination Sub-Committee;

" Being informed that the Commission of Enquiry did not feel able to put these resolutions into effect until they had been submitted to the Assembly:

" Approves these resolutions and requests the Council to take the necessary action to put them into effect.

" In particular, as regards the report of the Sub-Committee of Economic Experts, the Assembly:

" (*a*) Considering that closer economic co-operation is one of the essential conditions for relieving and overcoming the present economic crisis;

" Considering that the *report of the Sub-Committee of Economic Experts* suggests methods for attaining this object;

" Recognising that the seriousness of the crisis and the distress that the coming months will bring require a speedier application of all useful remedial measures:

" Notes the resolution of the Commission of Enquiry for European Union inviting the European Governments to present, if possible before January 1st, 1932, their observations on the said report; it recommends the report to the attention of all the Governments;

" (*b*) Having noted the resolution adopted by the Commission of Enquiry for European Union regarding the appointment of a special committee to study the *extension of a system of special facilities* to agricultural products other than cereals;

" Considering that such extension would raise difficult questions of principle, in particular as regards the relations between such a system and the most-favoured-nation clause:

" Deems it desirable that the findings of the special committee referred to above should be examined by the Economic Committee before being submitted to the Commission of Enquiry for European Union."

" 3. The Assembly,

" Considering that among the means likely to contribute to better organisation of production, the World Economic Conference, and more recently the Sub-Committee of Economic Experts, have expressed the opinion that, under certain conditions and guarantees, the development of *international economic agreements* may exercise a beneficial influence on the organisation of production and the regulation of trade;

" Draws the attention of the Governments to the recommendations of the economic experts in this connection.

" It requests, in particular, the Governments and the League of Nations to devote their attention to studying the means of ensuring that international economic agreements should be organised and operated in the general interest and with due regard to all interests concerned in accordance with the recommendations of the economic experts and the relevant chapter in the report of the World Economic Conference.

" It draws special attention to the necessity of measures to ensure as wide publicity as possible for these agreements, making it possible to follow their activities so as to safeguard all legitimate interests, particularly those of consumers, whether countries or persons.

" It further requests the Economic Committee of the League of Nations to resume and push forward its consultations concerning the most important branches of production."

" 4. The Assembly,

" Seeing that, among the measures of international solidarity calculated to mitigate the effects of the economic depression and to assist the resumption of activity which would benefit the workers of all countries, consideration should be given to the execution of important *public works* jointly undertaken by public or private groups on European or extra-European territory;

" Seeing, further, that the problem has already been approached by the Commission of Enquiry for European Union and has been laid before the competent organs of the League of Nations;

" In order to expedite the examination of these programmes, to co-ordinate them on an international scale, to hasten their putting into effect and to follow their execution:

" Invites the Council of the League of Nations to instruct the Committee of Enquiry set up by the Communications and Transit Organisation, to which should be added representatives of the International Labour Office and possibly of the economic and financial organs of the League, to undertake these various tasks.

" This Committee will examine the concrete proposals of the various Governments, particularly from the point of view of the utility and productivity of the works proposed.

" It will report to the Council of the League of Nations. The Commission of Enquiry for European Union will be called on to give its opinion on the proposals relating to Europe. "

" 5. The Assembly notes with satisfaction that the draft *unified Customs nomenclature* prepared, after an urgent request from the Assembly, by the Sub-Committee of Experts appointed for the purpose has now been completed.

" It considers that the adoption of an agreement to utilise a uniform Customs nomenclature would facilitate the development of international economic relations.

" Considering that the great advantages resulting from the adoption of such a common instrument will generally compensate for the difficulties of adjustment which its adoption may entail, it agrees with the procedure suggested by the Economic Committee and the Sub-Committee of Experts and approved by the Council.

" It therefore earnestly appeals to all Members and to the States non-members of the League of Nations to which the draft unified Customs nomenclature will shortly be submitted to examine the draft without delay, so that they may be in a position to forward their replies to the Secretariat as soon as possible."

" 6. The Assembly notes with satisfaction the valuable results of the two International Conferences for the *Unification of Laws on Bills of Exchange, Promissory Notes and Cheques*, and strongly urges the Governments of the States concerned to take steps to ensure that the instruments of ratification of these Conventions shall be deposited as soon as possible, and in any case before the expiry of the time-limits provided."

" 7. The Assembly,

" Considering that it would be desirable to associate with the work of the League of Nations institutions *(National Economic Councils)* representing the most important economic and social elements in certain States;

" Considering that institutions of this nature already exist—although with different methods and with different powers—in a number of countries, especially in Europe;

" Convinced of the desirability of utilising these institutions as much as possible in the work of improving international economic relations:

" Requests the Council to seek the most appropriate means of providing for the co-operation of National Economic Councils in the work of the League of Nations. "

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ANNEX 11.

OPENING OF A CONVENTION FOR THE REGULATION OF WHALING.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. BRAADLAND (Norway).

The main object of the draft Convention before the Second Committee is to secure the adoption by the greatest possible number of countries of certain rules intended to prevent, in the interests of the whaling industry itself, the destruction of a source of wealth available to all.

The steady growth of this industry in the last few years, thanks to improvements in equipment and technique, has resulted in an ever larger annual increase in the number of *balaenoptera* killed. Estimates obtained from various sources show that, for several years past, the number taken has varied from 25,000 to 30,000 each season! For the season which has just closed, the enormous figure of 40,000 has been mentioned.

Past experience shows the necessity of making an effort to prevent the extinction of the species which are chiefly hunted by modern whalers.

Biologists are not as yet very well acquainted with this branch of science and it is impossible to determine the number of these animals which could be taken annually without endangering the species. In view of the fact, however, that certain species of whales are already practically extinct, it will be realised that those species which it is still profitable to capture are exposed to serious danger.

The draft before you is the outcome of work begun in 1925 as the result of an Assembly resolution of the previous year for the creation of a Committee of Experts " to prepare a provisional list of the subjects of international law, the regulation of which by international agreement would seem to be most desirable and realisable ". Among the questions recommended by this Committee for examination was the " exploitation of the riches of the sea " and in his report Professor Suarès emphasised the danger of extermination to which the great *balaenoptera* were exposed.

A questionnaire was sent to the various States, and from the general trend of their observations it appeared that they recognised the importance of the problem and the desirability of finding a solution by international agreement.

In September 1927, the Assembly asked the Council to instruct the Economic Committee to study the question of the protection of marine fauna and to decide, with the help of experts, " whether and in what terms, for what species and in what areas, international protection of marine fauna could be established ".

In July 1929, the Economic Committee came to the conclusion that international measures might be contemplated to ensure the protection of whales and that such measures were actually urgent. The Committee added, however, that it could not make proposals in this respect until it had consulted experts.

The Norwegian Government meanwhile had prepared a Bill providing that its whalers throughout the world should observe certain rules with a view to putting an end to the incomplete utilisation of the whales taken. These rules were framed with a view to obtaining valuable biological information. The Norwegian law came into force on June 21st, 1929.

The deliberations of the experts who met in April 1930 resulted in the drawing up of a preliminary draft which was based to a considerable extent upon the Norwegian law and which, after being recast by the Economic Committee, was submitted by the Council to all Members of the League and to the non-member States for their observations.

The Economic Committee, after examining the communications from the Governments which, as a whole, were favourable to the draft, felt that a Committee of Experts appointed by the Governments should be entrusted with the revision of the proposed Convention in the light of the observations and suggestions which had been presented.

Thus the draft before you is the result of patient and careful work by qualified persons and has already been under consideration by the Governments.

The amendments made by the Committee which has just concluded its work are not of vital importance. They are indicated in document A.II.3. I shall not, therefore, go into them.

I should like, however, to draw your attention to the scheme of the draft Convention. It is determined by certain general principles.

To begin with, the Convention will apply to all the waters of the world, including both the high seas and territorial waters (Article 9). This does not imply any restriction of the sovereign rights of States within the territorial waters, for which they may, should they so desire, enact any provisions they consider useful, these provisions being added, if necessary, to those resulting from the Convention. This follows expressly from Article 8, paragraph 2.

It is, moreover, for the contracting parties themselves to take the appropriate measures to ensure the application of the provisions of the Convention and the punishment of infractions of the said provisions by their nationals and by vessels flying their flag (Articles 1 and 13).

Provisions of the Convention apply to baleens or whalebone whales (Article 2), but not to toothed whales.

The Convention absolutely forbids the taking or killing of certain species which have become very rare (Article 4).

For the other species, the prohibition applies to the killing or taking of calves, or immature whales, and females accompanied by suckling whales (Article 5).

This provision is intended to prevent waste of the source of wealth which whales represent by premature and unremunerative exploitation.

It is, indeed, difficult at times to distinguish an adult from an immature whale, and the experts who prepared the draft did not feel able to define the difference. They inserted in their draft, however, a provision under which it is to the interest of harpooners and the crews of whalers to capture adult animals, as their remuneration will depend to some extent on the nature of the whales taken (Article 7).

It was found that in many cases factories, whether on shore or afloat, were inadequately equipped for the extraction from the whales taken of the maximum quantity of utilisable products, and that they threw away raw material without turning it to account. With a view to preventing this waste, Article 6 of the draft provides that the fullest possible use shall be made of the animals killed.

It is important, in the interests of effective supervision, that no vessel should engage in whaling unless its owner or charterer has at least notified the Government of the country whose flag the vessel flies of his intention. Article 8 makes this notification compulsory. The same article provides that each of the contracting parties shall have the right to require that any vessel using its territory or territorial waters for the purpose of taking or landing whales, or remaining therein for the purpose of treating them, shall possess a licence issued by its own authorities.

The experience of the Norwegian Government has shown that the co-operation of whalers might be of great assistance in collecting extremely valuable biological data concerning whales, and that the classification and comparison of the information collected should be entrusted to an appropriate central body. As a result of enquiries carried out of its own accord into this matter, the Norwegian Government has been requested by the International Council for the Exploration of the Sea at Copenhagen to undertake this work regularly. The International Bureau for Whaling Statistics was accordingly founded at Oslo in 1930, and Article 12 of the Draft Convention provides that the information collected by whalers shall be regularly communicated to it by the Governments of the contracting parties. A first publication has already been issued.

Among the so-called " formal " clauses of the Convention there are two which call for explanation:

Under Article 17, the entry into force of the Convention is subject to the ratification or accession of eight countries, including Norway and Great Britain. It was considered that if the Convention was to be of service, it should be put into force by a certain number of countries,which should necessarily include Norway and Great Britain, in view of the fact that their combined takings represent approximately 80 per cent of the total number of whales killed annually.

Article 18 deals with the possibility of revising the Convention at the request of two contracting parties and on the Council's decision. The authors of the draft considered that it should be chiefly of the nature of an experiment and that its application would probably suggest improvements to be made later. In such a case it is important that all the contracting parties should participate in the necessary Conference.

As already stated, the draft Convention is based on the provisions of the Norwegian law of June 21st, 1929, which naturally apply solely to Norwegian vessels and their crews, in whatever seas they are operating. Its object is to generalise the application of the majority of those measures by extending them to the vessels of the other contracting parties.

If it is to produce its full effect, the Convention should, of course, be extended to every country in the world, since it is to be feared that, under the protection of the flags of States not parties to the Convention, vessels may engage in operations contrary to the rules adopted by common accord with a view to safeguarding an industry the very existence of which is seriously imperilled. It is therefore to be hoped that the large number of States not directly concerned will co-operate and will become contracting parties to a Convention which is essentially designed to promote general interests and which, in the case of States possessing a whaling industry, involves a voluntary limitation of their activities and positive obligations which they alone are called upon to undertake.

The experts entrusted with the revision of the text of the draft Convention tried to make the latter as simple as possible, and to exclude from it any provision which they did not consider absolutely essential.

It was in conformity with their intention, of which the Committee approved, that the latter considered it inadvisable, as had been requested by one delegation, to add, in accordance with the Assembly recommendation of October 3rd, 1930, a special protocol of signature whereby the Governments of the signatory States would undertake, before a definite date, " either to submit the said Convention for parliamentary approval, or to inform the Secretary-General of the League of Nations of their attitude in regard to the Convention ".

This decision in no way implies that the Committee contests the usefulness of such a provision, but it agrees with the author of the proposal that, since the Convention was not discussed at a conference, it seems advisable to keep as closely as possible to the draft regarding which the Governments have been consulted.

The Committee further expresses the hope that the Governments of the States signatory to the Convention will endeavour to conform to the recommendation mentioned above.

In conclusion, I propose that the Second Committee should transmit to the Assembly the following resolution:

"The Assembly,

"Convinced of the importance and urgency of regulating whaling by means of an international agreement prohibiting the taking or killing of certain kinds of whales which have become extremely rare and of making the fullest possible use of the animals the catching of which is still permitted;

"In view of the fact that the attached Convention differs from that communicated to the Members of the League and non-member States by Circular Letter No. 158, of July 3rd, 1930, only as regards certain minor points of drafting, and that no substantial changes have been introduced therein:

"Decides to open the said Convention immediately for the signature of Members of the League and non-member States, and expresses the hope that the largest possible number of States will accede thereto without delay."

Appendix.

CONVENTION FOR THE REGULATION OF WHALING.

The High Contracting Parties,

. . . . . .

have appointed as their Plenipotentiaries the following:

. . . . . .

Who, having communicated their full powers, found in good and due form, have agreed on the following provisions:

Article 1.

The High Contracting Parties agree to take, within the limits of their respective jurisdictions, appropriate measures to ensure the application of the provisions of the present Convention and the punishment of infractions of the said provisions.

Article 2.

The present Convention applies only to baleens or whalebone whales.

Article 3.

The present Convention does not apply to aborigines dwelling on the coasts of the territories of the High Contracting Parties provided that:

(1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;
(2) They do not carry firearms;
(3) They are not in the employment of persons other than aborigines;
(4) They are not under contract to deliver the products of their whaling to any third person.

Article 4.

The taking or killing of right whales, which shall be deemed to include North-Cape whales, Greenland whales, southern right whales, Pacific right whales and southern pigmy right whales, is prohibited.

Article 5.

The taking or killing of calves or suckling whales, immature whales, and female whales which are accompanied by calves (or suckling whales) is prohibited.

Article 6.

The fullest possible use shall be made of the carcases of whales taken. In particular:

1. There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine.

The provisions of this sub-paragraph shall apply only to such carcases or parts of carcases as are not intended to be used for human food.

2. Every factory, whether on shore or afloat, used for treating the carcases of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones.

3. In the case of whales brought on shore, adequate arrangements shall be made for utilising the residues after the oil has been extracted.

Article 7.

Gunners and crews of whaling vessels shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the size, species, value and yield of oil of whales taken, and not merely upon the number of whales taken, in so far as payment is made dependent on results.

Article 8.

No vessel of any of the High Contracting Parties shall engage in taking or treating whales unless a licence authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party, whose flag she flies, or unless her owner or charterer has notified the Government of the said High Contracting Party of his intention to employ her in whaling and has received a certificate of notification from the said Government.

Nothing in this article shall prejudice the right of any High Contracting Party to require that, in addition, a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking, landing or treating whales, and such licence may be refused or may be made subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, whatever the nationality of the vessel may be.

Article 9.

The geographical limits within which the articles of this Convention are to be applied shall include all the waters of the world, including both the high seas and territorial and national waters.

Article 10.

1. The High Contracting Parties shall obtain, with regard to the vessels flying their flags and engaged in the taking of whales, the most complete biological information practicable with regard to each whale taken, and in any case on the following points:

(*a*) Date of taking;
(*b*) Place of taking;
(*c*) Species;
(*d*) Sex;
(*e*) Length; measured, when taken out of water; estimated, if cut up in water;
(*f*) When fœtus is present, length and sex if ascertainable;
(*g*) When practicable, information as to stomach contents.

2. The length referred to in sub-paragraphs (*e*) and (*f*) of this article shall be the length of a straight line taken from the tip of the snout to the notch between the flukes of the tail.

Article 11.

Each High Contracting Party shall obtain from all factories, on land or afloat, under his jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Article 12.

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to the International Bureau for Whaling Statistics at Oslo. The information given shall comprise at least the particulars mentioned in Article 10 and: (1) the name and tonnage of each floating factory; (2) the number and aggregate tonnage of the whale catchers; (3) a list of the land stations which were in operation during the period concerned. Such information shall be given at convenient intervals not longer than one year.

Article 13.

The obligation of a High Contracting Party to take measures to ensure the observance of the conditions of the present Convention in his own territories and territorial waters, and by his vessels, shall not apply to those of his territories to which the Convention does not apply, and the territorial waters adjacent thereto, or to vessels registered in such territories.

Article 14.

The present Convention, the French and English texts of which shall both be authoritative, shall remain open until the thirty-first of March 1932 for signature on behalf of any Member of the League of Nations or of any non-member State.

Article 15.

The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League of Nations and non-member States indicating the dates of their deposit.

Article 16.

As from the first of April 1932, any Member of the League of Nations and any non-member State, on whose behalf the Convention has not been signed before that date, may accede thereto.

The instruments of accession shall be deposited with the Secretary-General of the League of Nations, who shall notify all the Members of the League of Nations and non-member States of their deposit and the date thereof.

Article 17.

The present Convention shall enter into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of not less than eight Members of the League or non-member States, including the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

As regards any Member of the League or non-member State on whose behalf an instrument of ratification or accession is subsequently deposited, the Convention shall enter into force on the ninetieth day after the date of the deposit of such instrument.

Article 18.

If after the coming into force of the present Convention the Council of the League of Nations, at the request of any two Members of the League or non-member States with regard to which the Convention is then in force, shall convene a Conference for the revision of the Convention, the High Contracting Parties agree to be represented at any Conference so convened.

Article 19.

1. The present Convention may be denounced after the expiration of three years from the date of its coming into force.

2. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States of each notification received and of the date of its receipt.

3. Each denunciation shall take effect six months after the receipt of its notification.

Article 20.

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate; and the present Convention shall not apply to any territories named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time after the expiration of the period of three years mentioned in Article 19, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate and the Convention shall cease to apply to the territories named in such declaration six months after its receipt by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-member States all declarations and notices received in virtue of this article and the dates of their receipt.

Article 21.

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE AT GENEVA, on the day of September one thousand nine hundred and thirty-one, in a single copy which shall be kept in the archives of the Secretariat of the League of Nations and of which certified true copies shall be delivered to all the Members of the League of Nations and to the non-member States.

ANNEX 12

Official No. : A.76.1931.VIII.

WORK OF THE ORGANISATION FOR COMMUNICATIONS AND TRANSIT.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. COSTA DU RELS (Bolivia).

A feature of the work of the Communications and Transit Organisation since the last Assembly has been the success of three international conferences — one for the Unification of Buoyage and the Lighting of Coasts, to which the Governments of the maritime countries were invited, and two others on the Unification of River Law and on Road Traffic, to which the Governments of the European countries were invited.

The Conference for the Unification of Buoyage and the Lighting of Coasts met at Lisbon from October 6th to 23rd, 1930, on the invitation of the Portuguese Government. It aroused keen interest among specialists. Though the Conference did not completely finish its work, it nevertheless effected very important progress. It adopted an agreement concerning maritime signals, an agreement concerning manned lightships not on their stations, and a number of recommendations on lighthouse characteristics and radio-beacons. A great many Governments signed these agreements.

The problem of the unification of buoyage characteristics raised serious difficulties and the Conference could not draw up a convention. Nevertheless the preparatory work required for a convention on this subject was carried sufficiently far at the Conference for there to be every prospect of reaching an agreement which would be as universal as possible when the Conference, in accordance with the desire it expressed, is called upon to resume its work. The Assembly naturally expects that the Communications and Transit Organisation will not propose the summoning of a second conference until it has taken every care to ascertain that such a conference would be likely to meet with complete success.

The Conference on the Unification of River Law met at Geneva from November 17th to December 9th, 1930. It adopted, in particular, a Convention for the Unification of Certain Rules concerning Collisions in Inland Navigation ; a Convention on the Registration of Inland-Navigation Vessels, Rights *in rem* over such Vessels and other Cognate Questions ; and a Convention on the Administrative Measures to Attest Nationality of Vessels employed in Inland Navigation. The first two Conventions in particular were signed by the representatives of the majority of the Governments concerned. The success of this Conference, which dealt with particularly difficult problems requiring methodical and careful preparatory work — which has been carried out by the Transit Organisation's Committee for the Unification of River Law during a number of years — will not only make it possible to prevent certain conflicts of law detrimental to the exercise of river navigation, but will also be of assistance to the owners of inland-navigation vessels in obtaining the mortages which they require. Likewise, in regard to river navigation, the Transit Organisation, in collaboration with the International Labour Organisation, has been able to undertake the study of questions of social legislation concerning inland navigation, particularly of questions of conditions of employment of personnel in inland navigation. It is to be hoped that the studies the experts are now engaged on will enable concrete proposals to be drawn up on this subject.

The European Conference on Road Traffic, which met in March 1931, adopted an International Convention on the Unification of Road Signalling, which is of particular importance for motor tourist traffic and the safety of transport by road ; a Convention on the Taxation of Foreign Motor Vehicles intended to do away with certain formalities and charges to which international motor tourist traffic is at present liable ; and, finally, an agreement between the Customs authorities in order to facilitate the procedure in the case of undischarged or lost triptychs. The signatures already given to these various Conventions make it clear that the Conference has obtained complete success on all those points. The Conference also had before it a draft Convention on International Commercial Motor Transport. Owing to the great and steady growth of commercial motor traffic during the past few years, a great many delegations considered themselves unable to form a correct idea of the legal consequences of a convention on this subject, and the Conference decided that it would be better to hold over for a later Conference such solutions as it might be desirable to adopt internationally, after the further necessary enquiries into the legislation of the various countries had been completed.

It would appear to be unnecessary in the present report to examine the work carried out by the Advisory and Technical Committee for Communications and Transit and its

organs with regard to the preparation for the Fourth General Conference on Communications and Transit which is to meet on October 12th next. This Conference, which meets according to the Statutes every four years, will undertake a general examination of the work of the Transit Organisation. Further, in accordance with the request of a previous Assembly, it will examine the expediency from an economic and social standpoint of fixing movable feasts and reforming the calendar. Its results will be brought before the next Assembly, which will be in a better position to examine them.

Nor does it appear necessary to examine in detail the various resolutions adopted by the Committee for Communications and Transit at its last session. It may, however, be pointed out that the Advisory and Technical Committee has taken steps to place and keep on its agenda the question of the transport of agricultural products to which its attention was drawn by the Conference for Concerted Economic Action. Although, for the study of this question to be pursued further we must wait until such time as, in the words of the resolution adopted by the Committee for Communications and Transit, the policy of co-operation between States is sufficiently fixed, it is nevertheless desirable that the Communications and Transit Organisation, with the help of the International Institute of Agriculture, should assemble more precise particulars which would enable it to select those problems which might be approached with advantage, as well as those categories of agricultural products which appear most likely to benefit from the application of suitable measures.

The special attention of the Assembly should be drawn to the services which the Organisation for Communications and Transit is beginning to render in a sphere which in some respects is new — namely, that of international co-operation for the study and preparation of the great problems of public works. In the past, the Communications and Transit Committee, at the request of the Polish Government, granted the assistance of experts who submitted a report to the Polish Government on certain questions which had arisen in Poland regarding internal navigation and the draining of marshes.

The National Government of China, following the visit to China of the Director of the Communications and Transit Section of the Secretariat, requested the help of the Transit Organisation in obtaining the services of experts finally to establish a programme for the public works contemplated by the Chinese Government. The programme includes work in the river basin of the Hwai and the river system of Northern China and a scheme for the development of the port of Shanghai. The assistance of the Transit Organisation has also been requested in the organisation and development of a centre for the technical study of public works. The centre is intended to facilitate the technical training of civil engineers, and to assist in the organisation and direction of studies, more especially for the construction of roads and waterworks. It will form the nucleus of a national service of civil engineers. Further, in response to the request addressed by the Government of China to the Council of the League of Nations that the technical organisations of the League may be continuously available for advice to the National Economic Council which the Chinese Government has set up with a view to a general scheme of reconstruction, the Communications and Transit Organisation may be called upon to assist in establishing a scheme of public works and national technical equipment in China.

The Advisory and Technical Committee, on behalf of the Organisation for Communications and Transit, has agreed to undertake these various duties and has assured the National Government of China that it will spare no effort to justify the confidence placed in it by the Chinese Government and to assist the National Government of China to carry out its work of economic reconstruction in the sphere of communications and public works. A Committee has been appointed to study methods of training civil engineers and has been asked to examine questions relating to the organisation of the technical centre to be created for this purpose. Further, a Committee of Enquiry, appointed to deal with general questions relating to public works, has been invited to examine any questions raised in the course of the collaboration between the Communications and Transit Organisation and the National Economic Council of China concerning the establishment of a scheme of public works and national technical equipment. All the necessary steps have, moreover, been taken by the Advisory and Technical Committee to facilitate the appointment and despatch of experts required to work on the spot and to ensure by means of technically qualified officers, seconded for short service in China, the necessary contact between the Transit Organisation and the technical bodies of the Chinese Government, particularly the technical centre entrusted with the study of public works.

Quite recently, the Commission of Enquiry for European Union, in pursuance of a suggestion put forward by the Director of the International Labour Office, requested the Council to send to the Public Works Committee of the Communications and Transit Organisation for its examination any requests which might be received from various European Governments for the examination of programmes of public works of interest to those States with a view to promoting international co-operation in the execution of works of proved economic and social interest.

The Assembly will doubtless note with satisfaction the work which the Communications and Transit Organisation continues to accomplish and will be especially gratified that the Organisation which at first was obliged to attach special importance to questions of principle relating to the legal settlement of international difficulties in respect of communications, is at present, in view of the economic problems which occupy a predominant position

in the minds of all nations, endeavouring more and more to co-operate in the work of economic reconstruction and to carry out the essential task of placing an impartial service for the study of the great economic and technical questions of communications and public works at the disposal of all nations.

I have the honour to submit the following resolution to the Assembly for adoption:

"The Assembly,

"Takes note of the work undertaken by the Organisation for Communications and Transit since the last Assembly and in particular of the success achieved by the Conference for the Unification of Buoyage and Lighting of Coasts, the Conference for the Unification of River Law and the Conference on Road Traffic;

"Expresses its confidence that the Organisation will do its utmost to secure the entire success of the co-operation established with the National Government of China for the study of questions of public works in which its assistance has been requested;

"Likewise expresses its confidence that the Transit Organisation will endeavour to take suitable steps to comply with requests for advice in respect of public works which it may receive from the various Governments; such as the requests for advice referred to in the report of the Commission of Enquiry for European Union."

ANNEX 13.

Official No.: A.60.1931.III.

WORK OF THE HEALTH ORGANISATION.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. Zdeněk FIERLINGER (Czechoslovakia).

The reports submitted to the present Assembly on the work of the Health Organisation of the League of Nations — the Annual Report of the Health Organisation for 1930 (document A.7.1931.III), the Report of the Secretariat on the Work of the League of Nations since the Last Assembly (document A.6. and A.6*(a)*.1931) and the Report of the Singapore Bureau — are so complete that I shall confine myself to a brief review of those activities which are particularly significant from the point of view of the interesting methods of international co-operation developed by this Organisation.

You will remember that these methods were eloquently described by the Rapporteur to the last Assembly, the delegate of the British Empire, who pointed out that the solution of the problems dealt with by the Health Organsiation involved three stages — first, study of the problem and collection of information; second, on the basis of this information, the formation of general conclusions; and, last, the period of action: response to the application of particular Governments for advice or assistance in their peculiar problems.

1. Since the last Assembly, the Health Organisation has developed one of its most important tasks — that of giving assistance to Governments asking for advice on the methods to be employed to solve general or special administrative and medical problems in public health. You will permit me, in this connection, to mention in the first place the co-operation which has been established with the Ministry of Public Health and Physical Education in my country with a view to a survey of the health conditions of certain districts. These investigations will, I hope, lead to recommendations which should make it possible to draw up a complete public health programme for Czechoslovakia.

As an important stage in the application of the plan of sanitary re-organisation adopted by the Greek Government as a result of the request for assistance which that Government had previously addressed to the League of Nations, the School of Hygiene — an integral part of the Athens Health Centre — was opened in March 1931. Satisfactory progress is also being made as regards other parts of the programme.

In Bulgaria, the campaign against certain infectious diseases conducted in several districts in co-operation with the Health Organisation has already begun to bear fruit, thanks to the creation of suitable institutions and to the efforts made in the field of medical assistance and public health.

At the request of the Roumanian Government, the Health Organisation co-operated in organising an enquiry into the causes and prevention of infant mortality on the lines of

those already carried out with such excellent results, also under the auspices of the Health Organisation, in various countries of Europe and South America. The results of the enquiry at present in progress will be put into practical application in Roumania.

An expert was appointed by the Health Organisation to take part in the work of the mission sent to Liberia by the Council, in order to study the problems raised by the request for assistance submitted to the League of Nations by the Government of that country.

As a result of the report of the representatives of the Health Organisation who were sent to Bolivia at the request of the Government of that country, the Director-General of Public Health laid before the Health Committee a programme for the re-organisation of the Bolivian health services and asked the Health Organisation to co-operate in its application. The Health Committee decided to assist the Bolivian Government in the training of a certain number of public health officers by co-operation in studies of disease conditions in certain tropical and sub-tropical regions and by advising the Government on the proposed plan of re-organisation. An expert of the Health Organisation will shortly leave for Bolivia to continue this collaboration.

The report on the enquiries into infant mortality undertaken in the Argentine Republic, Brazil, Chile and Uruguay was discussed at the Conference held at Lima in July 1930, and has been communicated to the health administrations of Latin-American countries, most of which were represented at this Conference. The results of the enquiry, which correspond to those obtained by similar enquiries in Europe, furnish valuable indications to the health administrations on the methods of combating the dangers which threaten early infancy.

The report of the Montevideo Conference held in September 1930, thanks to the generosity of the Government of Uruguay, and carried on with the assistance of the Health Organisation, also contains important conclusions on the value of the different methods for the serological diagnosis of syphilis. This information will be useful, not only to the South American authors of the diagnostic methods who took part in the practical work of the Conference, but also to all scientists working in this field. The Montevideo Conference recommended that this special serological work should be continued by all the South American countries and should be co-ordinated by the Health Organisation.

I am glad to inform the Assembly that the Brazilian Government has offered to create at Rio de Janeiro an International Centre for the study of leprosy which will be placed at the disposal of the League of Nations. The Council has accepted this offer and expressed its appreciation to Brazil for her generous action, which will be of very considerable assistance in carrying on the international studies planned by the Leprosy Commission.

The Assembly will recall the information given last year by the delegate of the British Empire regarding the progress of the work of reconstruction in China, for which the services of the Health Organisation were placed at the disposal of the Government of China.

Since that time, the assistance of other organisations of the League of Nations has been requested, and I venture to recapitulate the progress achieved in the field of hygiene. The organisation of the Central Field Health Station at Nanking to form the nucleus of the National Health Service provided for in the plan of re-organisation is being actively pursued and the station is already partly in operation. The first national hospital, also at Nanking, is already in full operation. The National Quarantine Service began to function more than a year ago in a number of ports. An expert appointed by the Health Organisation visited the Chinese medical shools and assisted the National Commission in drawing up a standard programme of teaching. His report, with the Health Committee's recommendations, which have been communicated to the Government of China, will permit of the organisation and operation of a first " model " school at Nanking.

The organisation of the campaign against cholera and smallpox in the Shanghai area is being effectively pursued. Moreover, in accordance with the usual practice, individual study grants have been awarded to the candidates for several posts in the new institutions provided for in the plan of sanitary re-organisation.

Our co-operation in the reconstruction of China, which began with health, has been extended to problems of intellectual co-operation, economics, and communications and transit.

I think I am expressing the feelings of all in voicing our admiration for the perseverance with which the Government of China, not dismayed by the disasters which have just occurred within its borders, continues to devote all its energy to the work of national reconstruction.

As the Assembly knows, the Director of the Chinese National Health Administration has requested the Health Organisation to take immediate steps to co-ordinate the action taken by the health services of China's neighbours in order to prevent the epidemics which threaten the flooded regions. We are sure that China's appeal will be favourably received, and we all hope that this action which is now in course of preparation will shortly prove its effectiveness.

The Second Committe was unanimous in approving the following proposal presented by the French delegation, and now asks that this draft resolution should be adopted by the Assembly.

" The Assembly,

" Regarding the danger of the spread of epidemics and the loss of life as a result of the terrible disaster in the Yangtse valley, both as a humanitarian problem of the first magnitude and a matter of international concern,

" Recalling the assistance rendered in similar circumstances by the Health Organisation through its Epidemic Commission in Poland and Greece in 1921 and 1923 ;

" Convinced of the need to show clearly and concretely the sympathy of humanity for the victims of this appalling catastrophe :

" Invites all the States Members and non-members of the League of Nations, and particularly those in close contact with the Far East, to respond, so far as is in their power, to any request that may be made to take all possible measures for relief in the flooded areas of China, in co-operation with the League of Nations ;

" Requests the Council to take the necessary steps to render the international co-operation effective."

The measures taken by the Governments who have asked for the Health Organisation's assistance must of course be based on technical conclusions resulting from the experience of numerous countries and constituting a survey of the present state of science and practice in public health. The new Health Committee, which met for the first time at the end of September 1930, initiated a new method of work which consists in the creation of reporting committees composed of a limited number of experts to formulate recommendations capable of being utilised, not only by such Governments, but by all administrations desirous of organising or re-organising their health services. These committees are responsible for drawing up a plan of action for the different branches of hygiene. Each subject will be dealt with in an essentially practical manner, and the plan will at the same time be capable of adjustment to the natural, social, economic, financial and technical resources of the different countries.

The recommendations contained in the reports of the *Leprosy Commission* drawn up at this Commission's meeting at Bangkok in December 1930 describe a series of prophylactic and curative methods of universal value, based on the principles I have just indicated and on scientific and practical experience acquired during the last thirty years. Similarly, the report on *Schools of Hygiene* drawn up as a result of the meetings of directors of schools of hygiene held at Paris and Dresden in 1930 provides guiding principles of this kind, of great value to Governments which, in their efforts towards reconstruction and progress, desire to train public health officials for this work.

The Assembly will certainly agree with me in expressing its appreciation of the methods which the Health Organisation has adopted in response to the desire of the last Assembly that the experience acquired by this Organisation should be placed to an increasing degree at the disposal of the States Members.

2. Among the permanent tasks of the Health Organisation, I should like, in the first place, to refer to the work which it has entrusted to its *Eastern Bureau*. The value of the Singapore Bureau, recognised by former Assemblies, is continuously increasing through technical improvements in the transmission of information on infectious diseases. This Bureau at present acts, not only as a centre for epidemiological intelligence, but also for co-ordinating research into problems peculiar to the countries situated within its field of action. I am sure that we all desire to see this action develop so that the Bureau may become, to an increasing extent, the general agent for the East of the health work of the League of Nations. The *Epidemiological Intelligence Service* of the Health Section of the League of Nations Secretariat also continues to develop the rapidity and value of its system of international notifications of epidemic diseases.

Another permanent task of the Health Organisation has been carried out through collective study tours, known as " interchanges ", which provide an effective means of exchanging knowledge acquired by various countries in health matters. Tours of this kind are at present in progress in the United States of America for the study of questions concerning the *milk supply* and the *fumigation of ships*. In this connection, may I draw your attention to the welcome offer of the French Government to establish in Paris an International School for Advanced Health Studies for the purpose of continuing and centralising, through a permanent institution open to all nations, the work already carried out in this field by the " interchanges " and by individual study scholarships?

The results of comparative studies of *immunisation against diphtheria and scarlet fever* undertaken in several countries were discussed at a meeting of experts (bacteriologists, clinicians and serologists) held in London this summer. This meeting adopted recommendations with regard to the best methods of vaccination and the most profitable

way of applying them to combat effectively these diseases, which are a matter of concern for all health administrations. The *Permanent Commission on Standardisation* has again taken an important step forward. This Commission has, during the current year, adopted several new international standards for serological products and for a number of vitamins. These results are valuable, both from the scientific point of view and for the testing of the innumerable preparations on the market. The activities of this Commission furnish another striking example of the methods of international co-operation adopted by the Health Organisation. As a result of comparative studies, international standards are established and subsequently adopted by the national authorities for their own work. Studies made by the *Malaria Commission* in this connection have also led to the definition of a standard product of the total alkaloids of cinchona (" totaquina "), which is approximately as efficacious as quinine. The results of these studies should meet the necessity to increase the supply of the active product and help to bring about a decrease in the cost of treatment.

3. I was particularly interested in the discussions of the *European Conference on Rural Hygiene*, which I was able to follow personally. The report of this Conference has just been adopted by the Council (document C.473.M.202.1931.III). The preparatory work and the discussions of this Conference, which was convened by the Council on the proposal of the Spanish Government, have made it possible to compare the experience of various countries in rural hygiene, which must be regarded as one of the most important factors in the development of agricultural districts. Interdependence of economic and social questions, as well as health factors, is, in fact, particularly evident in rural districts.

I was struck by the sincere spirit of co-operation shown by all those taking part in this Conference. This spirit made it possible to adopt the recommendations unanimously, thus giving them a moral force which will be a valuable support to the action of those national or local health administrations which wish to apply them. The recommendations are, in fact, a practical guide to effective and economical rural health administration. They deal with the guiding principles and suitable methods for ensuring effective medical assistance in rural districts, the organisation of rural health services, and the improvement of health conditions in such districts. While taking account of the necessity of adapting the measures advocated to local conditions, the Conference established a certain number of minimum standards and emphasised the praiseworthy tendency towards the rationalisation of health organisation.

For the first time in a Conference of such importance, those taking part included representatives of social welfare, health insurance, agricultural associations and the medical profession, as well as agriculturists, architects, hygienists and engineers. Three large international organisations dealing with the protection of rural populations, the Health Organisation of the League of Nations, the International Labour Office and the International Institute of Agriculture, co-operated closely in the preparation and work of the Conference. The Conference was attended by eighty-six delegates and experts from twenty-five European countries, and by eight observers from non-European States ; indeed, the influence of the recommendations adopted extends far beyond Europe, and their value for overseas countries was recognised by the observers delegated by those countries.

The Conference also put forward a certain number of interesting proposals for international studies in rural hygiene. These are to deal with the programme and methods to be adopted for the technical training of health visitors and sanitary engineers, the cost of medical services and health services in certain specially selected rural districts, the quality of milk in rural districts, the campaign against flies and typhoid fever, standardisation of methods for analysing and testing drinking water and sewage. The various European schools of hygiene and similar institutions whose directors met during the Conference will carry out most of these enquiries according to a uniform plan. This work will be co-ordinated by the Health Organisation, which, for this purpose, will keep in touch with the two other international organisations above mentioned, in order to profit by their co-operation and special competence.

I have spoken at some length on the results of the European Conference on Rural Hygiene, as I was anxious to draw particular attention to them. I am sure everyone will agree with me in recognising the value of the work accomplished and will be anxious for its scope to be increased, so that the rural populations of all countries may benefit by it in the near future.

In conclusion, I have the honour to propose the following resolution :

" The Assembly,

" Having noted the reports on the work of the Health Organisation of the League of Nations since the last session :

" Recognises with satisfaction the value of the methods of international co-operation employed by this Organisation ;

" Notes with satisfaction that the experience acquired by the Health Organisation is being made available to the States Members of the League to an ever-increasing extent ;

" Expresses the hope that steps will be taken to give the widest and most rapid distribution to the information collected by the Health Organisation concerning the practical and scientific health work, carried out in the different countries, which is of international interest;

" Views with interest the work accomplished on rural hygiene, and hopes that the task undertaken in this field will be extended so that the rural populations of all countries may benefit in the near future;

" Approves the work carried out by the Health Organisation since the last session of the Assembly;

" And congratulates that Organisation on the results obtained, which give fresh proof of the concentration of its efforts on definite tasks, and the universality of its work. "

ANNEX 14.

Official No.: A.73.1931.IX.

CO-OPERATION OF WOMEN AND OF THE PRESS IN THE ORGANISATION OF PEACE.

REPORT OF THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. BUERO (Uruguay).

On September 11th, the Assembly decided to refer for examination to the Third Committee the following draft resolution submitted by the Spanish delegation concerning the co-operation of Women and the Press in the Organisation of Peace:

" The Assembly,

" Considering that the organisation of peace demands the maintenance of an international spirit freed from all prejudices and misconceptions,

" Convinced of the necessity of ensuring that the Press of all nations receives as impartial and complete information as possible,

" Requests the Council to consider the possibility of studying:

" *(a)* Means of associating feminine action and feminine feeling with the work of the League of Nations by an effective and direct collaboration;

" *(b)* Means for preventing, with the assistance of the Press, the dissemination of such false information as may hinder the maintenance of peace and goodwill among the peoples."

The Spanish delegate, M. de Madariaga, explained that the reason why paragraphs *(a)* and *(b)* had been inserted in the same draft resolution was that, in the opinion of the Spanish delegation, an effort was required to ensure that the work of maintaining peace was carried out in a good moral atmosphere, and that among the most important factors in the creation of this atmosphere were, in its view, the action of women and the action of the Press. The Committee, while agreeing with the Spanish delegation, nevertheless thought it preferable to treat these two questions separately, though it recognised that they had a common basis.

In consequence, it has prepared two distinct draft resolutions.

I.

CO-OPERATION OF WOMEN IN THE ORGANISATION OF PEACE.

The Third Committee unanimously acknowledged the results already obtained from the co-operation of women in the work of peace, whether in their individual capacities or by national and international women's organisations. During the discussions in the Third Committee due account was taken of the interest displayed by women in the work of the League and it seems advisable to see whether schemes for closer co-operation could not be examined — especially at a time when the Geneva organisation is undertaking what may be decisive work in the sphere of peace and understanding between nations.

In view of the importance of the educative and moral rôle played by women, and of their influence in the formation of public opinion, this co-operation may be of great value and produce important results.

The Committee felt that on this occasion it should not deal with the question of admitting women to positions either in the League or connected therewith, this question having already been settled by Article 7 of the Covenant. Nor did the Committee intend to raise the question of the composition of delegations taking part in the various conferences and committees of the League of Nations, as this was a question within the competence of each individual Government.

It was only concerned now with their unofficial co-operation in the organisation of peace and the maintenance of good understanding between nations. It would be for the Council to examine the means whereby such co-operation could be promoted and intensified.

With these considerations in mind the Third Committee submits the following draft resolution for the approval of the Assembly:

"The Assembly,

"Convinced of the great value of the contribution of women to the work of peace and the good understanding between the nations, which is the principal aim of the League of Nations,

"Requests the Council to examine the possibility of women co-operating more fully in the work of the League."

II.

Co-operation of the Press in the Organisation of Peace.

During the session of the Special Committee appointed to frame a Draft General Convention to Improve the Means of Preventing War, the Swedish Government submitted the following proposal:

"The High Contracting Parties undertake to endeavour, so far as their national laws permit, to suppress all verbal or written propaganda designed to prevent a peaceful settlement of the crisis."

On the other hand, the Polish Delegation submitted the following recommendation:

"The Special Committee,

"Being aware of the danger which, in the event of an international crisis, may arise from irresponsible Press campaigns and publicity given in the Press to inaccurate or tendencious information;

"Recognising that aggressive propaganda against a foreign Power may in certain circumstances constitute a veritable threat to the peace of the world;

"Requests the Assembly to consider this problem and examine the possibilities of finding a solution."

The Committee decided to lay this question before the Assembly.

The proposal of the Spanish delegation is largely based upon the same considerations as those of the Swedish and Polish delegations.

The Third Committee was unanimous in recognising that the Press could have a great influence on the relations between the peoples, and that it is in the interests of peace that the Press should receive and spread as correct and impartial information as possible.

This question presents only one aspect, although a very important one, of the general problem of moral disarmament. The Third Committee was not asked to give its opinion on the other aspects of this problem, which is dealt with in detail in a memorandum drawn up by the Polish Government for the use of the delegations to the Disarmament Conference.

The Third Committee did not feel that it could make any positive suggestion regarding the method of studying the difficult problem of the spread of false news. It confines itself to proposing that the Assembly should bring this problem to the notice of the Council, as its importance increases *pari passu* with the increasing interest in international relations shown by the Press. It is for the Council, if it thinks fit, to examine with the help of experts the best way of approaching this question.

The Third Committee noted with the greatest satisfaction the delegate of Denmark's statement to the Committee that his Government would welcome to Copenhagen the heads of official Press bureaux and thus give them an opportunity of discussing means of establishing regular unison between them which might to some extent promote the objects referred to in the Spanish resolution.

The Third Committee considers that the examination of this problem should not be confined to a meeting of representatives of official Press bureaux. It should be supplemented by a consultation of those newspaper groups which could give valuable advice on the subject.

The Third Committee submits the following draft resolution to the Assembly:

"The Assembly,

"Considering that the organisation of peace demands an international spirit freed from all prejudices and misconceptions,

"Convinced of the necessity of ensuring that Press information shall be as impartial and complete as possible,

"Requests the Council to consider the possibility of studying, with the help of the Press, the difficult problem of the spread of false information which may threaten to disturb the peace or the good understanding between nations."

ANNEX 15.

Official No.: A.74.1931.IX.

COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY.

REPORT OF THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. BUERO (Uruguay).

I. FACILITIES TO BE GRANTED TO AIRCRAFT.

At its eleventh session the Assembly adopted a resolution concerning the regime applicable to aircraft engaged in transport of importance to the working of the League at times of emergency. The resolution provided, on the one hand, that negotiations should be undertaken by the Secretary-General and the Governments concerned, with a view to the application of the rules laid down by the Assembly, and, on the other hand, that the Council should decide on certain measures of detail relating to the identification of aircraft used in the service of the League.

The Third Committee has noted with satisfaction that the replies received from the Governments and the information communicated by the Secretariat indicate that the regime desired by the Assembly could be applied immediately in the event of a situation necessitating emergency communications with the League. Some States have not yet replied to the Secretary-General's request, but there is no reason to suppose that they would raise difficulties. With respect to the identification of aircraft engaged in such duties, the Council has adopted a proposal submitted to it by the Advisory and Technical Committee for Communications and Transit, which was drawn up after consultation with the International Commission for Air Navigation. The resolution adopted by the Council applies only to aircraft possessing a nationality. It was not considered fit to raise at this time the question of aircraft belonging to the League of Nations.

II. FACILITIES TO BE GRANTED TO MOTOR TRANSPORT.

At its eleventh session the Assembly also adopted a resolution concerning the regime applicable to motor vehicles effecting transport of importance to the working of the League at times of emergency. The resolution provided that the matter should be generally governed in the same manner as that concerning aircraft. The Third Committee notes with satisfaction that the regime applicable to motor transport, as desired by the eleventh Assembly, could be put into operation immediately.

III. CONSTRUCTION OF A LEAGUE WIRELESS STATION.

The Third Committee has noted that in view of the work being carried on under contracts with various companies, the wireless station is expected to be in operation at the latest by the beginning of 1932. It believes that the Assembly will appreciate the progress achieved in this direction.

IV. LAYOUT OF AN AERODROME NEAR THE SEAT OF THE LEAGUE OF NATIONS.

A technical report (see document A.21.1931.VIII), prepared by a committee of experts appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit, concerning the layout of an aerodrome near the seat of the League which would be of service to the League at times of emergency, has been submitted to the present session of the Assembly. While the technical examination of the question appears to be concluded, it would seem that some non-technical questions between the Swiss Federal Government and the Secretariat of the League have not yet been settled. In these circumstances the Third Committee considered that the discussion of this question should be postponed until the next session of the Assembly, in order that the Assembly might be in possession of all the information required for its decision.

ANNEX 16.

Official No. : A.56.1931.V.

APPOINTMENT OF A SPECIAL COMMITTEE TO STUDY THE EXISTING SYSTEM OF ELECTIONS TO THE COUNCIL.

REPORT OF THE FIRST COMMITTEE TO THE ASSEMBLY.

Rapporteur : Viscount CECIL OF CHELWOOD (British Empire).

The First Committee recommends that the Assembly should adopt the draft resolution on the above subject submitted to the Assembly by the delegation of the British Empire, which was in the following terms :

> " The Assembly requests the Council to appoint a special committee to study the existing system of elections to the Council and to report to a future session of the Assembly on any reforms which may appear desirable. "

It is understood that the Minutes of the discussion of the question in the First Committee will be at the disposal of the Council and of the committee which the Council will be invited to establish.

ANNEX 17.

Official No. : A.86.1931.V.

AMENDMENT OF THE COVENANT OF THE LEAGUE OF NATIONS IN ORDER TO BRING IT INTO HARMONY WITH THE PACT OF PARIS.

REPORT OF THE FIRST COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. Henri ROLIN (Belgium).

1. Both the written observations submitted by various Governments since the last session of the Assembly and the recent discussions in the First Committee seem to show that most of the Members of the League of Nations attach the highest importance to the continuance of the task that has been undertaken.

The importance and the legal effect of the Pact of Paris are not, of course, in question ; but the prevailing opinion is that it would be undesirable to maintain in the text of the League Covenant possibilities of a lawful recourse to war which have been virtually abolished and to fail to adapt the operation of the organisation set up by them to safeguard peace to the new engagements assumed by the Members of the League of Nations.

Even those Governments which had expressed the view that the work of adjustment decided upon by the Assembly in 1929 was not indispensable have in a spirit of conciliation declared that they accept in principle the idea underlying that work.

2. During the previous discussions, the fear had been occasionally expressed that certain difficulties might result from the fact that some Members of the League had not acceded to the Pact of Paris and that some States signatory of that treaty were not Members of the League of Nations. At the present time, it would seem that the League need have no further apprehensions on either point. On the one hand, some Members of the League which had not acceded to the Pact of Paris have either sent or announced their accession since last year ; in any case, no objection is made against the continuation of the work of amendment of the Covenant of the League of Nations. As regards States signatory of the Pact of Paris which are not Members of the League, obviously no decision can be taken in their absence as to the scope they should give to their obligations ; but the task undertaken by the League has the same end in view as the Pact of Paris and reinforces the authority of the principle formulated therein.

It should, however, be emphasised that the task undertaken by the League of Nations in the matter is legally independent of the Pact of Paris, although influenced by that instrument ; its object is to insert the principle of the prohibition of war in the Covenant of the League of Nations.

3. The First Committee successively re-examined the three fundamental aspects of the proposed amendment:

(1) Prohibition of recourse to war;

(2) Organisation of pacific methods of settling disputes;

(3) Extension of the Council's mission of maintaining and restoring peace.

PROHIBITION OF RECOURSE TO WAR.

4. No objection in principle is now made against the idea of formulating in a single article of the Covenant — namely, Article 12 — and in the simplest terms, the prohibition of recourse to war.

The prevailing opinion is that the insertion of this prohibition does not require the insertion of any further elaboration or reservations in the text of the Covenant, since the questions raised on this point in the course of the discussion arise and are equally material under the existing text of the Covenant, so that its amendment does not make it more necessary to solve them explicitly.

It would seem, moreover, that, even now, an answer can be given to most of the questions which will be satisfactory and acceptable to all the Members of the League.

5. One point appears beyond dispute — namely, that neither in the amendment prepared by the Sub-Committee last year, nor in the amendment of the Committee of Eleven, nor in the Pact of Paris, nor in the Covenant of the League in its present form, does the prohibition of recourse to war exclude the right of self-defence.

As has been already pointed out by the Italian Government in its letter of April 16th, 1931:

> " . . . It is not in the least necessary to include in the amendments a clause relating to self-defence, since it is obvious that a State which had disregarded the clause forbidding war could not demand that a State attacked by it should observe that clause. "

6. On the other hand, in the present state of the law, the satisfactory enumeration of the distinctive characteristics either of aggression or of legitimate self-defence appears difficult and even impossible.

After examining a cognate question, the Third Committee felt it desirable to refer on this point to certain explanations contained in M. de Brouckère's report submitted in 1926 to the Council.[1] The First Committee refers to the same statement as showing how difficult to define exactly in advance and how full of fine shades of meaning the notion of legitimate self-defence is.

7. An essential point to note is that the use which a State claims to make of the right of self-defence is a matter which may be considered by the other States concerned and, in the case of Members of the League of Nations, is subject to the appreciation of the Council, particularly when there may be a question of applying Article 16.

8. Obviously, in judging the facts which are placed before it, the Council will have to be guided, not only by the general principles of law, but also by any special engagements for preventing war which have previously been undertaken by the parties to the dispute and been recognised as conducing to the maintenance of peace. Thus, the Members of the League of Nations have frequently and unanimously recognised as conducing to the maintenance of peace, under Article 21 of the Covenant, agreements such as the Rhineland Pact; the general adoption of such agreements was recommended by the Assembly's resolution of September 25th, 1926; and, further, on the initiative of Germany, a convention has just been drawn up the object of which is to facilitate action by the Council to prevent war.

9. These considerations and the interpretation of the obligations prescribed in Articles 10, 11 and 16 of the Covenant lead to the conclusion that assistance given spontaneously by a Member of the League to another Member, which has been the victim of a flagrant

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[1] See document A.14.1927.V, page 69. M. de Brouckère said:

" Every act of violence does not necessarily justify its victim in resorting to war. If a detachment of soldiers goes a few yards over the frontier in a colony remote from any vital centre; if the circumstances show quite clearly that the aggression was due to an error on the part of some subaltern officer; if the central authorities of the 'aggressor State' reprimand the subordinate concerned as soon as they are apprised of the facts; if they cause the invasion to cease, offer apologies and compensation and take steps to prevent any recurrence of such incidents — then it cannot be maintained that there has been an act of war and that the invaded country has reasonable grounds for mobilising its army and marching upon the enemy capital. The accident which has occurred has in no way released that country from the specific obligations laid down in Articles 12 and following. It could not be so released unless it were the victim of a flagrant aggression of such a serious character that it would obviously be dangerous not to retaliate at once. In short, to borrow the felicitous phrase used in the Treaty of Locarno, 'the country in question must be exercising the right of legitimate defence'.

" Legitimate defence implies the adoption of measures proportionate to the seriousness of the attack and justified by the imminence of the danger. If a country flagrantly exceeded these limits, even if it were affronted by some incident of little intrinsic importance, it would become in actual fact the real aggressor and it would be only fair that that country should be made the object of the sanctions provided for in Article 16. "

aggression, would not constitute a violation of the prohibition of recourse to war. Interventions of this kind would, however, in their turn be subject to the appreciation of their character by other Members of the League and by the Council, and to the opinion of the latter the State which had intervened would be obliged to conform.

10. On the other hand, it must be admitted that the proposed amendment of the Covenant, whether it is adopted in the form suggested by the Committee of Eleven or in that drawn up by the Sub-Committee, would deprive the Members of the League of the right to resort to war in execution of an arbitral award or a unanimous decision of the Council. Such action is obviously quite distinct from the conception of the right of self-defence. It is for the Council to assure the execution of arbitral awards. If it prescribed military measures, the latter would lose their character of recourse to war and would assume a character of social defence in perfect harmony with the principles adopted. This constitutional duty of the Council is, no doubt, particularly imperative under the Covenant as amended, since it is the counterpart to the relinquishment of the individual right of execution.

11. The Committee noted the desire of the Chinese Government to meet the dangers resulting from a country creating what is, in fact, a state of war, while not officially recognising that a war exists. The Committee did not feel it should for the moment enter upon a discussion of this question.

12. The Finnish Government proposed an amendment the object of which was to keep the first sentence of Article 12 in the form in which it is in the present text of the Covenant, on the ground that the provisions of the Covenant should not be changed except so far as is absolutely necessary. Although, however, the Finnish proposal indicates in the second sentence that pacific measures are in general lawful, the Committee felt that the text proposed might be open to the interpretation that acts of retorsion or pacific reprisals which have no aggressive character were prevented and this is a question with which the Committee is not on the present occasion concerned.

The Governments of the Irish Free State and Estonia proposed an amendment suppressing the words " likely to lead to a rupture " which follow the word " dispute " in Articles 12 and 15 of the Covenant. This amendment was felt to raise a question which was independent of the problem of amending the Covenant so as to insert in it a prohibition of recourse to war.

The Governments of Finland, Portugal, the United Kingdom and New Zealand proposed various changes in the text of the contemplated amendment to Article 12.

The First Committee notes that they either deal with points of detail or with the structure of the texts in question and that, accordingly, their discussion should be reserved for a later stage.

Pacific Settlement of Disputes.

13. The present text of the Covenant recognises the binding and executory character of arbitral awards on judicial decisions. Where, however, a case is submitted to the Council, a unanimous recommendation alone has some legal consequences, since it is forbidden to resort to war against the party which conforms to it. The mere extension of the prohibition of recourse to war would by itself give the same force to majority decisions of the Council and thus eliminate all distinction between unanimous decisions and majority decisions. In neither case would such decisions possess an obligatory or executory character.

14. It should be emphasised in the first place that this defect has now been removed in the case of disputes between States both of which have acceded to the General Act of Arbitration, without any restriction or reservation affecting the third part of the Act, or which have concluded bilateral agreements having a similar effect. If the dispute occurs between two States which are bound to submit it to arbitration, its peaceful settlement is already ensured by the operation of the existing provisions of the Covenant.

But while we may congratulate ourselves upon the growing number of accessions to the General Act of Arbitration, it would, in the opinion of the very great majority of the Committee, be premature to seek at present to embody in the Covenant of the League, by means of an amendment, the rigid principle of obligation to resort to arbitration or judicial settlement for all disputes.

15. In view of this situation, a certain number of States have taken the view that, in accordance with the proposals made by the Committee of Eleven, it is desirable at least to provide in the Covenant that Members of the League must carry out in good faith the unanimous recommendations of the Council, and to entrust to the latter the duty of proposing suitable measures to ensure that its unanimous recommendations should be carried into effect.

To justify this extension of the effect of unanimous recommendations, it was proposed to provide that the Council might, by a majority vote, ask the Court for an advisory opinion on points of law relevant to the dispute. Further, with regard to Council reports adopted by a majority, it was contemplated that the Council should recommend to the parties the most appropriate new procedure.

The discussions in the Committee confirmed the opinion already expressed by last year's Sub-Committee that an amendment of this character would not secure the necessary ratifications.

16. The texts of the amendments to Article 15 proposed by last year's Sub-Committee must be admitted to be capable of improvement, seeing that, in paragraph 6, it is provided that the Council shall recommend the parties to comply with the conclusions of a unanimous report, and this is, after all, as is pointed out in the observations of the Government of Finland, no more than a repetition of what is already to be found in paragraph 4 of the present Article 15. It must be recognised, however, that the undertaking the other Members of the League are asked to give — namely, that they will in no way support the parties who do not comply with unanimous recommendations — does strengthen to some extent the provisions of the Covenant. In short, such a provision would have the effect of tacitly establishing for the Members of the League a kind of moral obligation to comply with the unanimous recommendations of the Council — a moral obligation whose only sanction would be the duty of the other Members of the League to refrain from action if the State in question were subjected to certain forms of peaceful pressure by the other party.

The Committee is of opinion that it would in any case be necessary to lay some stress upon the exact scope of the proposed amendment by replacing the word "*recommande*", by the somewhat stronger word "*invitera*", the equivalent of which is already employed in the English text.

In the course of the discussion, the Finnish delegation submitted an interesting suggestion which somewhat modifies the text already put forward in the Finnish Government's observations. The Finnish delegation proposes to say:

> "If the report of the Council is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the party which complies with the recommendations of the report may base its claim thereon, the solution recommended by the Council being incapable of being put in question except as the result of an arbitral or judicial decision. The Members of the League undertake in no way to support any party in refusal to comply with the recommendations of a report which has been unanimously accepted."

On examination, however, it was felt that the legal effect of such a text was too uncertain and that it would require further examination.

17. As regards the hypothesis of the Council being divided, the Finnish delegation asks that the amended Covenant should make it clearer than the present one does that, in that event, the Council's deliberations, in conformity with Article 4, would have the same object as in cases where it is unanimous — namely, to bring about a solution of the dispute in the form of a recommendation.

The Finnish delegation accordingly proposes the following text:

> "If the Council has failed to reach unanimity as defined in the previous paragraph and if the parties do not accept the recommendations made by the majority, the Council shall officially and by a majority vote suggest the best procedure to be followed in the circumstances and shall recommend it to the parties."

The Committee decided that the foregoing proposal might usefully be accepted as a basis for subsequent discussion.

Extension of the Pacificatory Action of the Council.

18. The question which arises is whether, when the prohibition of recourse to war becomes general, it will be necessary to limit the individual obligations of the Members of the League regarding participation in sanctions.

The Governments which have pronounced for the affirmative answer have contended:

> (1) That the desire to effect an extension of sanctions corresponding to the extension of the prohibitions of resort to war contained in the Covenant arose from pushing too far the analogy with the conception of crime and punishment in municipal law;
>
> (2) That the operation of the system of sanctions presumed that the aggressor had been determined, that the Covenant itself gave no indications on this subject, and ha strong differences of opinion might in fact arise in the Council which would render the application of sanctions impossible or ineffective;
>
> (3) That the only practical way of improving the application of the system of sanctions consisted in adopting provisions analogous to the draft Convention for the development of methods for preventing war, under which the collective action would be started, not as the result of answering the difficult question as to who had violated the Covenant, but owing to the refusal of a party to comply with recommendations of the Council for the withdrawal of armed forces behind a determined line or the cessation of hostilities.

The Governments holding this opinion have expressed the desire that, at any rate, cases in which the Council was divided on the question as to who was the aggressor, or as

to the interim measures of protection which should be recommended to the parties in order to prevent or suspend hostilities, should be excluded from the contemplated extension of sanctions. In those various cases, they considered that the material or moral difficulties in the way of carrying out obligations of mutual assistance would be too great for it to be possible to claim execution of such obligations.

As in the discussions of previous years, however, the opinion has prevailed in the Committee that any distinction of this kind ought to be rejected. It seems, nevertheless, that the discussion has made it possible to remove certain misconceptions on the subject.

19. In the first place, it has been recognised that those who held the above opinion were right in rejecting any too narrow conception of the problem of sanctions. The primary purpose of the Council's action is to prevent or stop hostilities and effect a pacification before it enquires into questions of responsibility and ensures the settlement of the dispute.

It is equally true that the obligations assumed by the Members of the League of Nations for the purpose of maintaining peace, although they rest upon each Member individually, imply a certain agreement among them, a co-operation in common action. If the Members of the League found themselves deeply divided in the views which they took of a particular situation, common action would no doubt in fact be suspended; but it would be for the Council to re-establish unanimity by adopting interim measures of protection such as are contemplated in the draft Convention on the Means for preventing War. If the continuance of too numerous divergences of view created a situation altogether different from that which Members of the League must be deemed to have contemplated, it would be impossible to expect that the Members of the League would carry out obligations undertaken on an entirely different basis. In such a case, it makes little difference whether the original dispute was submitted to the Council of the League of Nations or to arbitration.

On the other hand, it seems impossible to claim that Members of the League of Nations which considered that it was clear who was the aggressor, and that common action was possible, should abstain from carrying out the obligations which rest upon them individually under the first paragraph of Article 16 of the Covenant for the sole reason that formal unanimity had not been obtained in the Council.

Accordingly, a reasonable interpretation of our charter of association seems to answer the fears which have been expressed. These fears, moreover, appear exaggerated and it would be wrong to weaken confidence in the wisdom of the Council's action and in the good faith which the generality of the Members of the League would show in carrying out their obligations.

20. Further, if the proposed exceptions were examined in the light of the existing Covenant, it would be seen that their effect would be to diminish appreciably the guarantees which the Covenant already affords. The obligations of the individual Members of the League under Article 16 of the existing text of the Covenant are not subject to the condition that the Council must have taken a decision as to who is the aggressor.

21. To make such a distinction would from the moral point of view have the disadvantage of making recourse to war, which would in general be forbidden under the Covenant as amended, appear in some cases not to be subject to sanctions.

22. It must, however, be recognised that the principal difficulty in the task of amendment which has been undertaken, and the only serious obstacle to its success, still lies in the hesitation of certain Members of the League to agree to an extension of their existing obligations to give assistance, even if such extension is only theoretical.

It may be hoped that agreement would be greatly facilitated by the entry into force of a general Convention for the reduction of armaments. Certain Members of the League, for example, had announced their intention of making their ratification of the amendment of the Covenant conditional on the entry into force of the Convention for the Reduction of Armaments. Other Governments have expressed, as the date of the Conference draws near, preoccupations which would appear to be satisfied to some extent by the adoption of the proposed amendment.

Thus, on the eve of the Conference, the link between the two undertakings has been further strengthened. Certain States have expressed a desire to know, before giving an opinion on the amendment of the Covenant, to what extent and for how long the Convention for the reduction of armaments will satisfy the requirements of Article 8 of the Covenant.

Such being the case, it would be inexpedient to attempt at present to frame final texts. The most suitable method would appear to be for the Assembly to set up a committee for the amendment of the Covenant, consisting of representatives of the Members of the League, in order that they may, during the Conference for the Reduction of Armaments, endeavour to arrive at unanimous agreement on the bases set forth in the present report. The amendments might then be finally voted during the next session of the Assembly.

Draft Resolution.

"The Assembly,

"Taking note of the report approved by the First Committee:

" Reaffirms its intention of continuing the task of inserting in the Covenant of the League of Nations a general prohibition of recourse to war and the principle that the settlement of international disputes may only be sought by pacific methods ;

" Decides to create a committee consisting of representatives of all the Members of the League of Nations, which may meet during the Conference for the Reduction of Armaments for the purpose of seeking unanimous agreement on the bases indicated in the report and of drawing up a final text which may be voted by the Assembly at its next session ;

" Requests the Council to convene the Committee for the date which it considers appropriate ;

" Requests the Secretary-General to transmit the present resolution and the report to the Members of the League of Nations, in order that, if they consider it necessary, they may send to the Council their views as to the lines on which they think agreement could be attained."

ANNEX 18.

Official No. : A.83.1931.VI.

SLAVERY.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Jonkheer J. LOUDON (Netherlands).

The British delegation proposed that the Sixth Committee should recommend the Assembly to adopt a resolution to reappoint the Temporary Commission on Slavery which sat in 1924 and 1925. This Commission would have been instructed to examine the material on slavery collected since the publication of the report of the Temporary Commission in 1925, and to recommend to the next Assembly the measures of assistance which the League of Nations could render to those countries which have agreed to abolish slavery.

The British proposal was discussed at the plenary meetings of the Sixth Committee on September 16th and 17th. While the delegations of Hungary, India, Liberia, New Zealand, South Africa and Switzerland, expressing the opinion of the majority of the Committee, unreservedly supported the proposal, other delegations made certain observations thereon. The question was then referred to a Sub-Committee composed of the representatives of Abyssinia, Belgium, the British Empire, Denmark, France, India, Italy, Liberia, the Netherlands, Portugal and Spain. This Sub-Committee met in the afternoon of September 17th under the chairmanship of the Netherlands delegate. The proposal of the British delegation was supported in the Sub-Committee by the representatives of Denmark, India, Liberia and Spain. The representative of the Netherlands submitted another draft resolution which might be described as an amendment to the British proposal. These two texts gave rise to an exchange of views. Certain doubts were expressed as to the expediency of reappointing the Temporary Commission on Slavery, as to its practical value and as to its correctness from a legal point of view. After this exchange of views, the Sub-Committee unanimously agreed on a draftr esolution which it proposed that the Sixth Committee should recommend the Assembly to adopt.

The Sixth Committee approved the Sub-Committee's report and the draft resolution submitted to it. The Committee therefore has the honour to recommend that the Assembly adopt the following resolution :

" The Assembly,

" Requests the Council to appoint for one year a small Committee of experts to examine the material upon slavery which has been supplied or transmitted by Governments since the signature of the Convention of 1926. This Committee will submit to the Council suggestions with a view to recommending to the next Assembly the measures of assistance which the League of Nations could render to those countries which have agreed to abolish slavery and which request such assistance. "

ANNEX 19.

Official No.: A.80.1931.V.

PREPARATORY PROCEDURE TO BE FOLLOWED IN THE CASE OF GENERAL CONVENTIONS TO BE NEGOTIATED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS.

REPORT OF THE FIRST COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. GIANNINI (Italy).

The First Committee has re-examined Part IV of Resolution No. 1 adopted by the Assembly on October 3rd, 1930, on the question of ratification of conventions concluded under the auspices of the League of Nations, as was contemplated by the last paragraph of this part of the resolution. It has taken account of the observations submitted by the Governments and by the technical organisations of the League of Nations. It felt it should also examine what changes would be required in the text in order to bring it into conformity, as far as possible, with the procedure proposed for the codification of international law.

As the result of this examination, the First Committee proposes that the Assembly adopt the amended text set out below, which will be substituted for the text adopted in 1930:

"That, in the case of all general conventions to be negotiated under the auspices of the League of Nations, the following preparatory procedure should, in principle, be followed, except in the cases where previous conventions or arrangements have established a special procedure or where, owing to the nature of the questions to be treated or to special circumstances, the Assembly of the Council consider other methods to be more appropriate:

"1. Where an organ of the League of Nations recommends the conclusion of a general convention on any matter, it shall prepare a memorandum explaining the objects which it is desired to achieve by the conclusion of the convention and the benefits which result therefrom. Such memorandum shall be submitted to the Council of the League of Nations.

"2. If the Council approves the proposal in principle, a first draft convention shall be prepared and communicated, together with the explanatory memorandum to Governments, with the request that, if they feel that the draft should be taken into consideration, they shall inform the Secretary-General of their views, both with regard to the main objects or the suggested means of attaining them, and also with regard to the draft convention. In some cases, it may be desirable to annex a specific questionnaire.

"3. The draft convention and the observations of Governments (together with the answers to the questionnaire, if any) shall be communicated to the Assembly, and the Assembly shall then decide whether the subject appears *prima facie* suitable for the conclusion of a convention.

"4. If the Assembly considers the subject *prima facie* suitable for the conclusion of a convention, the Council shall arrange for the preparation of a draft convention in the light of the replies received from Governments, and the new draft convention (together with the replies of other Governments) shall be transmitted to each Government with a request for their opinion on the provisions of the draft and any observations on the above-mentioned replies of the other Governments.

"5. In the light of the results of this second consultation of the Governments, the Assembly shall decide whether a convention should be concluded and, if so, whether the draft should be submitted to a conference, the date of which it will request the Council to fix.

"6. The Council, in fixing the date for the convocation of a conference, shall endeavour, as far as possible, to avoid two League of Nations conferences being held simultaneously, and to ensure the lapse of a reasonable interval between two conferences.

"7. The procedure set out in the preceding paragraphs will be followed, as far as possible, in the case of draft conventions the desirability of which is recognised by a decision of the Assembly either on its own initiative or as the result of a proposal by a Government. In these cases, the Council will instruct either the Secretariat of some other organ of the League or specially selected experts to prepare the above-mentioned report, which shall subsequently be submitted to the Council."

ANNEX 20.

Official No.: A.85.1931.

RUSSIAN, ARMENIAN, ASSYRIAN, ASSYRO-CHALDEAN AND TURKISH REFUGEES.

REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. Constantin FOTITCH (Yugoslavia).

The Sixth Committee had under consideration the report of the Governing Body of the Nansen International Office for Refugees, prepared in conformity with the resolution of the eleventh session of the Assembly, and the report of the Inter-Governmental Advisory Commission for Refugees on the work of its fourth session. The Committee also had the great advantage of a detailed statement on the refugee work and on the work of the Office made by Dr. Max Huber, the President of the Governing Body of the Office.

The Committee expresses its gratitude to Dr. Max Huber for having agreed to act as President of the Governing Body of the Office and for the devoted efforts he has applied to his difficult task; to the Governing Body of the Office and to the Inter-Governmental Advisory Commission for Refugees.

The Committee was gratified to learn from the report of the Governing Body of the Office and from the supplementary statement made by Dr. Max Huber that, in drawing up the plan of liquidation proposed in the report of the Office, the Governing Body had endeavoured to give the maximum possible effect to the suggestion made by the Supervisory Commission that the budget of the Office should be reduced approximately by 10 per cent per annum. The Committee noted that the Governing Body of the Office had taken as a basis for its plan of liquidation the total budget which the League would have been called upon to grant in the event of the budget of the Office being reduced by annual decreases of 10 per cent up to the end of the year 1939. The total cost of the plan of liquidation proposed by the Office does not exceed the sum thus contemplated, but, to achieve that result, the Governing Body has been obliged to propose the termination of the existence of the Office at the end of 1938 instead of on December 31st, 1939, as requested by the eleventh Assembly. In conformity with the recommendation made by the Inter-Governmental Advisory Commission at its first session in 1929, the Office proposes that budgetary reductions should be accentuated during the last five years of its existence and thus enable it during the early period of its work to exert its maximum efforts and accelerate the liquidation of the material side of the refugee problem. Taking into consideration the precarious situation of the refugees, owing to the existing economic conditions, the Committee considers that the proposals of the Office are sound and reasonable.

The liquidation of the Office raises the question of the staff actually employed by the Office. In order to facilitate the liquidation of this staff and to save the payment of any indemnities which that liquidation might involve, the Committee ventures to recommend the Secretary-General of the League and the Director of the International Labour Office to give, as far as possible, preference to the members of the staff of the Office when vacancies occur in their respective organisations.

* * *

The President of the Governing Body of the Office reminded the Committee of the resolution adopted by the tenth Assembly to the effect that the High Commissioner for Refugees should continue to keep in touch with the movement for the transfer of Armenian refugees to the Armenian (Erivan) Republic and to acquaint the Council if and when the High Commission's co-operation might appear to be opportune. The President of the Governing Body informed the Committee that he had been approached recently by representative and responsible Armenian organisations with the request to facilitate the transfer of some thousands of refugees from Bulgaria and Greece to the Armenian Republic where provision had been made for their settlement. The Committee feels confident that the Office will examine with the greatest attention and interest the opportunities for the settlement of such an important number of refugees, and requests it to obtain and afford all possible facilities for the transfer of those refugees if it is satisfied that such transfer is in their best interests.

* * *

The Committee learned with satisfaction of the progress made towards the solution of the problem of the Armenian refugees in Syria, and noted that, of the 40,000 refugees who were in the refugee camps at Aleppo, Alexandretta and Beirut when the co-operation

of the High Commission for Refugees was invited at the end of 1926, 25,000 had been settled. There now remain only 15,000, and steps are contemplated by the Office to ensure their transfer from the refugee camps and their settlement under satisfactory conditions before the end of 1933.

The Committee noted that the report of the Governing Body of the Office, which was prepared after the Office had been in existence for only three months, was necessarily devoted largely to the preparation of a liquidation plan in conformity with the express request of the eleventh Assembly, and to the measures taken for the organisation of the Office. The Committee learned with satisfaction, however, that future reports would deal fully with the various aspects of the refugee problems and with the steps taken and proposed by the Office for their solution, more especially as such information would be very useful to philanthropic organisations in connection with their appeals for funds for relief of the refugees.

Owing to the prevailing economic depression and to the reorganisation of the refugee work, the work of the Office has naturally, during the first months of its existence, been somewhat handicapped. Nevertheless, considerable assistance has been afforded to individual refugees and small groups, to help them to accept employment in various countries, and the Office, within the limits of its exiguous resources, has made grants to refugee organisations to enable them to continue their relief work in favour of the refugees. In this way, it has prevented the closing down of certain organisations whose work for the refugees is extremely useful.

* * *

The Committee listened with interest to a statement made by the Chinese delegate concerning the very difficult situation of about 100,000 Russian refugees in China, and particularly of about 2,000 Russian refugees of German origin who are at present in Harbin. The Committee supported the request made by the Chinese delegate that the Office should examine the possibility of securing the transfer of those refugees to other countries.

* * *

The Committee noted that the funds at the disposal of the Office for its manifold activities in favour of the refugees were at present altogether inadequate. The only revenue at the disposal of the Office for its relief work is that derived from the issue of the Nansen stamp. The revenue from that source amounts at present to a little more than 100,000 Swiss francs per annum and is derived from about 30 per cent of the total number of refugees. If the Governments of the countries offering hospitality to the remaining 70 per cent of the refugees could find it possible to enforce the Nansen stamp system, there is every reason to believe that the revenue from that source would reach at least 300,000 Swiss francs per annum. The Committee therefore urges the interested Governments to consider the possibility of enforcing in their countries the Nansen stamp system.

The Committee learned with very great satisfaction of the efforts made by the signatories to the Nansen memorial appeal to obtain funds for the Office; of the promise to transfer to the Office the balance — approximately 350,000 Swiss francs — of the relief fund administered by Dr. Alexander Nansen on behalf of the late Dr. Nansen; and of the success obtained by the national committees for the appeal formed in Denmark and Great Britain, which had both obtained contributions of 100,000 Swiss francs to the Nansen Memorial Fund. The Committee ventures to recommend that the work of the Office in raising additional funds should be facilitated by the creation in other countries — especially in those which were not already incurring heavy expenditure in favour of the refugees — of national committees for the Nansen Memorial Fund similar to those in Denmark and Great Britain.

* * *

The Committee had under consideration the statement of the Inter-Governmental Advisory Commission for refugees concerning the preparation of a Convention to ensure the protection of the refugees on the liquidation of the Office. As this question is of interest both to the Office and to the Inter-Governmental Advisory Commission, the Committee recommends that those two organisations should examine the advisability of preparing such a Convention.

With reference to the recommendation contained in the report of the Inter-Governmental Advisory Commission that a Belgian delegate should be included among its members, the Committee was very glad to learn that the Belgian Government acquiesced in that view. The Committee therefore recommended that the Belgian Government should be invited to nominate a delegate to the Inter-Governmental Advisory Commission. The Committee also took note of various recommendations in the report of the Inter-Governmental Advisory Commission concerning the definition of the term "refugee"; the validity of the Nansen certificate, the return clause in that certificate, the issue of visas, the renewal and extension of the Nansen certificate, and the expulsion and refusal of entry of refugees. The Committee feels sure that the Assembly will agree that a request should be made to the Council to communicate to the various Governments the recommendations mentioned in the report of the inter-Governmental Advisory Commission.

The Committee ventures to submit, for the approval of the Assembly, the following resolutions :

" The Assembly,

" Recognises the endeavours made by the Governing Body of the Office to comply with the request of the eleventh Assembly to prepare a plan for the liquidation of the Office before the end of 1939, and notes that it has prepared a scheme which gives effect to the suggestion made by the Supervisory Commission that the budget of the Office should be reduced by approximately 10 per cent per annum ;

" Recommends the adoption of the plan of liquidation proposed by the Governing Body and of the Rules of Procedure and Financial and Staff Regulations of the Office.

" With a view to facilitate the liquidation by the Office of its Staff :

" Invites the Secretary-General of the League and the Director of the International Labour Office to accord, as far as possible, a preference to that Staff when vacancies occur in their respective organisations.

" Requests the Governing Body of the Office, in its future reports to the Assembly, to give full information concerning the various aspects of the refugee problems and the measures taken and contemplated by the Office for their solution.

" Having noted proposals made for the transfer to the Armenian (Erivan) Republic of some thousands of Armenian refugees, and bearing in mind the resolution on this subject adopted by the tenth Assembly :

" Invites the Office to examine carefully the possibility of 'facilitating the tranfer of such of those refugees who desire to proceed to the Armenian (Erivan) Republic, if it is satisfied that such transfer is in the best interests of the refugees.

" Requests the Office to devote particular attention to the precarious situation of more than 100,000 Russian refugees in China, with a view to their settlement in employment in other countries.

" Urges the interested Governments which have not already done so to put into full application the Nansen Stamp System ;

" Invites the Governments to encourage and facilitate the creation in their territories of National Committees for the Nansen Memorial Fund.

" Requests the Governing Body of the Office, in consultation with the Inter-Governmental Advisory Commission for Refugees, to consider the advisability of preparing a Convention to ensure the protection of the refugees on the liquidation of the Office.

" Recommends that the Belgian Government be invited to nominate a delegate to the Inter-Governmental Advisory Commission for Refugees ;

" Requests the Council to communicate to the Governments the recommendations adopted by the Inter-Governmental Advisory Commission for Refugees at its fourth session concerning certain facilities for the refugees. "

ANNEX 21.

Official No. : A.84.1931.V.

NATIONALITY OF WOMEN.

REPORT OF THE FIRST COMMITTEE TO THE ASSEMBLY.

Rapporteur : Mr. W. E. BECKETT (United Kingdom).

The draft resolution which the First Committee presents to the Assembly on this subject, and of which the text is given below, has for its object to prepare the ground for consideration by the Assembly at its next session of the very important question of the Nationality of Women. With this object, it is proposed that the Council should transmit to the Governments the documents which were officially placed before the Assembly by decisions of the Council — namely, the Secretary-General's report, the report of the Committee of Representatives of Women's International Organisations which is annexed thereto, and the letter of the International Union of Leagues of Catholic Women of August

19th, 1931. The Minutes of the discussions in the First Committee itself, which have dealt with many aspects of the problem, will also be transmitted to the Governments. The Governments will be asked to submit their observations on the whole matter, including their views regarding the Hague Nationality Convention of April 12th, 1930. It is further proposed that the Assembly should receive and consider any observations which the Committee of Representatives of Women's International Organisations may wish to put forward. It is hoped that this Committee will be able to make the necessary arrangements to continue itself in being and to serve as a medium for voicing the important current of opinion which it represents.

The nature of the First Committee's proposal in itself implies that the First Committee does not express, and does not consider that the Assembly should express at the present stage any opinion on the merits of the question. In particular, it is desirable, in order to prevent any misunderstanding, that it should be placed on record here that the second paragraph of the proposed resolution merely takes note of the conclusions set out in the report of the Committee of Representatives of Women's International Organisations and will not constitute any expression of opinion by the Assembly with regard to the Convention. What the Committee proposes is that the Governments should include a statement of their views with regard to the convention in the observations which they will be asked to present on the general question of the nationality of women.

DRAFT RESOLUTION:

" The Assembly,

" Having examined with the greatest interest the report of the Secretary-General on the question of the nationality of women, presented in accordance with the resolution of the Council of January 24th, 1931, and the report and proposals of the Committee of Representatives of Women's International Organisations which are annexed thereto;

" Notes the desire of the said Committee that steps should be taken to bring about the reconsideration of the Hague Nationality Convention, bearing in mind the principle of equality between men and women;

" Thanks the Committee of Representatives of Women's International Organisations for its report; and

" Requests the Council, in harmony with the recommendation No. VI of the Conference for the Codification of International Law held at the Hague, March-April 1930, to transmit to all Governments the report of the Secretary-General on the question of the nationality of women, including the report of the Committee of Representatives of Women's International Organisations, and the letter of the International Union of Leagues of Catholic Women of August 19th, 1931, together with the Minutes of the First Committee of the Assembly on this subject, and to request Governments to submit their observations on this subject (including their views regarding the Hague Nationality Convention) for reconsideration of the matter by the thirteenth Assembly, to which any observations which the above-mentioned Committee thinks fit to present will be communicated."

ANNEX 22.

Official No. : A.88.1931.II.A.

FINANCIAL WORK OF THE LEAGUE OF NATIONS.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. BERNÍS CARRASCO (Spain).

PART I. — GENERAL.

During the past year, since the last meeting of the Assembly, the world has been subjected to an economic depression of unparalleled severity. Month by month, the effects of this depression have become more acute; its scope has become more widespread. Since the early summer of this year, the financial structure within which the mechanism of production and distribution must operate has been shaken by shock succeeding shock. During the week in which the Second Committee has been occupied with financial questions, events of the gravest import have taken place. How far reaching their effects may be it is too early to foresee. Certain it is only that the problems of primordial importance to-day, the problems to the solution of which the efforts of all must be devoted, are essentially financial. Economic recovery is dependent, and must be dependent, on a betterment of the financial situation.

The Second Committee has been faced during its deliberations by the difficulty that the day-to-day evolution of events during this past week, and indeed during the weeks immediately preceding its session, have been exceptionally rapid. In these circumstances, the Committee desires to draw special attention to the Minutes of its discussions and to the important statements made by a number of delegates who took part in those discussions.

But, in spite of this momentary difficulty, the Second Committee is convinced that the League of Nations, during the months to come, may contribute much and must be equipped and prepared to render the utmost contribution in its power to the general work of financial reconstruction. Indeed, it has already entered upon this task.

Financial problems of the first magnitude have arisen for solution — problems, however, which, at the stage reached until quite recently, have demanded either joint action by banks or day-to-day co-operation between a relatively restricted number of Governments. Such limited joint action and co-operation are always required and very much still remains to be done by this means in the near future. But, in recent weeks, a further stage has been reached at which the aid of the Financial Organisation of the League is urgently demanded. Both the Austrian and the Hungarian Governments have called in the aid of the Council. Measures have already been taken with a view to solving the Austrian difficulties and a delegation of the Financial Committee is to visit Hungary almost at once.

Similar or other action may be required elsewhere. The League must not only support and reinforce the financial reconstruction schemes already undertaken ; if other countries need emergency aid or advice the League must be ready to give it. The demands that may arise cannot be foreseen, but in the opinion of the Second Committee it is imperative that the Council and the Committee, which is its financial adviser, should be in a position to afford the full measure of help that lies in the power of the League. Provision must be made for prompt and effective action. The Second Committee has accordingly recommended that a special fund, now voted by the Fourth Committee, should be made available in the budget of the League for this purpose. It recommends further that the Assembly should suggest to the Council the desirability of arranging for a special procedure for prompt action. If the existing organisation and equipment should prove insufficient to bear the strain which may be placed upon it, it must be strengthened and expanded.

Existing difficulties, however, will not be overcome by such special international action alone. International action on a wider scale may be required ; national efforts must be made. The position may gradually improve by the natural impulse of economic forces ; it may worsen. Individual initiative is essential, but a stimulus to such initiative may be — and, in our opinion in certain cases should be — given by Governments. When individual demand is weak and lacking in confidence, it may be necessary for Governments to stimulate social demand.

Whatever means may be adopted with this end in view, they will need to be accompanied by loans to the extent that the situation permits. Such lending will depend, not only on the willingness of those who have available funds to lend, but on the success of the efforts made by borrowing countries to create and maintain the necessary conditions. For these reasons, the Second Committee recommends that the Assembly urge all Governments to do everything that lies in their power to promote international understanding and such domestic social and political conditions as will facilitate the movement of capital. At the same time, it draws attention to the vital importance — so frequently emphasised by leading economic and financial authorities in recent months — of the formulation of a long-sighted policy of steady and continuous foreign investment by those countries in which surplus resources have been accumulating. It is by the application of such a policy and by designing a suitable mechanism of investment where the need exists that the financial leaders of such countries can render the greatest service to the world.

By all to-day sacrifices must be made ; national endeavour must precede or accompany international aid. Foreign capital will not flow readily to countries whence domestic capital is exported owing to the lack of confidence of its citizens. But conditions may arise, in which countries are so directly and so seriously affected by the economic depression that without extraneous aid they can hope neither to borrow without aid nor to maintain their financial equipment without borrowing. If such circumstances arise, there may be no alternative to an international guarantee by Governments of foreign loans granted. For special cases and subject to special safeguards such a procedure might, in the opinion of the Second Committee, have to be contemplated in the future.

The scheme which the Financial Committee elaborated with the experts which it called upon to assist it for the establishment of an International Agricultural Mortgage Credit Company affords another example of a method by which such Government assistance may be afforded. In other cases, direct Government guarantees may be required.

In other cases again, it may be possible to promote international lending by establishing special machinery for that purpose. The Second Committee had before it the outline of such a scheme, prepared for the Commission of Enquiry for European Union by M. Francqui, which is designed to promote lending on medium term. In the recommendations put forward at the end of this report will be found one suggesting that this scheme should be studied. But by whatever procedure the flow of international lending may be restarted, it is of vital importance to secure that the monies advanced should be used for real productive purposes. It would be of the greatest advantage if the League on the one hand and, by their influence, the most responsible authorities in the financial markets on the other could discourage loans to public authorities or to others for unproductive or improper purposes.

The recommendations put forward in this report are concerned in part with the necessary implementing of work already undertaken by the Financial Organisation during the past year or of the resolutions adopted by the eleventh Assembly last September. That work is described and those resolutions referred to in the second part of this report.

With reference to the recommendations concerning the work which is likely to arise in connection with the present financial crisis, the Second Committee desires to emphasise again one point.

During the coming months, questions of the gravest importance must arise for solution. The arrangements which have been made concerning existing international debts are of short duration. It is the business of the creditors and debtors immediately concerned to find means for prolonging, modifying or terminating those arrangements on their expiration in such a way as to permit of a more normal conduct of business and to avoid a further shock to confidence. The measures which they will find most appropriate to the moment must depend on the underlying economic conditions and on the state of public sentiment. The general public no less than the banker and the *entrepreneur* can thus contribute much to the amelioration of the general situation.

But the problems which arise for solution are manifold and difficult and Governments and their international machinery at Geneva must be ready to act. It is above all important, in the opinion of the Committee, that the League should be prepared and equipped to help promptly and efficiently. Its aid will be sought and that aid must be readily given, whether by special enquiries and advice — in particular, on such financial reforms as may be considered useful — or by the erection of new financial machinery or by special discussions and meetings.

Part II. — Work of the Past Year.

The work of the Financial Organisation during the past year has been exceptionally wide in its scope. The late Director of what was formerly the Economic and Financial Section visited India in the winter of this year on the request of the Government of that country, and went on directly from India to China. His report on the creation of an Economic Council for India was published simultaneously by the Indian Government and, with its consent, by the League of Nations. Its interest, in view of the attention which is to-day being paid to this question of Economic Councils and economic planning, is of much more than national interest. His visit to China was in response to a request received from the Chinese Government that he should discuss with it the effects of the present depression on China's economic activities.

Expert enquiries have not, however, been confined in the financial field to the continent of Asia. A financial expert took part in the work of the mission sent to Liberia in the summer of this year by the Committee of the Council in order to study the problem raised by the request for assistance submitted by the Government of that country. Another visited Lithuania on the request of the Lithuanian Government to report on certain outstanding problems arising out of the Memel Convention. The Deputy Secretary-General and the present Director of the Financial Section paid a visit to Vienna after the request of the Austrian Government to which reference is made below.

Agricultural Credits.

The most important piece of new constructive work carried out by the Financial Committee until its present session has been in connection with agricultural credits.

When the Second Committee met last year, one of the most insistent problems with which European countries especially were faced was that of providing long-term credits to agriculture. Accordingly, the Financial Committee, acting on the instructions it received, elaborated in the first half of the year an International Convention, which has already been signed by 20 States, for the creation of an International Agricultural Mortgage Credit Company and the Constitutive Charter and Statutes for this institution. This is a sound and practical scheme which is fully described in the report to the Assembly (document

A.6.1931) and should come into operation as soon as the conditions of the financial markets permit the capital to be subscribed.

It is to be hoped therefore that the signatory States will ratify the Convention at an early date and that all European States which have not yet signed the Convention will do so before the end of this month.

Other Long-term Credit Problems.

This Convention was designed to meet the special difficulties of the agricultural countries. But, since May, the need for long-term capital has spread far beyond these countries. In view of this new situation, the French Government put forward certain proposals to the Commission of Enquiry for European Union which were afterwards examined by a special committee (Committee on Credit Problems) appointed by the Council. The report of this Committee (document C.504.M.211.1931.VII), was approved by the Council on September 14th. It is pointed out that :

> " The problem of international loans can no longer be considered by the League solely with regard to their effects on individual borrowing States, but should be viewed rather in connection with the general problem of international credit, and any action likely to promote a flow of capital to-day would promise 'valuable international advantages'. "

The Committee on Credit Problems recommended therefore that the League's policy with regard to the issue of loans under its auspices should be developed and that, as the French Government had suggested, the Financial Committee, acting in accordance with the instructions received from the Council of the League, should be prepared to consider such applications from borrowing States as may be made to it for its assistance. These proposals, it is observed, constitute rather a development of than a departure from the policy approved by the Assembly last year. They have received the approval of the Council, which decided in this connection that the collaboration of Treasury officials should be obtained in all cases where requests from Governments for help or advice involve the examination of questions of public finance. The Second Committee desires to emphasise the necessity of the Financial Organisation of the League being ready to meet all calls that may be made upon it.

Other Work of the Financial Committee.

The other work of the Financial Committee has been largely connected with the reconstruction schemes instituted in early years. The great undertaking of settling 1,400,000 refugees in Greece has been successfully concluded, and the similar work conducted in Bulgaria is nearing completion. A special enquiry has been conducted, on the request of the Bulgarian Government, into the co-operative system in that country.

Bulgarian Budget.

The general depression has had serious consequences for the Bulgarian budget. The financial year 1930-31 closed, owing to a falling off in receipts, with a large deficit, which threatened to be renewed in the current year.

The Financial Committee has taken active steps to deal with the position. It made urgent representations to the Bulgarian Government concerning the necessity of taking energetic measures to restore the balance between revenue and expenditure both by cutting down expenses and increasing the yield from existing taxes or creating new ones. The Bulgarian Finance Minister has submitted to it a detailed plan under which it may be hoped that the budget will be balanced and the Treasury position, which was compromised by the previous deficit, will be gradually improved.

Greece and Estonia.

The Financial Committee continued to follow the situation of the Banks of Greece and Estonia which, with its support, had restored the stability of the currency in these two countries.

At the same time, the Committee has kept in touch with the economic and financial situation in these two countries.

Counterfeiting Currency.

A first conference of representatives of the central police offices, with a view to the suppression of counterfeiting currency, met at Geneva from March 4th to 7th, 1931. This Conference, the chief aim of which was to develop international co-operation between these offices for the prevention and suppression of counterfeiting currency, adopted for this purpose a certain number of recommendations and a series of administrative regulations.

Gold.

The Gold delegation has pursued its work and devoted itself, in particular, to the study of the distribution of gold, on which question it issued a report in the spring of this year. It expects to conclude its work at its next session and to publish on that occasion a general report on the whole complicated question submitted to it.

Fiscal Committee.

During its second year of existence, the Fiscal Committee continued to devote its efforts to numerous and varied tasks. *Inter alia,* it drew up two model drafts for a plurilateral convention for the avoidance of double taxation of the chief categories of income, which it recommended to the attention of Governments.

Further, the enquiry initiated, with the help of the grant made by the Rockefeller Foundation, into the apportionment of profits of undertakings operating in several countries and the possibility of unifying the methods employed in this connection by the different fiscal administrations is making satisfactory progress. The legislation of several important countries has been carefully examined, and it is hoped to reach final conclusions in the comparatively near future.

The Committee also dealt with the taxation of instruments of international commerce, double taxation in respect of the turnover tax, and the Customs and fiscal duties on newspapers and periodicals.

The draft Convention which it had prepared, with the help of the Transit Organisation, on the taxation of foreign motor vehicles was adopted almost as it stood by the European Conference on Road Traffic and was signed by twelve countries.

It seems that, thanks to the efforts made in this sphere by the Financial Organisation of the League of Nations before the Fiscal Committee came into existence, the field of double taxation is being more and more restricted. Certain bilateral conventions of a general nature have recently been concluded between France and Italy, Finland and Sweden, Belgium and France and Belgium and Italy ; they are generally based on the model drafts prepared by the Conference of Government Experts in 1928. As regards maritime navigation, numerous agreements have already been concluded between the nations concerned.

Committee of Statistical Experts.

In January, a new permanent Committee — the Committee of Statistical Experts — was appointed in accordance with the terms of the International Convention relating to Economic Statistics. The Committee held its first meeting in March, when it laid down the lines of the large programme of work that lies before it. At the same time, it took action on two specific and urgent questions — the compilation of a common list of statistical territories to be specified in national statistics of external trade and of a list of commodities entering into such trade.

Economic Intelligence Service.

The eleventh Assembly instructed the Economic and Financial Organisation of the League :

(1) To undertake an enquiry into the course and phases of the present economic depression, and

(2) To examine, after getting in touch with international organisations, advisory councils, research institutes, etc., by what means the work already undertaken on the problem of the recurrence of periods of economic depression might be co-ordinated.

Professor Ohlin, of Stockholm University, was appointed at the beginning of the year to take charge of the enquiry referred to in the first of these resolutions.

In accordance with the wishes of the Assembly, the enquiry has been carried out in close collaboration with the International Labour Office and the International Institute of Agriculture, which have furnished information relating to the subjects with which they are concerned, and with a number of National Economic Councils and Economic Research Institutes. At the beginning of March last, and again in July, meetings of experts from these councils and institutions, together with representatives from the International Labour Office, the International Institute of Agriculture and the International Chamber of Commerce, were held at Geneva to discuss the plan of the enquiry and certain of the technical problems involved. The majority of the national organisations represented at these meetings and a number of Governments prepared special memoranda concerning the conditions in their own countries.

The important report, which has been prepared on the basis of these studies and consultations, was published at the beginning of the present session of the Assembly.

On the second resolution, a special report has been drawn up (document A.55.1931.II.A) by representatives of those advisory and technical organisations with whom the last Assembly decided that contact should be established. In this report, it is recommended that meetings of representatives of such of these institutes and of any national or international organisations as are engaged upon work on the question and of individual experts should be convened at suitable intervals.

On the importance of this proposed work the Second Committee laid special emphasis last year in a striking passage of its report. It remarked :

> " When we consider the magnitude of the losses from which the world suffers during a period of economic stagnation similar to that through which the world is now passing, it is impossible not to be impressed by the almost absolute failure of society, up to the present, to devise any means by which such disasters may be averted. The Committee felt that this problem was one which imperatively demanded co-ordinated and concerted study. "

It will be observed that the proposal put forward by the representatives of the economic councils, research institutes and other bodies consulted by the Financial Organisation is a conservative one. Such conservatism is wise to-day. What is essential is to begin the work in the hope that we may ultimately — however slowly and falteringly — find means to avert or to lessen depressions such as that which we are experiencing to-day.

In spite of the large amount of work falling upon it in connection with the enquiry into the course and phases of the economic depression, the Economic Intelligence Service has, during the last year, issued new editions of the *Memorandum on International Trade and Balance of Payments* (3 volumes), the *Memorandum on Production and Trade* and the *Statistical Year-Book*. The *Monthly Bulletin of Statistics* has been published regularly and a *Memorandum on Commercial Banks* is now in the press.

In the course of the year, the necessary arrangements have been made to start the *Annual Survey of Economic Developments*, in accordance with the decision of the last Assembly. In connection with this contemplated survey, attention may be called to the serious fall in the price of silver which has particularly affected the economic life of certain Asiatic countries in recent years.

Draft Resolution :

In conclusion, the Second Committee submits the following draft resolution to the Assembly :

> " The Assembly,
>
> " (1) At this grave moment of financial and economic anxiety, urges on all Governments to do everything that lies in their power to promote international understanding and make possible the revival on a normal basis of national and international investment ;
>
> " (2) Welcomes the decision of the Council laying down the conditions on which the Financial Committee should be prepared to consider applications from States which are desirous to obtain the assistance of the League, and requests the Council to follow closely the evolution of events and to take all measures necessary to assure that, at any moment, the decisions demanded by the situation may be taken without delay, and that the League of Nations may be in a position to render such service as may be demanded of it, and, in particular, to provide that the Financial Organisation of the League of Nations obtains the funds and the technical assistance necessary to permit it to afford to all States Members prompt and effective assistance whenever such assistance be sought, whether by means of delegations or advice or by any other means ;
>
> " (3) In view of the fact that the Commission of Enquiry for European Union and its Sub-Committee of Economic Experts have given favourable consideration to M. Francqui's proposal to establish an institution for long- and medium-term credits, requests the Council of the League of Nations to instruct the competent organs of the League to examine, as soon as possible, with the assistance especially of M. Francqui, the proposal submitted by the latter to the Sub-Committee of Economic Experts, and, in the event of any practical scheme being recommended under the auspices of the League, to ensure that it will be open for all countries to participate on an equal footing;
>
> " (4) Expresses its appreciation of the valuable work carried out during the past year by the Financial Committee and its special Delegations on Gold and Agricultural Credits and by the Fiscal Committee and by the Financial Organisation as a whole, and notes with special satisfaction the Convention for setting up an International

Agricultural Mortgage Credit Company, the recent response to the requests submitted by the Austrian and the Hungarian Governments for enquiries into their financial situation, the second interim report of the Gold Delegation and the study which has been published on the course and phases of the economic depression ;

" Urges all Governments of signatory States to accelerate their ratification of the Convention of the International Agricultural Mortgage Credit Company, and hopes that those others who, under the terms of the Convention, are enabled to deposit their signatures before September 30th, will do so ;

" (5) Approves the proposal that, in order to co-ordinate the work now being conducted on the problem of the recurrence of periods of economic depression, the League should convene meetings of experts and representatives of those economic councils, research institutes and other organisations that are actively engaged on this question and should appoint a qualified economist and adequate staff for this purpose, and decides that this work shall be begun either before or in the year 1933."

ANNEX 23.

Official No. : A.87.1931.X.

CONTRIBUTIONS IN ARREARS.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. William RAPPARD (Switzerland).

The Fourth Committee instructed a Sub-Committee to consider the question of unpaid contributions for the financial years of the League previous to December 31st, 1930.

The Sub-Committee was composed as follows :

Dr. RUPPEL (Germany) ;
Sir Annepu P. PATRO, Garu, Kt. (India) ;
Mr. Sean LESTER (Irish Free State) ;
Professor Amedeo GIANNINI (Italy) ;
Professor William RAPPARD (Switzerland) ;
His Excellency M. Pedro COSIO (Uruguay) ;
His Excellency M. Cesar ZUMETA (Venezuela).

M. Rappard was elected Chairman and Rapporteur of the Sub-Committee.
The Sub-Committee presented a confidential report to the Committee.
After discussing this report at a private meeting, the Fourth Committee unanimously agreed to propose to the Assembly the adoption of the following draft resolution :

" The Assembly,

" Observes with regret that this year a greater number of States than before have not fulfilled their financial obligations towards the League ;

" Earnestly calls upon States which have received certain facilities for the liquidation of their arrears to fulfil the conditions of the respective arrangements ;

" Invites the other States which, for various reasons, still owe in respect of 1929 and 1930 to remit their contributions as soon as political or economic conditions permit ;

" Requests the Secretary-General to undertake or pursue negotiations for the liquidation of arrears by all the States in question, to submit a report to the Council on the action taken by him before the next Assembly, and to communicate the results to the latter ."

ANNEX 24.

Official N° : A.77.1931.IX.

GENERAL CONVENTION TO IMPROVE THE MEANS OF PREVENTING WAR.[1]

REPORT OF THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. DE MADARIAGA (Spain).

In proposing to the Assembly the adoption of the text of a General Convention to improve the Means of preventing War, the Third Committee desires first of all to offer its thanks to the Special Committee appointed by the Council. This Committee, which was presided over by M. Politis, has greatly lightened the labours of the Assembly by making a very exhaustive study of the questions which had prevented the Committee on Arbitration and Security from establishing a single text.

While the Third Committee has made certain amendments to the draft report prepared by the Special Committee, it has in no way departed from the essential principles on which that Committee had reached agreement.

First of all, the Third Committee, like the Special Committee, would emphasise that the General Convention can in no way limit the powers held by the Council under Article 11 of the Covenant. This Article has proved itself very valuable in practice. To facilitate its application, texts have been drawn up and approved by the organs of the League, more especially the report of the Committee of the Council dated March 15th, 1927, approved by the Assembly on September 26th, 1927, and by the Council on December 6th, 1927, the study by the Committee on Arbitration and Security on Article 11 of the Covenant, recommended to the Council by the Assembly on September 20th, 1928, and the Council's resolution of June 7th, 1928, regarding measures to be taken in the intervals between sessions of the Council.

As, however, when a question is laid before it under Article 11 of the Covenant, the Council's decisions must be unanimous, it has seemed desirable to propose to the Governments the acceptance of new undertakings, whereby certain decisions might be taken without their votes counting for the purposes of unanimity when they were parties to a dispute and when the Council thought fit to recommend to them certain clearly specified conservatory measures.

These measures may be of two kinds : Non-military (Article 1 of the Convention) and military (Articles 2 and 3).

Provision is made for two classes of measures of a military nature :

(1) Measures which, in circumstances that, in the Council's opinion, do not create a state of war between the Powers in question, are designed to secure the evacuation of the territory or territorial waters of one party or of a zone demilitarised in virtue of international agreements by the forces of the other party which may have entered that territory or may be flying over it in the course of a dispute (Article 2) ;

(2) The fixing by the Council, if it thinks this necessary, of lines in the territory of the parties which must not be passed by the land, naval or air forces of the parties to the dispute and, where necessary in order to avoid incidents, by their civil aircraft (Article 3).

The text adopted for Article 2 emphasises the fact that it refers to circumstances which, in the Council's opinion, do not create a state of war between the Powers in question. A Convention designed to prevent war cannot, after all, be applicable when war has broken out. For that case, other measures and sanctions are provided by the Covenant.

The question of the moment at which war actually breaks out may of course give rise to difficulties of a theoretical nature. It would not seem that any more satisfactory explanations can be given on this point than those furnished in the following passage from the report submitted by M. de Brouckère to the Committee of the Council in

[1] Document A.78.1931.IX, Annexe 24 *(a)*.

December 1926 [1] which was recognised as a valuable guide in this important matter, but is not formally binding on the Committee.

The Committee has further thought it desirable to specify that there shall be equivalent treatment for land, naval and air forces as regards both measures of the first class (evacuation) and measures of the second class (fixing of lines not to be passed by the troops). As States regard their territorial waters as part of their territory, those waters must be evacuated by any forces that may have entered them or may be flying over them, just as the territory itself must be evacuated.

Certain doubts have been expressed as to the possibility of ensuring in practice equivalence of treatment as between air forces and the other forces, as regards measures of the first category, since the mobility of aircraft permits it very easily to fly back over foreign territory during or after evacuation.

In this connection, the Committee desires to call attention to the last paragraph of Article 3, according to which the contracting parties agree to give strict orders to the commanders of their forces, if the Council so recommends, to take all necessary precautions to avoid incidents. It is obvious that the latter paragraph will enable the Council to recommend particularly that the order not to fly over the territory or territorial waters of one party should be given to the air forces of the other party. Moreover, any raids by aircraft would, like those by land or sea forces, if necessary be verified or reported to the Council by the Commissioners which it had sent to the spot in accordance with the provisions of Article 4.

Measures of the second category — that is, the fixing by the Council of lines which the forces and, as far as may be necessary, the civil aircraft must not pass — may be prescribed, if the circumstances contemplated in Article 2 have arisen, and after the Council has prescribed measures designed to ensure evacuation, or if, in the event of a threat of war, special conditions, particularly the possibility of contact between the forces, rendered it necessary. It is understood that the State whose territory has been invaded will not be required to withdraw its forces behind the lines fixed by the Council until that territory has been completely evacuated by the alien forces.

The powers conferred on the Council by this article may be exercised without an invasion having taken place or after an invasion followed by an order for evacuation.

The Committee agrees with the Special Committee in thinking that it is obviously impossible in a general convention to formulate provisions for all the special cases which may arise. The Council will fix, within the limits of the Convention, the conditions for carrying out the measures which it prescribes. It will recommend to the parties only useful and practicable measures. Moreover, as regards civil aircraft, each party has also the right, particularly in the event of a threat of war, to notify in accordance with the rules in force, that it prohibits flying over certain zones of its territory by foreign aircraft.

Further, as regards the actual fixing of the lines which the forces must not pass, it is understood that if the Council, after endeavouring to fix these lines by common agreement with the parties to the dispute, has been obliged, failing such an agreement, to fix them with the consent of the party whose forces are affected, this does not involve the withdrawal of the forces further back than the exterior lines of the defence organisations existing on the frontier of the parties concerned at the time when the Council of the League of Nations takes its decision, nor the abandonment of any other work, position or line of communication essential to the security or the supplies of the party concerned, the natural lines of defence and vital centres being included among "the essential" works, positions, or lines of communication.

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[1] "We must now return to our previous remarks concerning the conditions which must be fulfilled before a country can be regarded as having resorted to war. There is no need to dwell upon the case in which the aggressor State formally declares war. Apart from this eventuality, two conditions are necessary, as we said:

"(1) One country must have committed an act of war against another;
"(2) The latter country must have admitted the existence of a state of war.

"Further, the second country must have justification for taking up this attitude.

"Every act of violence does not necessarily justify its victim in resorting to war. If a detachment of soldiers goes a few yards over the frontier in a colony remote from any vital centre; if the circumstances show quite clearly that the aggression was due to an error on the part of some subaltern officer; if the central authorities of the 'aggressor State' reprimand the subordinate concerned as soon as they are apprised of the facts; if they cause the invasion to cease, offer apologies and compensation and take steps to prevent any recurrence of such incidents — then it cannot be maintained that there has been an act of war and that the invaded country has reasonable grounds for mobilising its army and marching upon the enemy capital. The accident which has occurred has in no way released that country from the specific obligations laid down in Articles 12 and following. It could not be so released unless it were the victim of a flagrant aggression of such a serious character that it would obviously be dangerous not to retaliate at once.

"In short, to borrow the felicitous phrase used in the Treaty of Locarno, 'the country in question must be exercising the right of legitimate defence'.

"Legitimate defence implies the adoption of measures proportionate to the seriousness of the attack and justified by the imminence of the danger. If a country flagrantly exceeded these limits, even if it were affronted by some incident of little intrinsic importance, it would become, in actual fact, the real aggressor and it would be only fair that that country should be made the object of the sanctions provided for in Article 16" (see document A.14.1927, page 69).

Such are the provisional measures of a military nature which the Council may, under Articles 2 and 3 of the Convention, prescribe for the parties concerned. Obviously, other measures might, in certain special cases, appear desirable. If so, it will be not in virtue of the Convention, but under the general powers which it derives from Article 11 of the Covenant that the Council will be able to prescribe them with the consent of the parties concerned.

Certain delegations have recommended, in particular, the generalisation of the system of permanent demilitarised zones, but the Committee considers that such generalisation might be brought about by way of bilateral agreements, and not by a general convention.

Other suggestions have been made with a view to facilitating the application, if necessary, of Article 3. The possibility has been considered of neighbouring States negotiating between themselves in advance the limits of the demilitarised zones which they agree to create in their territory in the event of a threat of war.

The Polish delegation again defended in the Committee the point of view which it put forward in the Special Committee. It considers that, if the conservatory measures of a military character are restricted to those provided for in Articles 2 and 3 of the Convention, the latter will have little value, and the Polish delegation would, in particular, have liked to have the following clause included :

> " In the event of the Council's deciding that an international obligation concerning the state of a High Contracting Party's armaments has been violated, it shall call upon the High Contracting Party to restore the situation in accordance with the said obligation. The High Contracting Parties undertake to comply with such invitation without delay. "

The Third Committee shared the opinion of the Special Committee that the question did not come within the scope of the Convention and the Polish delegation reserved its right to submit the matter to the Conference for the Reduction and Limitation of Armaments.

The Third Committee unanimously accepted the text of Article 4 proposed by the Special Committee for the supervision of the execution of measures of a military character prescribed by the Council. It is understood that the task of the Commissioners appointed by the Council in accordance with the provisions of Article 3 will consist exclusively of verifying on the spot the withdrawal of forces prescribed by the Council under the conditions defined in Article 2 of the Convention. The Commissioners may not make a more extensive inspection than is necessary to verify the withdrawal of the forces, works or military establishments and in no case may they inspect naval or air bases.

The Committee furthermore draws the Assembly's attention to the last paragraph of Article 4 under which the rules to be followed for the composition and working of commissions of inspection shall be embodied in executive regulations which shall be prepared by the competent organs of the League of Nations so as to enter into force at the same time as the Convention. The Assembly will certainly wish to draw the Council's attention to the expediency of giving the competent organs of the League the instructions necessary for these regulations to be ready in good time.

As regards Article 5 concerning the question of penalties, the Third Committee succeeded in achieving unanimity, the Netherlands delegation having renounced the reservation which it had asked to have inserted in the Special Committee's report. It is understood that the second paragraph of Article 5 refers to the case of wars breaking out as a consequence of a violation, established by the Council, of the conservatory measures of a military character defined in Articles 2 and 3. As in all cases in which war breaks out, the Members of the League may, and, in fact, must, decide whether a State has resorted to war contrary to the obligations entered into under Articles 12, 13 or 15 of the Covenant, before considering *ipso facto* that a Member of the League has committed an act of war against all the other Members. Furthermore, in the special case referred to in the second paragraph of Article 5 of the General Convention, the contracting parties will consider that the violation by another contracting party of the supplementary obligations which it has freely entered into under Articles 2 and 3 of this Convention constitutes *prima facie* evidence, if war breaks out, that the said party has resorted to war within the meaning of Article 16 of the Covenant. It is understood that this is only *prima facie* evidence, which does not preclude proof to the contrary.

The Committee inserted in Article 6 a clause under which the parties to the Convention undertake to provide, by the means at their disposal, such publicity as the Council may think fit for its proceedings, decisions and recommendations when a dispute is brought before it in the case contemplated by the Convention. For the application of this clause, which is aimed at preventing public opinion as far as possible from receiving one-sided information and also at influencing on the public opinion of the countries involved with all the Council's moral authority, the Council must take a decision concurred in by all the Members voting other than the parties to the dispute. Naturally, this clause, like the others, cannot affect the rights of the Council under the Covenant, and particularly its right to regard publication of its discussions, decisions and recommendations as a matter of procedure under Article 5, paragraph 2, of the Covenant; but publicity only becomes compulsory under Article 6 of the Convention if it is decided upon unanimously.

The British delegation proposed the addition of a clause stipulating that it was understood that the measures laid down in paragraph 1 of Article 2 should not affect the right of free passage through the Suez Canal provided for in the Convention on the Free

Navigation of the Suez Canal signed at Constantinople on October 29th, 1888. To meet the British delegation's wishes, the Committee inserted a second paragraph in Article 9 referring to this Convention.

The formal clauses of the Convention do not call for much comment.

It may, however, be well to draw attention to the fact that for the entry into force of the Convention as provided in Article 14, ten ratifications or accessions will be necessary. Moreover, the last paragraph of the said article gives each contracting party the right to accompany his ratification or accession by a reservation under which he makes the entry into force of the Convention, in so far as he is concerned, conditional on ratification or accession on behalf of certain countries named by him. It goes without saying that the ten ratifications or accessions necessary for the entry into force of the Convention must either be ratifications or accessions not accompanied by reservations, or ratifications or accessions accompanied by reservations but rendered final by the fact that the conditions laid down in the said reservations have been fulfilled.

A proposal was put forward to insert a clause making the entry into force of the Convention conditional, apart from the number or ratifications or accessions provided for, on a declaration by the Council accepting the responsibilities laid upon it by the Convention. After consideration, it was thought that such a declaration was superfluous; the Convention having to be approved by the Assembly, it was recognised that the Council would have to obey its provisions.

It was also proposed to draw up the Convention in the form of an instrument open only to the accession of the parties on the model of the General Act. The Governments would only have been able to accede after obtaining the authorisation prescribed by the national constitutions.

The Committee eventually decided on the system generally adopted for conventions concluded under the auspices of the League of Nations, because it recognised the force of the argument that it would be easier for Governments to affix their signatures before the Conference for the reduction and limitation of armaments than to obtain the necessary authorisation for accession before February 2nd, 1932, the date on which this Conference is to open. In signing the Convention, the Governments will assume a moral obligation, and it is highly desirable that a large number of them should assume this obligation before the Conference.

In conclusion, the Committee wishes to recall the passage in the Special Committee's report in which the latter appraises the value of the draft which it drew up, and which has become, with a few amendments, the text of the present Convention.

After stating that it realised perfectly well the limitations of the text it had prepared, the Committee explained that it did not seem possible to ask the States to accept more extensive obligations in a general convention, "But", it added, "whereas, in the matter of conservatory measures, the contracting parties will not be legally bound except by the obligations in the convention, there can be no doubt that they may, if they think fit, themselves agree or propose to the Council to take other measures 'that may be deemed wise and effectual to safeguard the peace' and 'the good understanding between nations upon which peace depends'.

"Moreover, although the draft represents only a modest advance in the direction of the means of preventing war, the Committee desires to emphasise its practical importance and cherishes the hope that in the future this first step may be followed by other and more important steps."

The Committee fully endorses the Special Committee's opinion, and associates itself with the hope thus expressed.

I have accordingly the honour to submit the following draft resolution for the approval of the Assembly:

"The Assembly,

"(1) Taking note of the report submitted to it on behalf of the Third Committee;

"(2) Thanking the Special Committee for the admirable work it has done towards the framing of the draft general Convention to improve the Means of preventing War:

"(3) Approves the text of the said Convention which has been drawn up by the Third Committee;

"(4) Decides to open the Convention for signature by the States Members of the League and by those non-member States to which the Council of the League shall have communicated a copy of the Convention for that purpose;

"(5) Earnestly trusts that a large number of States will sign the Convention before the opening of the forthcoming General Disarmament Conference; and

"(6) Requests the Council to make the necessary arrangements in good time for the preparation of the rules referred to in the last paragraph of Article 4, in order that, should circumstances so dictate, the Convention may be put into effect immediately upon its entry into force."

ANNEX 24 *(a)*.

Official No. : A.78.1931.IX.

GENERAL CONVENTION TO IMPROVE THE MEANS OF PREVENTING WAR.

[Names of the High Contracting Parties.]

. . . . . .

Being sincerely desirous of developing mutual confidence by increasing the efficacy of the means of preventing war ;

Noting that, for this purpose, the task of the Council of the League of Nations in ensuring peace and conciliation might be facilitated by undertakings assumed voluntarily in advance by the States ;

Have decided to conclude a Convention and have for that purpose appointed as their plenipotentiaries :

[Designation of Plenipotentiaries.]

. . . . . .

Who, having deposited their full powers found in good and true form, have agreed as follows :

Article 1.

The High Contracting Parties undertake, in the event of a dispute arising between them and being brought before the Council of the League of Nations, to accept and apply the conservatory measures of a non-military nature relating to the substance of the dispute which the Council, acting in accordance with the powers conferred upon it by the Covenant of the League of Nations, may recommend with a view to preventing the aggravation of the dispute.

The Council shall fix the period of duration of these conservatory measures. It may extend this period should circumstances render it necessary.

Article 2.

If, in circumstances which, in the Council's opinion, do not create a state of war between the Powers at issue which are parties to the present Convention, the forces of one of those powers enter the territory or territorial waters of the other or a zone demilitarised in virtue of international agreements, or fly over them, the Council may prescribe measures to ensure their evacuation by those forces. The High Contracting Parties undertake to carry out without delay the measures so prescribed without prejudice to the other powers vested in the Council under Article 11 of the Covenant.

Article 3.

If the circumstances referred to in Article 2 have arisen, or, if in the event of a threat of war special conditions, and in particular the possibilities of contact between the forces of the parties to the dispute render it necessary, the Council may fix lines which must not be passed by their land, naval or air forces and, where necessary in order to avoid incidents, by their civil aircraft. The High Contracting Parties undertake to comply with the Council's recommendations in this matter.

The lines referred to in the previous paragraph shall, if possible, be fixed by agreement with the parties at issue.

Failing such agreement, the Council shall fix the lines with the consent of the party whose forces are affected, provided always that this does not involve the withdrawal of the forces further back than the exterior lines of the defence organisations existing on the frontier of the High Contracting Parties concerned at the time when the Council of the League of Nations takes its decision, and that the lines do not involve the abandonment of any other work, position or line of communication essential to the security or the supplies of the party concerned.

It shall, in every case, rest with the Council to determine the period within which the said lines shall be fixed under the conditions specified above.

The High Contracting Parties further agree to give strict orders to the commanders of their forces, if the Council so recommends, to take all necessary precautions to avoid incidents.

Article 4.

The Council shall, if it thinks fit, or if one of the parties at issue so requests before the Council has reached any of the decisions referred to in Articles 2 and 3, appoint

commissioners for the sole purpose of verifying on the spot the execution of the conservatory measures of a military character recommended by the Council under the conditions specified in Articles 2 and 3.

When regulating the execution of the measures it has prescribed, the Council shall, at the reasoned request of a High Contracting Party which is a party to the dispute, cause that execution to coincide with the arrival of the commissioners on the spot, so far as it may think necessary.

The High Contracting Parties undertake to afford these commissioners every facility for the performance of their duties.

The commissioners may not make a more extensive inspection than is necessary to enable them to carry out the duty defined in paragraph I. Nor may they make any inspection of a naval or air base, nor may they inspect military works or establishments for any purpose other than to verify the withdrawal of the forces.

The rules to be followed for the composition of working of commissions of inspection shall be embodied in executive regulations which shall be prepared by the competent organs of the League of Nations so as to enter into force at the same time as the present Convention.

Article 5.

If any violation of the measures defined in Articles 2 and 3 is noted by the Council and continues in spite of its injunctions, the Council shall consider what means of all kinds are necessary to ensure the execution of the present Convention.

Should war break out as a consequence of this violation, such violation shall be regarded by the High Contracting Parties as *prima facie* evidence that the party guilty thereof has resorted to war within the meaning of Article 16 of the Covenant.

Article 6.

The High Contracting Parties undertake to provide, by the means at their disposal, such publicity as the Council may think fit for its proceedings, decisions and recommendations when a dispute is brought before it in the cases contemplated by the present Convention.

Article 7.

In the cases referred to in Articles 1, 2, 3, 4, 5 and 6, the Council's decisions and recommendations shall, except as otherwise provided in those articles, be binding for the purposes of the present Convention, provided that they are concurred in by all the Members voting other than the parties to the dispute.

Article 8.

The provision of the present Convention shall only apply as between the High Contracting Parties.

Article 9.

The present Convention may not be interpreted as restricting the task or the powers of the Council of the League of Nations as laid down in the Covenant.

Nor should it affect the right of free passage through the Suez Canal provided for in the Convention on the Free Navigation of the Suez Maritime Canal signed at Constantinople on October 29th, 1888.

Article 10.

The present Convention shall remain open until February 2nd, 1932, for signatures on behalf of any Member of the League of Nations or of any non-member State to which the Council of the League of Nations has communicated a copy of the Convention for this purpose.

Article 11.

The present Convention is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-member States mentioned in Article 10, indicating the date of its deposit.

Article 12.

As from February 3rd, 1932, any Member of the League of Nations and any non-member State mentioned in Article 10 on whose behalf the Convention has not been signed before that date may accede thereto.

Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-member States mentioned in Article 10 indicating the date of the deposit of the instrument.

Article 13.

A *procès-verbal* shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ten Members of the League of Nations or non-member States have been deposited.

A certified copy of this *procès-verbal* shall be sent by the Secretary-General of the League of Nations to each Member of the League of Nations and to each non-member State mentioned in Article 10.

Article 14.

The present Convention shall be registered by the Secretary-General of the League of Nations ninety days after the date mentioned in Article 13. It will then enter into force as regards all Members of the League of Nations or non-member States on whose behalf ratifications or accessions have been deposited on the date of the *procès-verbal.*

As regards any Member of the League or non-member State on whose behalf a ratification or accession is subsequently deposited, the Convention shall enter into force on the ninetieth day after the date of the deposit of a ratification or accession on its behalf.

Each of the High Contracting Parties shall have the right to inform the Secretary-General of the League of Nations at the moment of the deposit of his ratification or of the notification of his accession, to the exclusion of all other reservations, that he makes the entry into force of the Convention, in so far as he is concerned, conditional on ratification or accession on behalf of certain countries named by him.

Article 15.

The present Convention may not be denounced before the expiration of five years from its coming into force in accordance with Article 14.

Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-member States mentioned in Article 10. Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification, but only as regards the High Contracting Party on whose behalf it has been notified.

Article 16.

The French and English texts of the present Convention shall both be authoritative.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva, on the . . . day of September, one thousand nine hundred and thirty-one, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations, and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and to any non-Member State to which the Council of the League of Nations has decided to communicate a copy of the present Convention, in accordance with Article 10.

ANNEX 25.

Official No.: A.91.1931.X.

ORGANISATION OF THE SECRETARIAT, OF THE INTERNATIONAL LABOUR OFFICE AND OF THE REGISTRY OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. Augusto DE VASCONCELLOS (Portugal).

On October 3rd, 1930, the Assembly of the League of Nations adopted a resolution submitted by its Fourth Committee on certain questions connected with the organisation of the Secretariat, the International Labour Office and the Registry of the Permanent

Court of International Justice. The seventh paragraph of this resolution was worded as follows :

> " Requests the General Committee of the Assembly to appoint a committee of . . . members to consider the retention or elimination, the increase or reduction of the posts of Under-Secretary-General, as well as the consequences resulting therefrom. All cognate questions which the Committee thought it necessary to adjourn in the course of its work shall be referred to that Committee. The latter will be requested to submit a report not later than May 1st, 1931, so as to make it possible for its conclusions to be examined in due time by the Governments of the States Members of the League of Nations and submitted to the next Assembly. "

On October 4th, the General Committee of the Assembly accordingly appointed a committee of thirteen members. The new Committee of Thirteen acquitted itself of its task and submitted a report dated February 5th, 1931 (document A.8.1931.X). After a short discussion, the Fourth Committee adopted the conclusions of this report, with the exception of paragraphs 21 to 26 inclusive, which it referred to the Supervisory Commission for subsequent decision.

The report of the Committee of Thirteen, which has so well carried on the work of its predecessor, deals with the following three questions which had been submitted to it :

1. The question of the Under-Secretaries-General.
2. Question of salaries, conditions of engagement, etc., of the Secretary-General, Deputy Secretary-General, Under-Secretaries-General, Directors and Treasurer.
3. Salaries of Chiefs of Section and of the Secretary-General's Chef de Cabinet.

As regards the first question, the Fourth Committee will certainly remember the interesting discussions held in 1930 with regard to the international character of the principal officers of the Secretariat. Two different solutions were finally put forward — that of increasing the number of Under-Secretaries-General to a maximum of eight posts, in order to ensure the collaboration of nationals of countries not permanently represented on the Council, and thus to guarantee, as far as possible, the international character of the structure of the Secretariat ; and that of abolishing completely all the posts of Under-Secretary-General, with the idea that this international character would be more completely ensured if persons belonging to Powers permanently represented on the Council ceased to exercise an influence.

Neither of these solutions, nor the proposal to maintain purely and simply the *status quo*, was able to command a majority in the Committee of Thirteen. The arguments on either side will be found in the Committee's Minutes, and a perusal of these Minutes makes it easy to understand that the Committee was unable definitely to settle the problem submitted to it, in view of the difficulty of estimating exactly the respective weight of the advantages and drawbacks of each system.

In these circumstances, the Committee decided, for the time being and as a compromise, to recommend the postponement of the question. The Fourth Committee concurred in this wise advice.

The Committee of Thirteen therefore proposes that the present organisation of the higher staff should be retained for the present, and it suggests that, in three years' time, at latest, the question of the retention or elimination, the increase or reduction of the posts of Under-Secretaries-General should be considered afresh by the Council and the Assembly. If it should so happen that the present Secretary-General retires before then, the position may have changed and the League will have at once to consider whether there should be a general readjustment of the higher posts. Bearing this in mind, the Committee recommends that all new or renewed contracts concluded with the Deputy Secretary-General or Under-Secretaries-General should :

> (1) Have a maximum duration of three years ;
>
> (2) Contain a clause under which they may be denounced within one year from the date on which the Secretary-General officially notifies the Council of his intention of resigning, this denunciation only to take effect as from the date on which the new Secretary-General assumes his duties or in the year following.

The Fourth Committee unanimously agreed to these proposals, which it recommends in turn to the Assembly.

The Committee of Thirteen had before it a draft resolution submitted to the Fourth Committee last year by the delegation of the Irish Free State regarding the nationality of the higher officials of the Secretariat down to and including Directors of Section.

The Committee of Thirteen, after careful examination and considerable discussion of this matter, is of the opinion that, "in the appointment or promotion of officials to one of the higher posts of the Secretariat, *the first and foremost* consideration must be the knowledge and capacity of the candidate, which must be in keeping with the duties he will be called upon to fulfil. In making the choice, however, account should be taken of the representation of the different forms of national civilisation. "

The Fourth Committee also accepted the conclusions of the Committee of Thirteen on this point.

It further adopted the proposals of the Committee of Thirteen as shown in paragraphs 16 to 19 of its report, and relating to (1) the salaries of the highest officers of the Secretariat; (2) the normal term of office of the Secretary-General and the Deputy Secretary-General; (3) the question of the entertainment allowance granted to these officials; and (4) the salaries of Directors.

The Fourth Committee decided to give the Treasurer the rank of Director, it being understood that he would receive no increase in salary for 1932.

As regards the Registrar of the Permanent Court of International Justice, an important discussion took place on the application of Article 32 of the Statute of the Court, which states that the salary of the Registrar shall be decided by the Council upon the proposal of the Court. Some delegates and the Chairman of the Supervisory Commission, while recognising with the Committee of Thirteen that this provision is not open to objection, maintained, in agreement with the Registrar of the Court, that it does not invalidate the sovereign right of the Assembly on budgetary matters. This right had, moreover, been recognised and respected by the Council, since it consulted the Supervisory Commission beforehand, and its decision was conditional on the approval of the necessary credits by the Assembly. Since the application of the new scale from January 1st, 1930, made it necessary to include a credit of 7,500 florins in the budget, the Fourth Committee, in confirming the above interpretation, referred the question to the Supervisory Commission. At the meeting of the Fourth Committee during which this question was taken up, the Registrar of the Court spontaneously renounced the amount entered in the supplementary budget for 1932, thus allowing the credit to be cancelled.

On the proposal of the Secretary-General, the Fourth Committee postponed until next year the consideration of the salaries of counsellors and also the question of septennial leave for officials of the First Division.

Actuated by the same spirit of economy, the Committee decided to postpone until next year the question of the new scale of salaries applicable to the Secretary-General's Chef de Cabinet, the Chiefs of Section, and the Deputy Registrar of the Permanent Court of International Justice.

The Fourth Committee therefore proposes to the Assembly the adoption of the following resolution :

" The Assembly,

" Having examined the report and the Minutes of the meetings of the Committee appointed by the Assembly at its eleventh session to consider (1) the retention or elimination, the increase or reduction of the posts of Under-Secretary-General, as well as the consequences resulting therefrom, (2) all cognate questions on the organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice which the Assembly had decided to adjourn in 1930 :

" (1) Adopts the present report;

" (2) Decides that the framework of the higher ranks of the Secretariat should be provisionally maintained as it stands;

" (3) Requests the Secretary-General to see that all new or renewed contracts concluded with the Deputy Secretary-General or the Under-Secretaries-General :

" *(a)* Should have a maximum duration of three years;

" *(b)* Should contain a clause under which they may be denounced within a period of one year from the date on which the Secretary-General officially notifies the Council of his intention of resigning, this denunciation only to take effect as from the date on which the new Secretary-General assumes his duties or in the year following;

" (4) Is of opinion that, in regard to the appointment or promotion of officials to one of the higher posts in the Secretariat, the *first and foremost* consideration must be the knowledge and capacity of the candidate, which must be in keeping with the duties he will be called upon to fulfil, account being taken, however, in such choice of the different forms of national civilisation;

" (5) Approves the conclusions of the present report in regard to the salaries and conditions of engagement of the Secretary-General, the Deputy Secretary-General, the Under-Secretaries-General, the Registrar of the Permanent Court of International Justice, the Directors, the Treasurer, the Secretary-General's Chef de Cabinet, the Chiefs of Section and the Deputy Registrar of the Court. "

Official No.: A.90.1931.X.

ANNEX 9.

FINANCIAL QUESTIONS.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.[1]

Rapporteur: M. E. C. BOHEMAN (Sweden).

The present report deals with all the questions on the agenda of the Fourth Committee, with the exception of those concerning the organisation of the Secretariat, the contributions in arrears and the new buildings, which are dealt with in separate documents.

I. AUDITED ACCOUNTS FOR 1930.

The Fourth Committee unanimously recommended that the Assembly should pass the accounts of the Secretariat and of the autonomous organisations of the League in the form in which they have been presented. One speaker pointed out that it would be desirable to state in the accounts the reasons for the differences between the estimates and the final figures or the reasons for any savings effected.

II. BUDGET FOR 1932.

(a) *General Discussion, Ordinary Budget and Supplementary Budget.*

The general discussion on the budget, which was particularly thorough and detailed this year, was extremely interesting. More than thirty members spoke, and all except the Spanish and Lithuanian delegates advocated the reduction of the budget, laying special stress on the fact that, at a time when each State Member of the League was confronted with an extremely serious economic and financial crisis and was making every effort to reduce public expenditure, the League of Nations should adopt the same policy, the more so since the increasing amount of contributions in arrears gave rise to a certain uneasiness.

It was generally recognised that the increase in the budget of the League was due mainly to appropriations voted for the Disarmament Conference in 1932, and that these appropriations should not be affected by any measures of economy that might be taken. Further, it was agreed that the proposed economies should not interfere with the essential work of the League, which, in 1932, would have to concentrate its efforts mainly on disarmament and the questions touching the financial and economic depression. At the outset, definite proposals were put forward to the effect that the budget should be referred back to the Supervisory Commission for examination with a view to a certain ratio of reduction. The attention of the Committee was also drawn to the difficulties which might arise when the budget for 1933 was drawn up. The Committee, however, in agreement with the authors of these proposals, merely referred the budget as a whole to the Supervisory Commission, requesting it to recommend any reductions it might be possible to effect. The Supervisory Commission complied rapidly and efficiently with the Fourth Committee's request. It made a detailed study of every item of the budget in close collaboration with the Secretary-General, the Director of the International Labour Office and the Registrar of the Permanent Court of International Justice, and it then submitted to the Fourth Committee proposals providing for a reduction of 2,604,999 gold francs on the budget (including the supplementary budget).

The Committee's report made it clear that the proposed reductions were not to be regarded as implying that the estimates for expenditure entered in the original budget could on any account whatever be considered superfluous or extravagant. The draft budget was a carefully compiled estimate of the sums necessary to give effect to the Assembly's decisions and to continue the work of the various organisations of the League; whereas the revised budget was designed to meet the entirely abnormal conditions which had developed within the last five months, and provided, in many cases, for the postponement of work rather than for its abandonment.

The reductions proposed by the Committee referred chiefly to the four following categories of expenditure:

(1) Expenditure on the various conferences, meetings of experts, etc., held under the auspices of the League;
(2) Travelling allowances paid to the members of committees, experts and officials;
(3) Cost of printing, publishing and circulating the League's documents;
(4) Salaries and allowances other than those protected by contractual obligations.

As regards conferences and meetings, the Supervisory Commission was guided by the following principle: whenever a meeting originally fixed for 1932 could, without serious inconvenience to the work in question, be postponed until 1933 or to a subsequent year, the credits provided should be suspended for the moment. Similarly, when credits had been appropriated for two or more meetings of a committee during the year, it should in many cases be possible to arrange the work

[1] This is the final text of the report as adopted by the Committee

of that committee so as to be capable of being handled at longer intervals, or with a smaller number of meetings. As the Committee had hoped, the responsible authorities have seen their way in both classes of cases to be satisfied with reduced credits. In other cases, they agreed to reduce the length of the session and the number of experts, etc., invited to take part in it. The Commission was confident that these alterations in the arrangements would not cause inconvenience to persons who lent their valuable services to the League, because they would place the general interest above everything else and would not misunderstand the reasons for these measures.

It should be noted that the Supervisory Commission was of opinion that a sum of 3,500,000 francs would suffice to meet the cost of the International Disarmament Conference. This reduction in the credit of 4,000,000 inserted in the budget has been proposed, on the one hand, as an outcome of the reduction in the number of conferences and sessions of the committees to be held in 1932, which will make it possible provisionally to second to the Conference staff a certain number of officials of the Secretariat belonging to sections other than the Disarmament Section; and, on the other hand, of a revision of the estimates for printing.

As regards travelling allowances to members of committees and League officials, the Supervisory Commission proposes to reduce the present scale to the following figures:

Category	Present figures	New figures
	Swiss francs	
Members of committees, experts, etc.	70	60
Officials of the rank of chiefs of section and higher rank	60	54
Members of the intermediate class and higher rank	40	37.50
Other officials	30	28.50

The Supervisory Commission further recommends the Assembly to reduce by 25 per cent —*i.e.*, from 2,000 to 1,500 francs — in 1932, the special allowance granted to members of the permanent Mandates Commission when they have sat for more than twenty-four days in one and the same year.

The cost of printing, publishing and distributing League documents has been reduced by roughly 25 per cent. This reduction has been made possible partly by the Supervisory Commission's proposal, based on a resolution adopted by the Assembly in 1928, that all committee Minutes, except those of the Assembly, the European Union Commission and the Permanent Mandates Commission, should be discontinued.

When unanimously approving the Supervisory Commission's report, the Fourth Committee was anxious to mark its appreciation of the valuable work so conscientiously performed by the Commission. At the same time it thought it advisable to examine chapter by chapter the budgets of the various organisations as modified by the Supervisory Commission's recommendations.

During this discussion, interesting suggestions were made by several speakers, some of which will be followed, the Secretary-General or the Chairman of the Supervisory Commission having declared themselves in their favour.

The latter stated, for example, that the Supervisory Commission proposed to consider, before the next Assembly, the question of the League's branch offices in certain cities other than Geneva. Further, the Secretary-General agreed to a proposal that a clause should in future be embodied in the contracts of the staff to the effect that salaries might be varied by decision of the Assembly.

The Secretary-General undertook to examine the desirability of restricting the distribution of League documents by writing to the persons to whom they were sent and asking them to inform the Secretariat whether they really wished to continue to receive them. He also promised to give in future more detailed particulars of the cost of the principal journeys undertaken by Secretariat officials during the preceding financial year.

Other speakers, while not suggesting that certain of the Supervisory Commission's proposals should be rejected, pointed out that they might hamper the work of certain sections—for example, the Minutes of the Opium Committee are a powerful instrument of propaganda, and, the reduction of the appropriations for the Social Section might impair the prestige and restrict the influence of that section, whose value has time and again been recognised.

Certain members of the Committee called attention to the difficulties that might result from the Supervisory Commission's proposal that the Mandates Commission should hold only one session instead of two in 1932, and suggested that, if the Commission's work suffered in consequence, the Council should be empowered to take such steps as it might think desirable. Finally, one speaker called the Committee's attention to the funds allocated to the Information Section, which seemed to him excessive.

(b) *Effects on the Budget of Certain Recommendations included in the Report of the New Committee of Thirteen.*

The recommendations of the Fourth Committee arising out of the report submitted by the new Committee of Thirteen are the subject of a special report. Nevertheless, it is expedient to indicate here the effects of these recommendations on the 1932 Budget.

The Fourth Committee decided to postpone until next year the question of the new scale of salaries applicable to Chiefs of Sections. It has therefore been possible to deduct from the supplementary budget the supplementary credits involved, amounting to 1,500 francs for the Secretariat and 27,000 francs for the International Labour Office.

With regard to the Treasurer, the Committee proposes to the Assembly that it should immediately grant him the rank of Director, with the proviso that no increase in salary should be granted for this year. The supplementary budget for the Secretariat is thus reduced by 2,500 francs.

Lastly, the Committee agreed to the Supervisory Commission's proposal, dated September 23rd, concerning the Registrar of the Permanent Court of International Justice. This official's position is, therefore, as follows: The scale of salary fixed by the Council on the proposal of the Court for the period January 1st, 1930–December 31st, 1936, ranging from 27,000 to 32,000 florins, by means of annual increments of 1,250 florins, is applicable as from now. On the other hand, the credit of 7,500 florins included in the supplementary budget by the decision of the Council, subject to the Assembly's approving the necessary credits, has been cancelled, as the Registrar has, of his own accord, foregone, for 1932, the benefit of the above scale. The Committee greatly appreciated this gesture on the part of a particularly distinguished official.

(c) *Supplementary Credits.*

The Fourth Committee approved, in certain cases by a majority vote, the various proposals for supplementary credits put forward by committees of the Assembly in the form submitted to it by the Supervisory Commission, except in connection with the constitution of a committee to examine the material relating to slavery. Although the Supervisory Commission recommended the rejection of the credit for this new committee, the Fourth Committee considered that a credit of 10,000 francs should be entered in the budget for this purpose, it being understood that, as regards any gifts which might be offered to cover the balance of the expenditure on the proposed committee, those intending to make such offers should inform the Council in good time.

* * *

The budget and the revised budget for 1932 may be summarised as follows:

	Original budget (including supplementary budget)	Revised budget [1]
	Swiss francs	
1. Secretariat and special organisations of the League	20,689,917	19,174,317
2. International Labour Organisation	9,463,290	8,792,290
3. Permanent Court of International Justice	2,790,140	2,663,702
4. Nansen International Office for Refugees	330,847	297,763
5. Buildings at Geneva	1,748,899	1,748,899
6. Pensions	1,015,023	1,011,023
Total	36,038,116	33,687,994

III. Reports of the Supervisory Commission.

The Fourth Committee accepted all the proposals of a general nature contained in the various reports of the Supervisory Commission, except as regards the definition of local staff, a question which it requested the Supervisory Commission to examine afresh.

The above paragraph refers particularly to the recommendations concerning:

1. *The disposal of the surplus for the financial year* 1930.

The Commission recommended that the reimbursement of the advances, amounting to 535,179 francs, made out of the Working Capital Fund, to the International Labour Office during 1930, should be considered as a first charge on the surplus of 659,077.82 francs for the financial year 1930. This surplus will thus be reduced to 123,898.82 francs, which sum will, under Article 38(*a*) of the Financial Regulations, be returned to the Members of the League in 1932.

2. *Question of publications.*

The Supervisory Commission proposed that the Assembly should vote the following resolution:

> "When proposals involving publications not immediately required for work already undertaken by the League are made by a League body, no final decision shall be taken until the Secretary-General has been consulted regarding the financial and administrative consequences of these proposals."

[1] For full details regarding the modifications approved by the Assembly, see Appendix to Annex 6 (page 114).

3. *Salaries of locally-recruited staff.*

In accordance with the decision taken by the Assembly at its eleventh session, the Supervisory Commission, in agreement with the Secretary-General and the Director of the International Labour Office, has drawn up a new scale of salaries for the locally recruited officials of the Secretariat and Labour Office.

The credits necessitated by the application of this new scale are included in the budget which has been submitted by the Fourth Committee to the Assembly.

IV. Staff Pensions Fund.

The Committee examined the report of the Administrative Board of the Staff Pensions Fund and approved the two amendments to the Staff Pensions Regulations proposed by the Board. It noted that the first valuation of the Fund would only take place at the beginning of 1932—*i.e.*, after the end of the time-limit granted to officials to state whether they wished to join the Fund or not. In these circumstances, it recommends that, in 1932, the League's contribution to the Fund should, as in 1931, be 9 per cent of the salaries subject to deduction, and proposes the adoption of the following resolution:

" The Assembly,

" Takes note of the first annual report of the Administrative Board of the Staff Pensions Fund; and

" Adopts the following amendments to the Staff Pensions Regulations:

" *Article 3, paragraph 1*, to read as follows:

" ' The execution of the present regulations and the management of the Pensions Fund shall be effected by an Administrative Board consisting of three members elected by the Assembly, a representative of the Secretary-General of the League of Nations, a representative of the Director of the International Labour Office, the Treasurer of the League of Nations, and three members elected by secret ballot by the officials who are subject to the present regulations. Where questions directly affecting the officials of the Registry of the Permanent Court of International Justice are under consideration, a representative of the Registrar shall be added to the Board.'

" *Article 12, paragraph 4*, to read as follows:

" ' The Administrative Board shall decide in each particular case whether the benefits of the present article shall extend to adopted children, step-children or children not born in wedlock.'

" Decides that the contribution of the League of Nations to the Pensions Fund for 1932 shall be 9 per cent of the salaries subject to deduction as defined in the Staff Pensions Regulations."

Admission of the Staff of the International Institute of Intellectual Co-operation and of the Nansen International Office for Refugees to the Pensions Fund of the League of Nations.

The Committee examined two resolutions of the Governing Bodies of these institutions asking that their respective staffs should be admitted to the Pensions Fund. It decided to refer these requests to the Administrative Board of the Staff Pensions Fund for examination and report. It accordingly proposes the following resolution:

" The Assembly,

" Notes the resolution of the Governing Body of the International Institute of Intellectual Co-operation requesting the admission of the staff of this Institute to the Staff Pensions Fund;

" Further notes a similar request from the Governing Body of the Nansen International Office for Refugees; and

" Decides to submit these two resolutions to the Administrative Board of the Staff Pensions Fund for examination and report to the Assembly at the latter's next session."

V. Miscellaneous Questions.

(*a*) The Chairman of the Supervisory Commission informed the Fourth Committee that, although not critical, the financial position of the League was less favourable than at the corresponding stages of the five previous financial periods, and so many contributions had not yet been sent in. The Fourth Committee therefore thought it advisable, with the object of avoiding, if possible, a deficit at the end of 1931, to forward to the Assembly a draft resolution requesting officials to make every possible restriction in expenditure, and begging the Council and the Govern-

ing Body of the International Labour Office to cancel or postpone any meetings arranged for the last three months of the present financial period.

In this connection, the Chairman of the Supervisory Commission pointed out that it would be of great advantage to the Treasury of the League if the various Governments would do their utmost to arrange for the payment of at least a portion of their contributions at the beginning of the year.

(*b*) The Rapporteur of the Supervisory Commission pointed out to the Committee that the Council had decided during the present financial year to charge against Item 3 of the Budget, "Unforeseen expenditure subject to special vote of the Council", expenses which, according to the terms of the Council's resolution, appeared to be recoverable. The Secretary-General had stated that, after careful examination, he had decided not to pay from the Working Capital Fund the sums required in the case in question, as repayment seemed somewhat uncertain in view of the fact that the money was to be used for the creation of a body which did not yet exist. In reply, the Rapporteur of the Commission gave it as his opinion that the terms of Article 33 of the Financial Regulations did not allow of any option, and that, should the advances prove not recoverable, the necessary sum for repayment should be provided for in a subsequent budget of the League.

In this connection the opinion was expressed that the Council, during this year, had drawn too freely on the credit provided under Item 3 for unforeseen expenses of a political nature. This tendency was doubly objectionable, in that it deprived the Assembly of the financial control which should belong to it, and diminished the likelihood of any surplus at the end of the current year.

(*c*) The Fourth Committee referred to the Supervisory Commission, the question of the revision of the regulations regarding the granting of retiring pensions to ordinary judges and to the Registrar of the Permanent Court of International Justice, and a draft resolution, submitted by the delegate of Uruguay, in favour of the payment of contributions in twelve monthly instalments, and requested it to present a report on these questions to the next Assembly;

(*d*) Having before it a communication addressed to the President of the Assembly by the permanent Delegate of Nicaragua to the League of Nations relating to the payment of that country's contribution to the League, the Commission profoundly distressed by the catastrophe which occurred in Nicaragua recommended the Assembly to adopt the draft resolution shown at the end of this report.

VI. Rotation in Membership of the Supervisory Commission.

The Fourth Committee, after a secret ballot, proposed to the Assembly the election of the two following regular members of the Supervisory Commission for the period ending December 31st, 1934.

Lord Meston of Agra, M. C. J. Hambro.

VII. Draft Resolutions.

Finally, the Fourth Commission has the honour to propose to the Assembly the following draft resolutions:

"1. The Assembly, in virtue of Article 38 of the Regulations for the Financial Administration of the League of Nations, finally passes the audited accounts of the League of Nations for the twelfth financial period ending on December 31st, 1930."

"2. The Assembly,

"In virtue of Article 17 of the Regulations for the Financial Administration of the League of Nations,

"Passes, for the financial period 1932, the general budget of the League of Nations—of the Secretariat and Special Organisations of the League, of the International Labour Organisation and of the Permanent Court of International Justice—amounting, including supplementary credits, to the total sum of 33,687,994 gold francs, including 3,500,000 francs for the International Disarmament Conference,

"And decides that the aforesaid budget shall be published in the *Official Journal*."

"3. The Assembly,

"Profoundly distressed by the catastrophe which has occurred in Nicaragua and has totally destroyed its capital,

"Decides to exempt that country from the payment of half its contribution to the budget for the financial year 1932 and to defer the payment of the balance."

"4. The Assembly adopts the conclusions of the various reports of the Supervisory Commission submitted for its consideration, except in regard to the request for credits put forward by the Sixth Committee for the establishment of a committee to examine the material relating to slavery, and in regard to the alteration in the definition of 'locally recruited staff'."

"5. The Assembly appoints as members of the Supervisory Commission for the period ending on December 31st, 1934, Lord Meston of Agra and M. C. J. Hambro."

"6. The Assembly adopts the conclusions of the report of the Fourth Committee."

Appendix to the Report of the Fourth Committee

I. MODIFICATIONS MADE IN THE BUDGET FOR 1932 AS ORIGINALLY CIRCULATED

Budgetary Item	Sub-item	Descriptions		Increase	Reduction Swiss francs	Totals
		PART I. — SECRETARIAT AND SPECIAL ORGANISATIONS OF THE LEAGUE.				
1.	1	*Assembly.*				
		1. Temporary staff			12,000	
		2. Overtime			5,000	
		3. Travelling			1,100	
		4. Assembly Hall			11,000	
		7. Supplies and stores			2,500	
		9. Incidental expenses			1,000	
		5. Special printing			52,750	
						85,350
2.		*Council.*				
	(*a*)	Ordinary sessions.			15,000	15,000
3.		*Council Unforeseen.*				
	(*b*)	(Exceptional) Unforeseen financial expenditure . . .		250,000		
4.		*Salaries.*				
	a. I. 12	Information Section. — Temp. .			10,000	
	a. I. 13	Legal Section. — Temp. . . .			400	
	b.	House Staff. — Overtime . . .			2,500	
	II. 1. (III)	Pool of Typists			18,000	
	3 (III)	English Translating and Précis-Writing			13,600	
	4 (*b*)	Printing Department			9,500	
	I. 15 (*a*)	Replacements, etc., Gen. Org. .			2,150	
	II. 8 (*a*)	Replacements, etc., Int. Adm. Serv.			9,700	
						65,850
8.		*Travelling.*				
	(*a*)	General				5,050
10 (*a*).		*Property Account.*				
	(*h*)	Telephone: local service			2,000	2,000
		Publications Department.				
11.	(*a*) (I)	Council documents and *Official Journal*			27,126	
	(*a*) (III)	Library publications			3,000	
	(*b*) 1	*Treaty Series*			40,000	
	2	Tables, diagrams, etc.			3,000	
		Ratification and agreement to Conventions			2,600	
	(*c*) 3	Other publications of Information Section			5,092	
	(*d*)	Transport charges of Sales Department			10,200	
		Publications for Council Election Committee			4,000	
						95,018
	New sub-head	Printing for Miscellaneous Committees:				
		1. System of elections to Council	5,000			
		2. Nationality of women	1,000			
		3. Amendments to Covenant	4,500			
				10,500		
		Carried forward . . .		260,500		268,268

Budgetary Item	Sub-item	Description	Increase	Reduction	Totals
				Swiss francs	
		Brought forward . .	260,500		268,268
12.	C. 2.	*General Office Supplies.*			
		Roneo supplies		5,000	5,000
13.		*Staff Charges.*			
	(c)	Contribution to Sickness Insurance Association		5,400	
	(g)	Recruitment		100	
					5,500
17.		*Supervision of Revenue and Expenditure.*			
	(a)	Auditors' travelling		1,600	
	(b)	Supervisory Commission		1,385	
	(c)	Allocation of expenses		8,150	
		Allocation of expenses		18,840	
					29,975
18.		*Advisory Commission and Minorities.*			
	1.	Salaries		18,660	
	2.	Travelling		250	
	3.	Printing		3,750	
					22,660
19 A.		*Financial Section.*			
	2 (a)	Committees and Sub-Committees' travelling and subsistence allowances		72,500	
	2 (b)	Printing for Committees		9,250	
	3	Travelling		750	
	4	Miscellaneous		250	
					82,750
19 B.		*Economic Relations.*			
	1	Conferences		50,000	
	2 (a)	Committees and Sub-Committees' travelling and subsistence allowances		33,380	
	2 (b)	Printing for Committees		11,250	
	3 (a)	Salaries		14,500	
	3 (b)	Travelling and removal		5,750	
	3 (d)	Studies, etc.		5,000	
	4	Miscellaneous		5,250	
					125,130
20.		*Mandates.*			
	1	Permanent Mandates Commission		25,400	
	3	Travelling and removal		2,450	
	4	Printing documents.		3,000	
					30,850
21.		*Transit Organisation*			
	2	Committees, Subsistence allowance and travelling		35,530	
	3(a) and (b)	Printing, Committees and Information		7,500	
	5	Salaries—Temp. engagements . .		500	
	6	Travelling		550	
	7.	Cables, etc.		1,000	
					45,080
		Carried forward	260,500		615,213

Budgetary Item	Sub-item	Description	Increase	Reduction	Totals
				Swiss francs	
		Brought forward	260,500		615,213
22.		*Health Organisation*			
		Global Reduction		277,930	277,930
23.A		*Opium Section*			
	1	Salaries		11,500	
	2	Travelling and removal		4,000	
	3(I)	Sessions of Advisory Committee .		4,950	
	3(II)	Opium Committee Printing . .		10,000	
					30,450
23.B		*Social Section*			
	2	Travelling		250	
	3(II)	Sub-Committees		9,000	
	3(III)(*a*)	Traffic in women and children —printing.		6,980	
	3(IV)(*a*)	Work of experts		6,000	
	3(IV)(*b*)	Protection of children—printing .		4,000	
	5	Penal Administration		700	
					26,930
23.C		*Permanent Central Opium Board*			
	1	Sessions.		5,255	
	2	Secretariat—Temp. engagements		1,000	
	5	Cables		1,000	
	4	Travelling and removal		250	
					7,505
24.		*Reduction of Armaments*			
	1.2	Travelling and removal		5,100	
	III	Investigations		20,000	
	VI	*Armaments Year-Book*		40,000	
	VIII	*Disarmament Conference:*			
		1. Temporary staff		200,000	
		3. Travelling		20,000	
		4. Printing		280,000	
					565,100
25.A		*Intellectual Co-operation.*			
	2(*a*)	Plenary sessions of Committees .		24,160	
	3	Conference on Scientific Property .		6,000	
	4	Instruction of Youth.		5,000	
	5	Committees of Experts (see also Supplementary Budget) . . .		5,000	
	6	Travelling		5,750	
	7(*a*)	Ordinary printing		9,000	
	7(*b*)	Aims and Organisation		4,000	
	8	*Educational Survey*		1,000	
25.B		*International Bureaux*			
	1	General expenses—printing, etc..		550	
	2	Handbook printing		1,000	
					61,460
					1,584,588
		Carried forward	260,500		

Budgetary Item	Sub-item	Description	Increase	Reduction	Totals
				Swiss francs	
		Brought forward . .	260,500		1,584,588
26.(*b*) (new item)		*Committee to examine the Material relating to Slavery*	10,000		
29.		*Mutual Assistance in Disaster* . .		5,000	5,000
30.		*European Union*..		58,000	
		Printing		4,875	62,875
31.A		*Liaison with Latin America.*			
	II(*a*)	Correspondents		12,000	
		Technical enquiries		8,800	20,800
31.B		*Liaison with China*		50,000	50,000
32.		*League Wireless Station*			
	(*b*)	Committee of Experts		3,000	3,000
		Totals for the Secretariat . .	270,500		1,726,263
Part IV		*Refugees*		33,084	33,084
Part VI		*Pensions:*			
	II(*b*)	Administrative Board		4,000	4,000
		Total reduction for Parts I, IV and VI			1,763,347

PART II. — BUDGET OF THE INTERNATIONAL LABOUR ORGANISATION.

Budgetary Item	Sub-item	Description	Reduction	Totals	Grand totals
				Swiss francs	
1.		*Sessions of the Conference*	165,000	165,000	
2.		*Sessions of the Governing Body* . .			
	(*b*)	Printing of documents for the Governing Body	2,000	2,000	
3.		*Salaries.*			
	(*c*)	Salaries for temporary staff . . .	13,000		
	(*d*)	Overtime	2,000		
	(*g*)	Special increments	4,000		
		Social films	5,000	24,000	
4.		*Travelling Expenses.*			
	(*c*)	Travelling expenses and Subsistence allowance, General Services	10,000	10,000	
6.		*Maintenance of Geneva Office.*			
	(*d*)	Repairs (main building, villa and grounds)	10,000	10,000	
7.		*Printing.*			
	(*i*)	*Monthly Summary*	7,000		
	(*j*)	Printing for Commissions	5,000	12,000	
		Carried forward		223,000	1,763,347

Budgetary Item	Sub-item	Description	Reduction	Totals	Grand Totals
				Swiss francs	
		Brought forward		223,000	1,763,347
8.		*General Office Expenses.*			
	(*a*)	Stationery or office supplies . . .	15,000		
	(*c*)	Cables and telegrams	1,000		
	(*f*) (II)	Photographs, etc.	2,000		
				18,000	
9.		*Special Staff Charges.*			
	(*b*)	Reserve of Death and Invalidity Fund	5,000		
	(*c*)	Contribution to the Staff Sickness Insurance	5,000		
	(*k*) (i)	Administrative Tribunal Expenses	5,000		
				15,000	
12.		*Enquiries, Investigations and External Collaboration*.	10,000	10,000	
13.		*Commissions.* Global reduction	20,000	20,000	
16.		*Furniture, etc.*	1,000	1,000	
17.		*Typewriters, etc.*	2,000	2,000	
18.		*Library*	5,000	5,000	
					294,000
		Total for the International Labour Organisation			2,057,347

PART III. — BUDGET OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

			Dutch florins		Swiss francs
1.	1.	*Travelling expenses of Judges and Temporary Staff*	10,000	10,000	
3.	(*a*)	*Duty and subsistence allowance of the Registrar and officials of the Registry*.	200	200	
5.		*Administrative expenses supplies* . .	2,000	2,000	
6.		*Printing*	4,500		
	(*b*)	Purchase of publications	2,000		
				6,500	
10.		*Contribution to the Pensions Fund* . .	20,000	20,000	
11.		*Furniture and installation of additional fittings*	5,000	5,000	
				43,700	
		Less annual increment for the Deputy Registrar		500	
		Total for the Permanent Court of International Justice		43,200	89,985
		Carried forward			2,147,332

Budgetary Item	Sub-item	Description	Reduction	Totals	Grand Totals
		Brought forward . .			2,147,332

SUPPLEMENTARY BUDGET FOR 1932.

I. Secretariat and Special Organisations of the League.

4 (*a*)		*Salaries.*			
	1. 2	Secretary-General's office	1,500		
	1. 14	Treasurer's office	2,500		
	3 (II)	French Translating and Précis-Writing	14,100		
				18,100	
10 (*a*)		*Property Account.*			
	(*n*)	Rent	27,487	27,487	
25 (*a*)		*Intellectual Co-operation.*			
	1	Salaries locally recruited staff . .	5,250		
	5	Committees of experts (see Budget).	5,000		
	10	National Commttees	4,000		
				14,250	
		Total for the Secretariat and the Special Organisations of the League			59,837

II. International Labour Organisation.

Chap. I	1	Sessions of the Conference	350,000		
	3	Chiefs of Section	27,000		
		Total for the International Labour Organisation . .		377,000	377,000

III. Permanent Court of International Justice.

			Dutch florins	Swiss francs		
2	(*a*)	Salary of Registrar . . .	7,500	15,623		
4	(*d*)	Contribution to the Carnegie Foundation . .	10,000	20,830		
		Total for the Permanent Court of International Justice .				36,453
		Total reduction Budget, including Supplementary Budget				2,620,622 [1]
		Total increase Budget				270,500
		Net reduction				2,350,122

[1] The reduction shown on page 246 of the report amounted to 2,604,999 gold francs, but a further reduction of 15,620 francs was made subsequently.

ANNEX 27.

Official No.: A.92.1931.X.

ALLOCATION OF EXPENSES.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. E. C. BOHEMAN (Sweden).

M. Réveillaud, Chairman of the Committee for the Allocation of Expenses, reminded the Fourth Committee that, in accordance with a decision taken by the Assembly of 1928, the Committee for the Allocation of Expenses had been instructed by the Council to submit to the Assembly of 1932 a new and definite scale for the contributions of the States Members of the League. In view of the present economic and financial situation, however, it seemed extremely difficult to draw up a new scale which would have a permanent scientific value. The Allocation Committee was therefore of the opinion that the question of a definite scale should be deferred until the Assembly of 1934.

The Fourth Committee agreed with this proposal: its decision was preceded by a long discussion — reported in the Minutes of the meetings of September 25th and 26th — during which the delegates of several States emphasised the particularly difficult position in which their respective countries found themselves and the disadvantages which would result from the adjournment of the revision of the scale of allocation. In a spirit of mutual concession, unanimous agreement was, however, reached on the proposal of the Allocation Committee.

With regard to the number of units to be allocated to Mexico, which was admitted to the League at this session of the Assembly, the Fourth Committee was informed that the Allocation Committee had already examined the position and had recommended that Mexico should be responsible for fourteen units.

The following resolution is therefore submitted to the Assembly by the Fourth Committee:

"The Assembly,

"I. Approving the recommendation of the Allocation Committee:

"Fixes at fourteen the number of units allocated to Mexico in the scale of apportionment of the League's expenditure;

"II. Amending the decision taken on September 26th, 1928:

"Requests the Council to ask the Allocation Committee not to submit its draft revised scale until the 1934 Assembly."

ANNEX 28.

Official No.: A.89.1931.

CONSTRUCTION OF THE NEW BUILDINGS.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. E. C. BOHEMAN (Sweden).

I.

The Supervisory Commission laid before the Fourth Committee a special paper on the subject of the new buildings dealing with a report addressed by the Building Committee to the Secretary-General on September 18th, 1931, and transmitted by him immediately to the Supervisory Commission for consideration. In this report, the Building Committee warned the Secretary-General that the estimates approved by the Assembly in 1930 would probably be exceeded by seven to eight million francs. In face of this serious situation, the Supervisory Commission considered it essential to consult the Fourth Committee immediately.

It will perhaps be convenient to summarise briefly here the different stages which led to the adoption of the estimates for the construction of the new buildings by the Assembly of 1930.

The Assembly, in 1927, approved the first report of the Special Committee of Five[1] concerning the new buildings and agreed in principle that the sum to be expended should be increased to approximately 19,500,000 francs.

[1] M. Adatci, M. Osusky, M. Politis, M. Urrutia and Sir Edward Hilton-Young.

In 1928, difficulties arose in regard to the lakeside site and the Assembly of that year approved the choice of the Ariana Park as the site for the new buildings.

A revised draft plan for the new site was approved by the Council in June 1929. This draft plan was accompanied by an estimate based on an average price per cubic metre, which put the cost of the buildings at 17,681,061 francs, leaving a margin of approximately 1,800,000 francs on the provisional credit of 19,500,000 francs. The architects stated that this sum would suffice for a modest layout of the grounds around the buildings, but that it would be insufficient to cover the cost of the arrangement of the park as shown in the plan, particularly the monumental terraces in front of the Assembly Hall facing the lake.

The Committee of Five instructed the architects to prepare an estimate of the cost of this latter work before the Assembly of 1929.

In the report of the Committee of Five to the Assembly of that year (document A.58. 1929) it was pointed out that the new site in the Ariana Park would involve much heavier expenditure on external work than the lakeside site and that the cost of erecting the buildings themselves would also be increased to some extent.

In view of these facts, and on the basis of further information furnished by the architects, the Committee of Five informed the Assembly that there was reason to fear that the rough estimate of cost presented by the architects with the draft plans approved by the Council in June 1929 would have to be increased by 10 to 15 per cent and that the cost of the supplementary external work mentioned above would amount to 1,500,000 francs in round figures.

The architects then proceeded with the preparation of their final plans and detailed estimates, and these were presented in June 1930. The total estimate for the Assembly Hall, Secretariat building and external work amounted to 23,633,150 francs, including architects' fees, office expenses and a margin of 759,555 francs for unforeseen expenditure. The cost of the new Library building, which is to be met out of the Rockefeller grant, was estimated at 4,250,000 francs. The plans and estimates were first submitted to the Building Committee for examination and a report was prepared by this Committee for the guidance of the Committee of Five.

The Building Committee stated that its technical members had proposed, as the margin for unforeseen expenditure was in their opinion inadequate, that the estimates should be increased by 5 per cent.

The architects replied that, in addition to the sum of 759,555 francs, a certain margin was allowed under each heading of the estimates for unforeseen expenditure. They stated, further, that the estimates had been drawn up on a well-defined technical basis, and were founded on current prices at Geneva, liberally calculated, so that considerable reductions might safely be counted upon when tenders were received for the work. Moreover, the estimates had not taken into account the freedom from import duties enjoyed by the League of Nations, and the economies under this head would still further increase the margin available for unforeseen expenditure. In view of these considerations put forward by the architects, the Building Committee finally decided to adopt the estimates as they stood.

The Committee of Five, after careful consideration of all these points, also decided to accept the architects' estimates, and in its report to the Assembly (document A.55.1930) recommended that the Assembly should approve the detailed estimates for the Assembly Hall and Secretariat Building amounting to 23,633,150 francs and for the Library to 4,250,000 francs.

In making this recommendation, the Committee of Five reminded the Assembly that the architects had allowed for a very simple style of construction and decoration and even quoted the passage which occurred in its preceding report, which reads as follows:

> "It should be added that the rough estimate furnished by the architects for the building proper refers to a simple construction. On this point the architects state in this report which accompanied their plan:
>
> > "'We desire to state clearly that our provisions are based upon a very simple treatment of the buildings as a whole and in detail. That is imposed by the funds available, which certainly do not altogether correspond to the size and the character of the buildings as laid down in the programme.'
>
> "The architects stated that the funds available would in any case be insufficient for really imposing buildings; but the Committee believes that it has always been the Assembly's intention to have buildings worthy of the League, but simple in outline and unpretentious. It should be pointed out that no funds have been provided either for works of art or for rich decorative materials."

This report of the Committee of Five having been approved by the Assembly on October 3rd, 1930, the basis of the scheme could be considered as definitely settled.

In February 1931, the Secretary-General notified the Supervisory Commission that the estimates had been exceeded by 178,000 francs on the work of levelling, and by

50,000 francs for drainage. It was noted, moreover, that the necessity of a special system of drainage of the subsoil had not been provided for in the architects' estimates.

With regard to the overspending on the levelling work, the architects indicated that this was in part due to the lowering of the levels fixed for the buildings, but that this would be compensated by a reduction in the cubic content of the buildings which the lower levels would permit.

Subsequently, during the excavations, further difficulties due to the nature of the subsoil necessitated the enlargment and reinforcement of the foundations to an appreciable degree, which resulted in further unforeseen expenditure.

Seriously concerned by this continued overspending, the Building Committee instructed the architects during the summer 1931 to revise completely the estimates presented to the Assembly in 1930. This revised estimate, which the architects were unable to submit to the Building Committee until September 9th, 1931, showed an increase of 2,771,845 francs over the 1930 estimates for the Assembly Hall and Secretariat, the estimate for the Library remaining unchanged.

The additional expenditure on the foundations accounted for about 1,200,000 francs, and the balance was caused by a slight increase in the cubic contents of the buildings and certain increases in various chapters of the estimate.

The Building Committee observed with some surprise that the revised estimates included no margin for unforeseen expenditure and that, in order to reduce, if possible, the increase on the credit already voted, the architects were contemplating certain economies which were scarcely acceptable, such as the use of artificial stone instead of natural stone in some part of the façade. The Building Committee therefore requested the architects to revise their calculations once again and to take fully into account all the accessory work necessary for the completion of the buildings.

Pending this further revision of the estimates, and before communicating the papers to the Supervisory Commission, the Building Committee asked its technical members for an approximate estimate of the final cost of the buildings. The technical members, while pointing out that it was impossible to make anything like an exact estimate at such short notice and without going into all the details, replied that it was their impression that the 1930 estimates would ultimately be exceeded by a sum in the neighbourhood of seven or eight million francs for the Assembly Hall and Secretariat.[1] The estimates for the Library they thought might be exceeded by some 1,750,000 francs.

Following upon discussions that took place on this subject between the technical members of the Building Committee and the architects, the latter addressed to the Building Committee two letters dated September 15th and 17th, both of which modify the figures of the revised estimates submitted on September 9th, 1931.

In one of these letters the architects agreed that a margin of 10 per cent on the revised estimate would be prudent, and reiterated their previous statement as to the simple and economic lines on which their scheme was prepared. In the second letter, the architects stated that provisions for certain fittings and external work which the Building Committee had pointed out were not included in the revised estimate would still further increase the total sum required.

The architects, at the invitation of the Building Committee, also suggested certain ways in which expenditure on the buildings might be cut down if absolutely necessary, with a view to avoid exceeding the credit already voted by the Assembly in 1930. It may be stated at once that these suggestions were not such as could be entertained.

The following table gives a comparison between the figures of the 1930 estimate, those of the revised estimate of September 9th, 1931, and those which result from the two above-mentioned letters from the architects :

	Swiss francs
1930 Estimate (see document A.55.1930).	
Assembly Hall, Secretariat and outside work (including fees and office expenses)	23,633,150
Library (including fees and office expenses)	4,250,000
Estimate of September 9th, 1931.	
Assembly Hall, Secretariat and outside work (including fees and office expenses)	26,404,995
Library (including fees and office expenses)	4,250,000
Letter of September 15th, 1931.	
Assembly Hall, Secretariat and outside work (including fees and office expenses)	28,748,941
Library (including fees and office expenses)	4,671,640

[1] To make this estimate of the excess complete, it should be mentioned that, under the head of accessory expenditure (meetings of the Building Committee, staff salaries, printing expenses, etc.), provision must be made for an additional amount of something in the neighbourhood of 800,000 francs (see document C.C.478).

	Swiss francs
Letter of September 17th, 1931.	
Assembly Hall, Secretariat and outside work (including fees and office expenses)	29,925,494
Library (including fees and office expenses)	5,389,998

It is only fair to add that the architects, when questioned by the Supervisory Commission, stated that the approximate estimate of an increase amounting to seven or eight million francs emanated from the Building Committee and not from them, and that they maintained the figures of their revised estimate of September 9th, 1931, which showed an increase over the 1930 figures of 2,771,845 francs. Their two letters to which reference has been made in this report were written in reply to certain questions put to them by the Building Committee, and they regarded the further increases mentioned therein as destined to provide a margin of security and provision for certain work which need not necessarily be executed at the present time.

II.

The Fourth Committee were fully alive to the seriousness of the situation, which might even bring prejudice upon the prestige of the League. A very full and frank discussion took place, in the course of which the necessity for prompt and energetic action was strongly emphasised, in order to put the building operations on a sound basis. Various solutions were examined, even the advisability of suspending the work until the present uncertainties were cleared up.

The difficulties arising out of the fact that the work is entrusted to an association of five architects were also considered, and various means of establishing unity of direction were examined, including the revision or cancellation of the architects' contract. The Fourth Committee finally came to the conclusion that it had neither the technical and legal competence nor, at this late stage, the time necessary to go fully into the matter. It therefore decided that the question should be referred to a Committee of Enquiry, enjoying the full confidence of the Assembly, to review the whole situation and, after having obtained the necessary technical and legal advice, to propose the necessary action. This Committee should be granted the fullest liberty, but would have to bear in mind the necessity, in principle, of remaining within the limits of the credits already voted. The Supervisory Commission, already requested by the Assembly of 1930 to deal with all financial questions in connection with the new buildings, was, in the opinion of the Fourth Committee, eminently qualified to undertake this task. In order to save time it was further decided to recommend that the same procedure which was followed in the case of the reports of the Special Committee of Five should be again adopted, and that the report of the Supervisory Commission should be submitted for approval and ratification to the Council of the League. The Fourth Committee therefore ventures to submit for the approval of the Assembly the following resolution:

> " The Assembly,
>
> " Having noted the report of the Fourth Committee on the question of the new buildings;
>
> " Painfully surprised at the information furnished to the Fourth Committee by the Supervisory Commission, to the effect that it is feared that the estimate approved by the Assembly at its eleventh ordinary session may be exceeded by from seven to eight million Swiss francs unless the situation is taken in hand:
>
> " Declares that it is resolved in principle to keep within the estimate adopted last year; and
>
> " Instructs the Supervisory Commission, after having obtained the necessary technical and legal advice and without excluding the possibility of reconsidering the contract concluded with the architects, to submit to the Council for approval as soon as possible a programme which will comply, under the best possible conditions, with the above decision."

ANNEX 29.

Official No.: A.93.1931.IX.

ARMAMENTS TRUCE: INFORMATION ON THE POSITION OF ARMAMENTS IN VARIOUS COUNTRIES.

REPORT OF THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. DE MADARIAGA (Spain).

I.

In the general discussion of the report on the work of the League of Nations since the last Assembly, a number of speakers emphasised the decisive importance of the result of the coming General Conference for the Reduction and Limitation of Armaments.

The Third Committee noted with keen satisfaction that the Council had fixed February 2nd, 1932, as the date for the convening of the General Disarmament Conference, and that the confidence expressed by the eleventh Assembly in this connection had thus been justified. The representatives of many countries expressed the opinion that the Assembly ought not to adjourn without contributing to the work of the said Disarmament Conference, by preparing the moral atmosphere essential to its success by means of an act of international goodwill. This view was expressed by a large number of speakers in the Assembly, in particular by the first Italian delegate, M. Grandi, who announced a proposal for the institution of an armaments truce as a means of preparing the Conference. The matter was also the subject of a draft resolution (document A.51.1931.IX), submitted to the Assembly by the Danish, Norwegian, Netherlands, Swedish and Swiss delegations and referred to the Third Committee on September 12th last.

This draft resolution proposed that the Assembly should, in the first place, issue a solemn appeal to all who desire the application of the principles of peace and justice on which the Covenant is based to devote all their efforts to the creation of a world opinion strong enough to ensure the success of the Conference, and, in the second place, request the Council to urge the Governments summoned to the Conference to abstain, pending its result, from any steps for the increase of the present level of their armaments.

* * *

The Third Committee was of opinion that, in view of the close connection between its discussions on the subject and the work to be done by the Conference, it would be desirable for those States not represented in the Assembly, but which are invited to take part in the Conference, to take part also in the work of the Committee relating to disarmament.

On the Third Committee's proposal, the President of the Assembly, in agreement with the General Committee, on September 19th, invited the following States to be represented on the Committee: Afghanistan, Argentine, Brazil, Costa Rica, Egypt, Ecuador, Salvador, Turkey, the Union of Soviet Socialist Republics and the United States of America. It was proposed that the States that were not members of the League should be represented in an advisory capacity only.

The following States accepted the Assembly's invitation: Costa Rica, Egypt, Turkey, the United States of America and Brazil, the latter being represented by an observer.

The Government of the Union of Soviet Socialist Republics stated that, in view, amongst other things, of the short notice given, it was unable to send a delegate to take part in the discussions of the Third Committee. Being, however, always prepared to support any proposal for the limitation of armaments, it would be disposed to associate itself with the proposal of the Italian Foreign Minister, M. Grandi, provided that proposal was adopted in a form obligatory on all countries, and that it covered all classes of armaments, and that the signatories of the undertaking confirmed that it should not in any case replace or postpone the essential problem of disarmament or limitation of existing armaments, which must be settled as quickly as possible.

* * *

The Third Committee had before it, on the one hand, the draft resolution presented by the five countries; on the other hand, a concrete proposal proposed by the Italian delegation to give effect to the proposal made by M. Grandi at the Assembly. A discussion of some importance took place in connection with these proposals.

The idea of an armaments truce as a contribution to the preparation for the Conference met with general assent. But opinion was divided as to the forms and methods of giving practical application to this idea.

* * *

In the course of the Committee's discussions, the Italian delegation, with the support of a certain number of other delegations, and particularly of the British delegation, submitted a draft resolution which in its view, while based on the same motives as the five countries' draft resolution, was calculated to give more precise form to the idea of the armaments truce.

The Italian proposal was that each Government should undertake for a period of one year dating from November 1st, 1931:

(1) Not to increase its expenditure on land forces already authorised for the current financial year, and not to exceed the total of such expenditure during the next financial year until the expiry of the truce;

(2) Not to place any warship on the stocks, provided always that vessels under construction might be continued and completed;

(3) To suspend the construction of additional military aircraft, except to replace machines which are placed out of commission during the truce.

The British delegation completed the Italian proposal by an amendment to which the Italian delegation agreed, with regard to the procedure to be followed for the practical application of the Italian proposal.

The Committee, moreover, had before it certain amendments by the French delegation to the five countries' draft resolution. Useful suggestions were also made by a large number of delegates.

* * *

The Third Committee was of opinion that a tangible gesture should be made, indicating not only the desire of the countries represented on the Committee to renounce for one year, as from November 1st, 1931, any increase in the present level of their armaments, but also creating before February 2nd, 1932, an atmosphere favourable to the success of the great Disarmament Conference.

The Committee was fully conscious of the fact that such an undertaking could not and should not replace the decisions that might be reached on a contractual basis at the Conference itself.

Nevertheless, it felt that it would be expedient to make a gesture which, although having a chiefly moral character, would be, in the Committee's opinion, none the less effectual in its effects on the Governments and public opinion.

The Committee's aim has been to prepare the moral atmosphere of the Conference by getting the present session of the Assembly to take a plain and palpable decision for an armaments truce. Certain delegations felt that a vague obligation was likely to lead to different interpretations and consequently to dangerous controversies, and that only definite obligations could answer to the end in view. But this made it necessary to elaborate a veritable Convention, and only the Conference itself could do so at the outset of its work. Nevertheless, the Italian delegation, supported by other delegations, pointed out that this latter procedure would not enable the truce to be utilised as an element in preparing for the Conference, and it accordingly pressed its proposal.

But the Italian proposal, which had the virtue of defining the obligations to be assumed, contained, as some delegations thought, technical difficulties as regards execution, caused by the definition itself and by the short period allowed the various countries between the adoption and the execution of the plan. The Committee strove to combine the advantages of the various proposals by eliminating their disadvantages, *viz.*, by inviting the various Governments to assume material obligations which were nevertheless sufficiently flexible to allow them to be carried out. The result was the resolution, the text of which is given later. This resolution is intended to prevent an increase in the effort at present being expended on the whole of the armaments of each country.

Certain delegations made a point of stating explicitly that they did not regard as incompatible with the principle thus laid down, which must remain predominant, such measures as the normal carrying out of legal enactments relating to effectives, the regular execution of programmes for the upkeep and renewal of land, naval and air material or fortifications and the constitution of the corresponding stocks.

The *Armaments Truce* will be brought about by means of an undertaking to be given in the form of a declaration by the various Governments before November 1st, 1931. Certain delegations consider that it is to be anticipated that in their replies States will take into account the position of their neighbours and especially those who are not members of the League of Nations.

If, as a result of unforeseen circumstances, such as are more likely to arise in the case of countries having responsibilities overseas, a Government should find itself compelled to suspend the operation of its declaration, the Secretary-General of the League of Nations should be immediately notified and should inform the other Governments concerned.

The Third Committee hopes that by unanimously accepting the proposed truce, the Governments Members or non-members of the League will help to create an atmosphere favourable to the work of the important Conference to which they have been summoned.

The Third Committee therefore proposes to the Assembly the adoption of the following resolution:

" Convinced that the crisis which at the present time is creating such profound disturbance among the nations of the world is due to a number of economic and political causes originating principally in the lack of mutual confidence between the nations, and

" Convinced that a renewal of the competition in armaments would necessarily lead to an international and social catastrophe:

" The Assembly addresses a solemn appeal to all those who are desirous that practical effect should be given to the principles of peace and justice upon which the Covenant is based and urges them to devote all their efforts towards creating a world opinion strong enough to enable the General Disarmament Conference to achieve positive results, including in particular a gradual reduction of armaments to be continued until such time as the object laid down in Article 8 of the Covenant is attained.

" In view of the fact that an undertaking on the part of all States not to increase their armaments would help to create an atmosphere of confidence, to prevent competition in armaments and to prepare the ground for the success of the forthcoming Conference:

" The Assembly,

" Requests the Governments invited to the Disarmament Conference to prepare for this event by means of an armaments truce and, accordingly,

" Requests the Council to urge the Governments convened to the said Conference to give proof of their earnest desire for the successful issue of the efforts to ensure and organise peace and, without prejudging the decisions of the Conference or the programmes or proposals submitted to it by each Government, to refrain from any measure involving an increase in their armaments.

" Likewise requests the Council to ask the Governments to state before November 1st, 1931, whether they are prepared for a period of one year as from that date to accept this truce in armaments."

II.

At the request of the Danish delegate, the Secretary of the Third Committee has furnished some information regarding the technical preparations for the Conference. He informed the Committee that, out of the sixty-three Governments invited to take part in the Conference, twenty-five have so far replied to the Council's resolutions of January and May last, in which the Governments were requested to forward particulars with regard to the position of their armaments and all other data, technical or otherwise, which might help to inform the Conference and to justify such specific proposals as the Governments may lay before it.

In its May resolution, the Council asked the Governments to forward these particulars before September 15th and to make use, as far as possible, of the model tables contained in the draft Convention drawn up by the Preparatory Commission, and of the model statement drawn up by the Committee of Experts on Budgetary Questions.

The Committee considers it of the highest importance that the Governments invited to the Conference should be in possession as early as possible of full information in respect of all the countries taking part. The Third Committee therefore has the honour to propose to the Assembly the adoption of the following resolution:

" The Assembly,

" Noting that of the sixty-three Governments invited to participate in the Disarmament Conference, twenty-five have up to the present communicated information on the position of their armaments in conformity with the recommendation made by the Council at its January and May sessions:

" Requests the Council to invite the Governments which have not yet transmitted their replies to the circular letters from the Secretary-General dated February 17th and June 13th, 1931, on the position of their armaments, to do so as soon as possible and in any case before November 1st, 1931, in order to enable the Secretariat to provide the Disarmament Conference with adequate documentation."

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Govt. = Government
Int. = International
Perm. = Permanent

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LEAGUE OF NATIONS

Official Journal

SPECIAL SUPPLEMENT No. 94

RECORDS

OF THE

TWELFTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

FIRST COMMITTEE

(CONSTITUTIONAL AND LEGAL QUESTIONS)

GENEVA, 1931.

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LIST OF MEMBERS OF THE FIRST COMMITTEE.

Chairman : His Excellency M. Vittorio SCIALOJA (Italy).
Vice-Chairman : M. Joseph LIMBURG (Netherlands).

Abyssinia :	His Excellency the badjironde ZELLEKA AGUEDÉOU.
Albania :	
Australia :	Mr. James R. COLLINS, C.M.G., C.B.E. Dr. Ethel OSBORNE, M.Sc., M.B., D.Ph. (Substitute).
Austria :	His Excellency Dr. Max HOFFINGER.
Belgium :	Baron Edouard DESCAMPS-DAVID. M. Henri ROLIN (Substitute).
Bolivia :	His Excellency M. Adolfe COSTA DU RELS.
British Empire :	The Right Honourable Viscount CECIL OF CHELWOOD, K.C. Mr. W. E. BECKETT, C.M.G. (Substitute).
Bulgaria :	M. Vladimir MOLLOFF. M. Dimitri MIKOFF (Substitute).
Canada :	The Honourable Hugh GUTHRIE, P.C., K.C., M.P. The Honourable Philippe ROY, P.C., M.D. (Substitute).
Chile :	His Excellency M. Enrique VILLEGAS. M. Enrique J. GAJARDO (Substitute). Madame Marta VERGARA (Substitute).
China :	His Excellency Dr. WOO KAISENG. Dr. HOO CHI-TSAI (Substitute).
Colombia :	His Excellency Dr. Antonio José RESTREPO.
Cuba :	His Excellency M. Orestes FERRARA. His Excellency M. J. A. IZQUIERDO (Substitute).
Czechoslovakia :	M. Leo WINTER. M. Arnošt HEIDRICH (Substitute).
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Guatemala :	His Excellency M. José MATOS.
Haiti :	His Excellency M. Constantin MAYARD.
Hungary :	His Excellency Count Albert APPONYI. M. Francis DEÁK (Substitute).
India :	Sir Brojendra L. MITTER, Kt. Rao Bahadur Sir Annepu Parashuramadas PATRO, Kt. (Substitute).

Irish Free State :	Mr. Patrick McGilligan. Mr. Daniel A. Binchy (Substitute). Mr. John J. Hearne (Substitute).
Italy :	His Excellency Professor Vittorio Scialoja. His Excellency M. Massimo Pilotti. M. Cesare Tumedei.
Japan :	M. Nobumi Ito.
Latvia :	His Excellency M. Jules Feldmans.
Liberia :	The Honourable Louis Arthur Grimes. His Excellency Dr. Antoine Sottile (Substitute).
Lithuania :	Dr. Kazys Graužinis.
Luxemburg :	His Excellency M. Emile Reuter. M. Albert Wehrer (Substitute).
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Nicaragua :	
Norway :	M. Arnold Raestad.
Panama :	His Excellency Dr. Horacio F. Alfaro.
Paraguay :	His Excellency Dr. Ramón V. Caballero de Bedoya.
Persia :	His Excellency Anouchirevan Khan Sépahbodi. Dr. Ahmad Khan Matine-Daftary (Substitute).
Peru :	His Excellency M. Alfredo Gonzalez-Prada.
Poland :	M. Szymon Rundstein. M. Ladislas Kulski (Substitute).
Portugal :	Dr. José Lobo d'Avila Lima or His Excellency Dr. Augusto de Vasconcellos. Dr. Alexandre Magno Ferraz de Andrade (Substitute).
Roumania :	His Excellency M. Constantin Antoniade. M. V. V. Pella. M. Alexandre Cretziano (Substitute).
Salvador :	
Siam :	His Excellency Phya Abhibal Rajamaitri. Luang Visutra Virajdes (Substitute).
South Africa :	Advocate C. T. te Water. Mr. H. T. Andrews (Substitute).
Spain :	M. Amadeo Hurtado y Miró. M. Leopoldo Palacios-Morini. Mlle. Clara Campoamor. M. Julio López Oliván (Substitute). M. Manuel Martinez Pedroso (Substitute).
Sweden :	Professor B. Oesten Undén. M. K. I. Westman. M. E. C. Boheman.
Switzerland :	M. Max Huber. Professor William Rappard (Substitute).
Uruguay :	Dr. Lorenzo Vicens Thievent. His Excellency Dr. Enrique E. Buero.
Venezuela :	His Excellency Dr. Diogenes Escalante. Dr. Carlos Alamo Ibarra (Substitute).
Yugoslavia :	His Excellency M. Jélimir Majouranitch.

FIRST COMMITTEE.

(CONSTITUTIONAL AND LEGAL QUESTIONS.)

AGENDA.

1. AMENDMENT OF THE COVENANT OF THE LEAGUE OF NATIONS IN ORDER TO BRING IT INTO HARMONY WITH THE PACT OF PARIS.

2. PROPOSAL OF THE GOVERNMENT OF FINLAND TO CONFER ON THE PERMANENT COURT OF INTERNATIONAL JUSTICE JURISDICTION AS A TRIBUNAL OF APPEAL IN RESPECT OF ARBITRAL TRIBUNALS ESTABLISHED BY STATES.

3. PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW.

4. PREPARATORY PROCEDURE TO BE FOLLOWED IN THE CASE OF GENERAL CONVENTIONS TO BE NEGOTIATED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS.

5. NATIONALITY OF WOMEN.

6. APPOINTMENT OF A SPECIAL COMMITTEE TO STUDY THE EXISTING SYSTEM OF ELECTIONS TO THE COUNCIL.

7. ENTRY INTO FORCE OF THE PROTOCOL OF SEPTEMBER 14TH, 1929, RELATING TO THE REVISION OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

FIRST MEETING.

Held on Wednesday, September 9th, 1931, at 4 p.m.

Chairman: M. SCIALOJA (Italy).

1. Election of the Vice-Chairman.

On the proposal of Count APPONYI (Hungary), seconded by M. CASSIN (France), M. POLITIS (Greece), M. HOFFINGER (Austria), and M. WOO KAISENG (China), M. LIMBURG *(Netherlands) was elected Vice-Chairman.*

2. Consideration and Adoption of the Agenda.

The Agenda was adopted without comment.

3. Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris: Observations submitted by the Governments (Series 1, 2 and 3) (Annex 1).

M. LIMBURG (Netherlands) reminded the Committee that the Sub-Committee, over which he had presided, had examined and revised the amendments of the Committee of Eleven; those amendments had been discussed by the First Committee, and the Assembly had communicated them for comment to the various Governments, especially those Governments which had hesitated to accept certain amendments. Consequently, the Committee was not, he thought, in a position to discuss the question immediately. It would be preferable to adjourn the discussion for a few days. Moreover, replies had not yet been received from all countries; fresh replies were coming in daily.

M. PILOTTI (Italy) suggested that the Secretariat be asked, as a preliminary step, to prepare a table showing, for each amendment proposed and each article of the Draft of the Committee of Eleven and the Draft of the Sub-Committee, a short summary of the Governments' replies.

M. POLITIS (Greece) supported M. Limburg's proposal for adjournment. The Committee was in a more or less unprepared state. Its members had not been definitely aware that the question would be discussed at the first meeting. Moreover, the main reason was that the question did not seem to be much more advanced than it had been in the previous year. Not only had most countries failed to reply, but, owing to various circumstances, the work of the Committee had not received all the attention it deserved. Consequently, he suggested that a few days later the members of the Committee should exchange views to ascertain on what lines the discussion could be resumed. The Committee could hardly hope to solve in the present year a problem which it had been unable to solve in the previous year, but that problem must remain on the agenda of the League's work. After a further exchange of views they would be able to draw up for the Assembly a report to be communicated to the various Governments in order that those which had not yet done so might reply and those which had already replied might confirm or amend their opinions. By such patient methods they might slowly reach their goal.

Count APPONYI (Hungary) also supported M. Limburg's proposal, for reasons similar to those advanced by M. Politis. He pointed out the extraordinary situation of the League of Nations: it met and worked on the basis of a Covenant that was partly in direct opposition to the Paris Pact, which was now regarded as universal law.

He did not share M. Politis' pessimism as to the possibility of reaching a satisfactory result that year, because the only points in dispute were few and had already been minutely discussed. It would, however, be difficult to prepare texts and make any definite proposals at a plenary meeting. The Committee might therefore decide to adjourn the discussion for a week, and, in the meantime, appoint a sub-committee to co-ordinate existing material and submit certain definite proposals to the Committee. That would be one way out of the rather comical situation he had just described.

M. HOFFINGER (Austria) regretfully agreed that the question should be adjourned, but only for a length of time sufficient to allow delegates to take cognisance of all the relevant documents. It would be preferable, before appointing a sub-committee, to have a short general discussion which would show what countries wished to make new suggestions. That would make it possible to constitute the sub-committee in such a way as to reflect the various shades of opinion.

Although reason urged him to share M. Politis' doubts, his heart bade him with even greater insistence support Count Apponyi's views—hope against hope that a result would be achieved in the course of the present year.

M. LIMBURG (Netherlands) had not meant to suggest that the question might be adjourned by the Assembly. On the contrary, he hoped that the Assembly would succeed that year in harmonising the Covenant with the Paris Pact. He agreed with M. Hoffinger that it would be desirable to appoint a sub-committee. Last year's sub-committee had worked hard; it had finally put forward certain amendments modifying the amendments of the Committee of Eleven. As a result of its labours, replies had been received from several Governments, and, of the latter, one at least had shown a great spirit of conciliation. But certain Governments, including some which had expressed hesitation, had not yet replied. A general discussion would reveal what points a sub-committee might possibly consider.

M. CASSIN (France) also favoured a preliminary general discussion, in the course of which Governments which had not been able to send in a written reply might explain their views. The general discussion would also make it possible to obtain an adequate idea of the situation before appointing the members of the sub-committee.

The members of the sub-committee were not free agents like cardinals and could not, therefore, be shut up in a sort of conclave from which they could only emerge when they reached a decision. They were the representatives of their Governments. Accordingly, it would be preferable that the general discussion should be as wide as possible.

M. D'AVILA LIMA (Portugal) also urged an adjournment of the discussion, but not to a distant date. He therefore supported M. Limburg's proposal. He thought the documents supplied by the Secretariat showed that almost all Governments were prepared to subscribe to the sub-committee's text.

M. WOO KAISENG (China) thought that the three proposals could be regarded as complementary. He therefore supported the proposal to adjourn the discussion.

The CHAIRMAN thought that, before reaching a decision, the Committee ought to consider the problem as a whole. The problem was an amalgam of law and policy : policy, because it might be dangerous for the League to venture somewhat thoughtlessly into what might prove to be a blind alley, as had already happened more than once.

Complaints had in fact been made that most of the amendments proposed in the previous year had produced no practical effect. They could not, however, contemplate a fundamental revision of the organic statute of the League in any light-hearted spirit. As Count Apponyi had pointed out, it was a very serious matter for the League to be living under an organic statute all the articles of which had been undermined by a proposal for radical reform. Count Apponyi had said that they ought to endeavour rapidly to emerge from this state of uncertainty and reach a solution that year. He himself, on the contrary, thought they ought to progress slowly, because, if they finally drew up a text which was not approved by all countries, they would not merely have shaken the Covenant of the League. The Covenant might live on, but it would be maimed.

They should think less of speed and more of good craftsmanship. They should leave the Covenant untouched until they had formulated a proposal which could be accepted by all the Members of the League. Therein lay the great difficulty of the problem. Last year two texts had been proposed and had led to no result. It was useless, therefore, to continue along the same lines in the present year. He did not in the least mean to suggest that the question ought not to be studied, but from the outset it should be laid down that the question would be studied calmly, cautiously and fully, and that no proposal would be put forward unless it was certain to be accepted.

If the discussions were to bear fruit, the Committee must, as had been observed, acquaint itself with all the documents on the question, particularly as since September last several very important events had occurred, including the approval of the Kellogg Pact by the United States Senate. He hoped that the Secretariat would supply the Committee with a copy of the Minutes of the meeting at which the Senate gave its approval.

He thought he was correct in stating that at that meeting certain important declarations had been made—which had not been disavowed—to the effect that the United States approved the Kellogg Pact with the reservation that each State might interpret that Pact as it wished. To embody the Kellogg Pact in the Covenant without probing that fundamental point would be tantamount to allowing every nation to interpret the amended Covenant as it desired—and that would mean the end of the Covenant.

He had felt obliged to submit these few remarks in order to prove how necessary it was for the Committee to prepare itself for the discussion of this important question. Moreover, the situation had completely changed since September 1930. Once again he would urge the Committee to proceed slowly, for, if it were to submit proposals which did not obtain the consent of a sufficient number of States, it would have done more harm than good.

In support of his argument he would have the Committee note that thirty-four out of fifty-four States had not replied to the Secretary-General's circular letter concerning the amendment of the Covenant. The States which had not replied were the following : Abyssinia, Albania, Argentine, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Germany, Greece, Guatemala, Haiti, Honduras, Liberia, Lithuania, Luxemburg, Nicaragua, Paraguay, Persia, Peru, Roumania, Salvador, Siam, Spain, Sweden, Switzerland, Uruguay, Venezuela and Yugoslavia.

He therefore proposed that no discussion of the substance of the question should take place before the Secretariat had supplied all the members of the Committee with all the necessary information. Though most members were acquainted with the text of the Kellogg Pact, which had been reproduced in many documents, they were not all acquainted with its history or all that had been done in connection with it. As soon as the delegations had been put in possession of these documents, he would convene the Committee. The question would still remain the first item on the Committee's agenda.

The proposal was adopted.

SECOND MEETING.

Held on Monday, September 14th, 1931, at 10.30 a.m.

Chairman: M. LIMBURG (Netherlands).

4. Communication: Proposal by the Bureau.

The CHAIRMAN explained that Item 1 of the agenda—"Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris"—had been adjourned, but unfortunately the Assembly journal had not mentioned that fact in the agenda for the day. He proposed, therefore, that the Committee should deal with the second item on the agenda—namely, the proposal of the Government of Finland.

M. HOFFINGER (Austria) was surprised at this further adjournment of the first item, after it had been agreed at the first meeting that it would be adjourned only for a few days. He had no objection to discussing the Finnish proposal if a date were immediately fixed for the discussion on the Amendment to the Covenant, which, he hoped, would be the next meeting of the Committee.

M. RUNDSTEIN (Poland) proposed that Item 4 of the agenda—"Preparatory Procedure to be followed in the Case of General Conventions to be negotiated under the Auspices of the League"—should be discussed before Item 3—"Progressive Codification of International Law". There ought to be some discussion of the procedure to be followed in the case of General Conventions before the question of the progressive codification of international law was considered, because the whole object of codification was the preparation of these Conventions.

The CHAIRMAN asked M. Rundstein not to press that point for the moment. When the Committee came to consider Item 3, it could decide whether Item 4 should be taken first or not.

Baron DESCAMPS-DAVID (Belgium) reminded the Committee that at the last meeting the Chairman had clearly stated that Item 1 still remained the first item on the agenda. He urged that a date should be fixed for the adjourned discussion. He proposed the next meeting if possible; but, at any rate, some date should be fixed immediately.

The CHAIRMAN said he had been asked by several members not to take Item 1 that morning. Consequently, he suggested that the Committee should now discuss the Finnish Government's proposal. In the course of the meeting he would announce a date for the discussion of the amendments to the Covenant. One difficulty was to decide whether it was necessary to distribute certain American documents which had been mentioned at the last meeting.

It was decided to proceed with the discussion of Item 2 of the agenda, leaving the Chairman to make a proposal, at the end of the meeting, regarding the date of the discussion of Item 1.

5. Proposal by the Government of Finland to confer on the Permanent Court of International Justice Jurisdiction as a Tribunal of Appeal in respect of Arbitral Tribunals established by States: Report of the Committee appointed by the Council (Annex 2).

M. ERICH (Finland) said that the Finnish Government's proposal to recognise the Permanent Court of International Justice as a Court of Appeal for certain arbitration decisions had been very favourably received. In the realm of international doctrine several authors strongly endorsed the proposal. In 1929 the Institute of International Law had approved the suggestion, and had in certain respects gone further than that suggestion. The report of the Committee of Experts appointed by the Council on the subject was also favourable.

The proposal did not involve a general right of remedy; it instituted a right to submit to the Court an arbitral award only in case of a plea to the jurisdiction, acts which were *ultra vires*, or—the Committee of Experts had added—some radical defect in procedure. It had laid down the general principle that the new provision to be decided upon would apply only when the award referred to a dispute in which the parties were discussing a point of law. That, however, did not mean that in principle an application on other grounds was to be excluded. An arbitral tribunal might act *ultra vires* in a dispute not on a point of law, and the question whether a decision was thus invalidated was always a question of law, whatever the nature of the dispute.

The Committee, however, thought that at first a more limited rule should be recognised. States could always agree either to extend those principles or to conclude special agreements to the effect that certain cases of arbitral awards should, even if they referred to a point of law be without appeal to the Court.

Of the Committee's three proposals, the Finnish Government preferred No. 2, the resolution to which a Protocol open for accession was appended. If that were adopted simultaneously with a recommendation that in future arbitration treaties should include a provision in the same sense, the system would be an excellent one.

The third plan laid down, in a general resolution, that a State which disputed the binding character of an arbitral award, on one or more of the grounds referred to, might submit such an award to the Permanent Court of International Justice for decision. One possible procedure would be to combine the declaration with a formal recommendation that treaties should be drafted in such a way as to recognise that the Permanent Court at The Hague afforded a remedy. If plan No. 2 could not be accepted, plans Nos. 1 and 3 might then be combined.

As a member of the Committee of Experts, he would have preferred the Finnish proposal to the effect that the validity of an award could be disputed either on the ground of lack of jurisdiction or on the ground of *ultra vires*, but not on the plea of a radical defect in procedure.

M. Hoffinger (Austria) said that his Government was in favour of the Finnish proposal, which, when first made, only referred to cases of lack of jurisdiction and acts *ultra vires*. It considered that the addition, to these two causes, of "an essential defect in procedure" deeply modified the nature of the proposal. He was happy to note that M. Erich himself proposed a reversion to the original form. The possibility of appeal against an award was not an inseparable attribute common to all legal procedure. On the contrary, every decision or award emanated from a supreme judicial power. National judicial hierarchies with their courts of various instance were only the practical outcome of the multiplicity of cases which the judiciary had to decide and which involved the delegation, or at any rate the temporary delegation, of part of its powers to secondary instances. In international law no supreme judicial power had existed until a few years previously, apart from that which States themselves conferred by appointing arbitral tribunals. Quite recently States had recognised the jurisdiction of the Permanent Court as a jurisdiction *inter se* but not in any way as a court at which remedy could be obtained against the awards of arbitral tribunals. The latter, within the limits of the jurisdiction conferred upon them by States, were, equally with the Court, supreme judicial tribunals. The powers of these arbitral tribunals and of the Court were co-ordinated but did not represent different degrees of a judicial hierarchy. It had obviously not been the intention of the Finnish proposal to place arbitral tribunals in a position of inferiority as compared with the Court, or to reduce their status by creating a channel of redress on the lines of national juridical systems. The aim was to provide against the possibility of an arbitral tribunal, which was a supreme judicial power as between the States (though only for the case or class of cases for which the States had conferred jurisdiction upon it), exercising its powers beyond the limits thus set.

It was natural that, when once the Permanent Court had come into existence, States should apply to that Court for redress against the possibility of arbitral tribunals exceeding their powers or duties; but that did not yet imply that the tribunals themselves had a jurisdiction secondary to that of the Court, provided they kept strictly within the limits of the case which they were called upon to decide. An application in the case of lack of jurisdiction or acts *ultra vires* might, therefore, be justified, though it would not be without danger. Any extensive and perhaps vexatious resort to the possibility of application for redress might lead to a weakening of the authority of arbitral tribunals, but that danger was counterbalanced by the fact that the Finnish proposal opened out a way for the settlement of cases which at present ended in an *impasse*.

The case of an essential defect in procedure was, however, quite different. Defects of procedure were not in the same plane as the other two causes. While the procedure of an arbitral tribunal might be defective, that did not necessarily imply that it had exceeded the competence of its supreme jurisdiction. In the other two cases, it had done so, and could, therefore, no longer claim supreme jurisdiction. Appeal in such cases would definitely connote the establishment of degrees of jurisdiction in international procedure and would place arbitral tribunals in the position of secondary courts. Quite probably, if the causes for appeal were amplified beyond the first two causes, it might become the rule to attack arbitral awards, and Government agents would employ all their wits in discovering or manufacturing defects of procedure when their party had lost its case, in order to provide that party with another chance before another tribunal, or at any rate in order to gain time. That danger was increased by the fact that arbitral tribunals did not possess any exact or detailed rules of procedure such as those which governed national courts for every hearing. It would therefore be easy for parties to plead defects of procedure and multiply their applications for redress.

There was yet one more danger. At the present time the fact of being chosen by States to act as an arbitrator—*i.e.*, to be elected to the supreme judicial power as between those States,

was held to be a great honour, so that States could apply to the highest authorities, to men of the highest qualifications and integrity. If the practice grew up of constantly appealing against arbitral awards, the authority of arbitral tribunals would be weakened, and it would become difficult to obtain first-rate arbitrators. Unless the discussion proved beyond all possible doubt the desirability of adding a "defect in procedure", it would be preferable to adopt M. Erich's proposal and retain lack of jurisdiction and acts *ultra vires* as the only two causes for an application for redress.

M. RUNDSTEIN (Poland) said that the Finnish proposal would prevent a question of a purely legal nature from becoming a political dispute. The three suggestions made by the Committee did not furnish a direct reply to the Finnish proposal; of the three, he would prefer No. 2 with a Protocol. The recommendation with a model for bilateral conventions did not seem very helpful. With regard to No. 3, he did not think the Assembly could impose a duty on States Members to accept a special amendment providing for appeal. The Assembly could not create a juridical obligation without the necessity for ratification. It would be well to dismiss plan No. 3. The Finnish proposal related only to difficulties of an exceptional character; and it was better to deal first with pathological cases, if such a term could be used. The Committee's report was based on French procedure, which allowed a plea for annulment in the case of lack of jurisdiction, *ultra-vires* acts, and a radical defect in procedure. Proceedings on a plea that a rule of law had been infringed would be difficult to admit in international law.

A procedure for remedy was admitted under existing international practice. The Statute of the Danube (Article 38), signed in 1921, provided that any decision of the International Commission could be referred to the Permanent Court on the plea of *ultra vires*. In other cases, such as the Railways and Maritime Ports Convention (Article 36), appeal to the Permanent Court was allowed, not *in limine litis*, but even *lite pendente*. But the case was one of evocation rather than appeal.

The title of this item of the agenda was not quite correct. The Finnish proposal was not to confer on the Court the character of a "cour d'appel", but rather of a "cour de cassation". It would be better, therefore, to refer to it as an "instance de recours".

M. ROLIN (Belgium) thought that the words "an essential defect in procedure" should be maintained, for he could imagine many such defects in procedure. Take a case where essential guarantees were not observed, such as the presence of both parties. There was no question there of lack of jurisdiction or *ultra vires*, but a defect in procedure. There might be a case where witnesses were examined in the absence of one of the parties. The phrase therefore should be maintained.

All the drafts showed that there was one danger which must be avoided. A State must not be allowed to hold up all arbitral proceedings by asserting that there had been an abuse of power or lack of jurisdiction. All teachers of law maintained that the corollary must be that, if there were such a defect in arbitral proceedings, the party complaining should have the right to propose a reconsideration of the points raised.

The last resolution proposed by the Committee laid down that each State had the duty to propose in such cases a special agreement for a re-hearing of the case by the Permanent Court. The word "duty", however, was used in a moral sense; there was no legal obligation. It should be laid down that every State had a legal obligation to propose procedure affording safeguards at least equal to that the validity of which was being disputed. Most States were bound by Article 36 of the Statute to refer cases to the Permanent Court of The Hague. That was one observation which might be made in the report.

If a State were a Member of the League and a question came before the Council, it was the Council's duty to see that the award was carried out. If one party asked that the award should be executed, the Council might find itself embarrassed by some plea of invalidity raised by the other party. If such a charge of invalidity were brought before the Council, the latter might ask the Court to give a legal opinion; but the Council ought not itself to make such a declaration of defect in procedure, the proceedings thereby becoming stultified. For that reason it would simplify the Council's task to insert in treaties such a provision for appeal as that outlined in plan No. 2.

M. MATINE-DAFTARY (Persia) said it was the duty of delegates to welcome any initiative extending the jurisdiction of the Permanent Court of International Justice, but that did not prevent delegates from accepting only with a certain reservation a reform which, though inspired with a desire to enhance the jurisdiction of the Permanent Court, might endanger the solution of international disputes. The principle he was referring to was embodied in Article 4 of the Draft, as follows:

> "The Permanent Court of International Justice shall declare the award which is impeached to be null, in whole or part, if it recognises the claim for annulment to be well founded. By such annulment, the parties to the dispute shall be replaced in the legal position in which they stood before the commencement of the proceedings which gave rise to the award which has been impeached."

The work of an arbitral tribunal was always of a delicate nature, and it required a long time to reach a decision; but if the losing party could plead that the tribunal had exceeded its powers, the doors of the Permanent Court would be opened. That Court would give a decision only as a kind of supreme court; it could only annul a judgment, and could not give a decision on the actual substance of the dispute. The Permanent Court, in its judgment, would merely restore the parties to the same position which they occupied before the opening of the proceedings. Was that in the interests of peace? The Assembly must either recognise the jurisdiction of

the Hague Court as a court of appeal or insert in the present draft another clause which would enable the arbitral tribunal whose decision had been annulled by the Hague Court to be automatically authorised to reconsider the dispute, in order that it might, perhaps, have an opportunity of bringing its views into line with the views of the Hague Court.

M. RAESTAD (Norway) preferred plan No. 2, the Protocol system, provided there was a possibility of securing numerous accessions. The third system was of little value, while the first system was not of sufficient practical interest. He agreed with M. Rolin that under Article 14 of the Covenant the Council might even now ask the Permanent Court to give an opinion on the validity of an arbitration award. The question might arise under Article 13, paragraph 4, or under Article 15 of the Covenant. He agreed with M. Erich that a distinction should not be drawn between legal and so-called political disputes.

It was provided that the Court would annul an award if it found that the application was well founded—that was to say, if it found that there had been a lack of jurisdiction or an abuse of power. But it was doubtful what the material state of the law was; there was no case-law on the point. He wondered, therefore, whether it could be said that international law, as it existed, did lay down that, where there was an abuse of power, proceedings were thereby always nullified. The notion of abuse of power was taken from French law. It was not known in international law; it was a vague expression, of varying value. In the Danube Statute, the only ground for nullity mentioned was lack of jurisdiction. The difficult point, therefore, was whether, in admitting the mere existence of *ultra vires*, however slight in extent, as a ground for nullity, they were not making a change in international law. He agreed that, according to the report of the Committee of Five, the point should be left to the Permanent Court, but they must remember that the Protocol would form the law of the Court on that point. He wondered whether, if *ultra vires* alone were accepted as a ground for nullity, the difficulty pointed out by M. Hoffinger would not arise—that every State would be looking out for acts *ultra vires* and that arbitral tribunals would become then extremely cautious and laconic, with a resulting diminution of their utility.

Count APPONYI (Hungary) said that the Hungarian Government was entirely in favour of the Finnish proposal. He realised the possible disadvantages of diminishing the authority of arbitral tribunals, but saw the essential interest of having a legal solution of objections raised against arbitral awards by one of the parties, awards which, according to treaty, were binding upon them and yet in which they found grounds for nullity. It was a moral duty that such cases should be solved, as if a legal solution were not afforded, questions relating to jurisdiction or other matters might slip into the jurisdiction of the Council, which would not be to the advantage either of the Council or of international jurisdiction. Such points should not be allowed to fall within the political sphere. Plan No. 3 did not give sufficient guarantees, because the party objecting to an award had the duty of proposing a special agreement to settle the point; and what would happen supposing that party did not do its duty? He was therefore in favour of Nos. 1 and 2. As regards the combination of Nos. 1 and 3 suggested by M. Erich, he would not express an opinion; his main preoccupation was that something should be done in the matter.

M. POLITIS (Greece) observed that the Finnish proposal represented progress in international life; international justice had considerably developed in recent years, but developed unevenly. New organisms had been created and new methods of arbitral procedure had been established side by side with methods of judicial procedure. Sooner or later a definite hierarchy would have to be established and the Finnish proposal marked a step along that road—a timid step, but a step that merited fullest appreciation.

Whatever system were adopted, it should be made perfectly clear that there was no opportunity for a party who had accepted the arbitral or judicial method of settlement to accept that settlement and then refuse to carry it out. There was not only a moral but a legal obligation upon such a party to submit any difficulty that might arise to further arbitral examination. He knew of very few cases where a State had refused to submit for re-examination an award which it regarded as vitiated in any way, and the Assembly should definitely express its view against the admission of any such possibility. On the other hand, there were many recent examples of disputes being satisfactorily settled on reconsideration. It should be indicated that the development of the compulsory jurisdiction of the Permanent Court should tend to solve the problem which arose when a country which had lost its case in an arbitral award stated that the award was invalid and refused to accept the re-submission of the matter to further arbitration. If both sides had accepted Article 36, the party which considered itself injured thereby could demand that the Court should give its opinion. If the Court found that the reason had been a defect of procedure or lack of jurisdiction or abuse of power, it would be in the same position as under the Finnish proposal, which was particularly valuable, inasmuch as it confirmed existing diplomatic practice.

Under the third system, serious difficulties might arise; for instance, would two States engaged in a dispute with regard to the non-execution of an award be in a sufficiently calm state of mind to draw up a new agreement? He was tempted to prefer the first method, a sort of model treaty with model clauses for adoption between States; but when, in 1928, that system of model treaties had been elaborated, it was found that the better course was to draw up one protocol for the signature of States. In 1928, when the General Act was adopted by the Assembly, very few people thought it would receive general acceptance; yet the following year it came into force, and now one-third of the Members of the League were bound by it. He held the same view as regards the Finnish proposal, and probably the second alternative would be more likely to lead to practical results.

As regards the individual clauses of the Protocol, Article 4 did not contain a practical solution; it made of the Court a "cour de cassation", to send parties back before the same judges; that would create great difficulty if the parties were obliged to conclude a new special agreement in regard to the point or if the judge whose award had already been disallowed had once more to give a decision, for his prestige would have been diminished. It would be better to relieve him of all further responsibility and allow the Court to supersede the award by a further decision in conformity with law. In these circumstances an additional ground for appeal might be added—namely, the wrong application of any point of material law. Was it too much to ask them to go thus far? It was a question for individual appreciation, and, if the step were not adopted now, they should see that the point was dealt with in the future.

M. HUBER (Switzerland) thought that refusal to comply with an arbitral award on the grounds that it had been reached outside the jurisdiction of the arbitral tribunal would be a very serious matter for international justice. Provision must be made against such a danger. Such cases would be very exceptional, and States should not be asked to ratify conventions which were not absolutely necessary and which were not likely to be ratified. Solutions could no doubt be found to meet all cases under existing international law, but the ideal solution, as M. Politis had said, would be to develop the compulsory jurisdiction of the Permanent Court of International Justice. Under Article 12 of the Covenant the Council could give a decision, and, if there were no special agreement, the Council might ask for an advisory decision of the Permanent Court. The Council might advise the parties to conclude a special agreement, or might recommend such an agreement or even frame a kind of standard agreement. All three plans had defects, but there was no difficulty in recommending the first solution. With regard to the second solution, the problem might be settled generally apart from any special cases, but was it wise to prepare a general convention which might not be acceptable to all? The third solution was a solution on which he would have to make reservations from the point of view of the situation of the League itself. In law, a State, having accepted an arbitral jurisdiction, must continue to endeavour to settle a matter by arbitration, but the Assembly had no power to lay down laws and obligations in such cases. It might, however, urge an agreement by all parties to refer the matter back to the Permanent Court. If there were a model agreement that could be approved by the Assembly, and if any particular case of the kind arose, it would be easy to secure that the parties should conclude a special agreement, without any compulsion or codification of unwritten law. They should proceed carefully in matters of international law, especially matters of such importance; what was necessary was to amplify the jurisdiction of the Permanent Court to cover all legal questions.

M. D'AVILA LIMA (Portugal) said the Finnish proposal broadly represented the transfer to the international sphere of a procedural solution, which had long existed in all judicial systems of municipal law. That procedure was, in fact, already adopted in the international sphere. A quite recent and important provision was to be found in the Young Plan, whereby according to Article 15 any plea to jurisdiction against any arbitral tribunal set up under Article 15 is to be brought before the Permanent Court of International Justice.

But, while supporting the Finnish proposal, he did not quite understand the restrictions imposed on it—at any rate, the restriction where the question of an ordinary appeal was concerned. Grounds for appeal should include a defect in procedure or the failure by the tribunal to observe some principle of law. He thought there was no danger of conflict between the Finnish proposals and the powers conferred on the Council in the Covenant. An explanation might be found possibly by admitting that, generally speaking, the proposal was for a final award, thereby implying all reasonable guarantees for execution.

M. ANTONIADE (Roumania) said the Roumanian delegation favoured the Finnish proposal, believing that thereby the cause of international justice would be strengthened. As regards the Special Committee's proposals, the Roumanian delegation favoured the second plan as being the most practical. He did not favour plan No. 1, and his delegation thought plan No. 3 was very unpractical and might possibly be dangerous. After hearing M. Rolin on the grounds of appeal, he thought that a defect in procedure should be admitted, and M. Politis' fourth ground, the wrong application of a principle of law, should also be given consideration.

M. TUMEDEI (Italy) said he particularly wanted to refer to the remarks of the Austrian delegate and to the possibilities arising under Article 4 of the proposed protocol. That proposal tended to modify the original position. In the first place, the only grounds for appeal at first taken into consideration were lack of jurisdiction or acts *ultra vires*. Then were added a defect in procedure, and, lastly, the wrong application of a point of law. That was very dangerous. The notion of *ultra vires* was extremely comprehensive; it included error on the part of a judge in regard to his own powers.

He could admit the first two grounds; but when the point of a defect in procedure was examined, a new difficulty arose. The examples mentioned by M. Rolin were typical examples of acts *ultra vires*. If the authorities were consulted, it would be seen that examples of acts *ultra vires* included cases in which sufficient guarantees were not given to both parties.

As to the wrong application of a point of law, it must be remembered that international law was developing slowly, and was also developing by the aid of other organisations besides the Permanent Court of International Justice. There were different mentalities in the world

that had to be conciliated—for instance, the Anglo-Saxon and the Latin. Article 4 proposed that the court of appeal should judge the whole question on its merits. But that meant the appointment of a new judge, not provided for in the special arbitration agreement. There would be a conflict between legal methods of procedure and equity in the mind of the judge himself.

He was in favour of the Finnish proposal; but if the suggestion for drawing up a general protocol on those lines were adopted, he desired to discuss the terms of that protocol later on. He trusted that as many as possible would sign it, but the signing of it must not be regarded as connoting the transformation of existing treaties.

The CHAIRMAN thought the general discussion could be closed. Next morning the Committee might take a decision as to which of the three systems it preferred to adopt. It could then examine the details of the various articles and discuss the grounds authorising appeals.

M. UNDÉN (Sweden) said he had no objection to the Chairman's proposal; he only wished to ask members who had criticised the work of the Committee of Experts to submit amendments in order that the Committee might study them and see what changes it could propose.

M. ROLIN (Belgium) said that the Chairman's proposal was a most logical one, but he was not sure that it was the most practical. Many of them attached far greater importance to the ideas expressed in the discussion than to the adoption of one text rather than another. The Committee should agree on the instructions to be given to a sub-committee, should appoint that sub-committee and should then proceed with its other items. He therefore moved the appointment of a sub-committee.

M. RAESTAD (Norway) suggested that it was to be understood that other proposals might be made besides the three submitted by the Committee.

M. RUNDSTEIN (Poland) approved M. Rolin's suggestion.

The CHAIRMAN was not sure that the time was ripe for appointing a sub-committee, but he would put M. Rolin's proposal for appointing one to the vote.

The proposal was adopted.

Unless the Committee wished to appoint the members of the sub-committee, he would propose that it should be appointed by the Bureau of the Committee and the Secretariat.

Agreed.

The CHAIRMAN, in reply to M. Ito, said that the sub-committee would have to find a solution of the problem on the lines of the discussion that had taken place that morning and make proposals on the questions both of form and of substance.

On the next morning, as they could not now proceed with the Finnish proposal, they might take No. 6—Appointment of a Special Committee to study the Existing System of Elections to the Council. That was a question which might involve expenditure and would therefore have to be referred to the Fourth Committee that week.

The Chairman proposed that the question of the amendment of the Covenant should be taken immediately after No. 6.

Agreed.

THIRD MEETING.

Held on Tuesday, September 15th, 1931, at 10 a.m.

Chairman: M. SCIALOJA (Italy).

6. Appointment of a Special Committee to study the Existing System of Elections to the Council.

The CHAIRMAN read the following draft resolution, proposed by the delegation of the British Empire:

"The Assembly,

"Requests the Council to appoint a special Committee to study the existing system of elections to the Council and to report to a future session of the Assembly on any reforms which may appear desirable."

Lord CECIL (British Empire) explained that the British delegation had made its proposal for two main reasons:

The Council included nine elected members, three members being elected each year. Spain and Poland had obtained the privilege of re-eligibility, and had always hitherto been re-elected

when their term expired, while another seat was allocated to a South American State. Various other groups had been formed in the Assembly which thought they ought to be represented on the Council, and States which did not belong to any of those groups had scarcely any chance of being elected. That situation distressed them, and Portugal had laid the question before the Assembly. The essence of the League of Nations was that all States should have approximately the same rights. That was the first reason for which the British delegation had made its proposal.

The second reason was rather an awkward one to put into words, and he did not propose to dwell upon it. The period which preceded the elections to the Council—and in general all elections within the League—was a period when the League was not seen at its best. There was a great deal of what was known in Parliament as "lobbying". The cleverest wire-pullers were not always the candidates whose election was most desirable. He was not referring to any particular person or State, but felt that, as long as the present system lasted, the same drawbacks would occur.

In making its proposal the British delegation did not in any way suggest that the number of Members of the Council should be increased. It would even look rather askance at any such suggestion. The Council was already quite numerous enough. When the number of its Members had been fixed at fourteen, the Chairman of the Committee had expressed certain doubts. He had no particular criticism to make with regard to the working of the Council, but it would probably work better if its Members were fewer. Any further increase in the number of Members would adversely affect the existing intimacy, which was one of the most essential elements of the Council's authority and successful action.

M. SOTTILE (Liberia) was glad that the British and Portuguese delegations had raised the question of the allocation of seats on the Council. He would take the occasion to submit certain observations to the Committee in the name of the principles of the League and of justice, and not because Liberia desired to be a Member of the Council.

In the Assembly he had always heard it said that certain geographical divisions (such as the Balkan countries, the Nordic countries, Latin America, etc.) were entitled to a seat on the Council, but he had never heard any mention of allocating a seat to Africa. There were, however, in Africa three States Members of the League which were by no means overlooked when it came to paying contributions.

He therefore suggested that the proposed Committee should in justice consider whether Africa ought not to be taken into account in the allocation of seats.

M. GAJARDO (Chile) supported the British proposal, but wished it to be amplified by the addition after the words "to the Council" of the words "and the rules for other elections by the Assembly".

The Chilian delegation had particularly in mind the form of elections to the Permanent Court of International Justice in the Assembly's Rules of Procedure. He attached very special importance to Lord Cecil's second argument. It would be desirable to put an end to lobbying, which was harmful to the League's prestige.

M. DE VASCONCELLOS (Portugal) reminded the Committee that the Portuguese Government had raised the question on several occasions.

He thanked Viscount Cecil for his initiative and for the action taken by the British Government. The method of election adopted in 1926 was certainly better than the system previously in force. But after five years' experience the system had been found to have become complicated by the formation of groups, with the result that certain countries were excluded from all possibility of obtaining a seat on the Council.

An increase in the number of Members of the Council had been proposed as a possible solution, and he did not think it would be a serious drawback for a Council of fourteen Members to become a Council of fifteen. Without going into the merits of the case, he would merely support the British delegate's proposal.

Sir Annepu PATRO (India) supported the British proposal because he had noticed that certain groups used electoral methods which did not conduce to develop international co-operation. Notwithstanding possible difficulties of procedure, an attempt must be made to remedy the position, since all countries were concerned in the development of true international co-operation. It would complicate matters unduly for the moment if the enquiry were extended to all elections in the League, but some method whereby every country would have an opportunity of being represented on the Council, one day or another, must be sought.

The Council had very great influence. It was, so to speak, the League's board of management, and all States Members should have equal opportunities of obtaining a seat on it. Any system that permitted lobbying was bad. Lobbying had been put an end to in the East by an electoral system which ensured adequate representation to every province or district. Each country had its own electoral methods, and advantage must be taken of their combined experience in devising a better system. Hence the sub-committee must not be hampered by instructions laid down beforehand. Its only mandate must be to seek for the method that was most likely to conduce to co-operation and harmony among the States Members of the League.

Mr. HEARNE (Irish Free State) supported the British proposal. Although, in principle, he disliked the reference of questions to a sub-committee without definite instructions, he thought that, in the present instance, the general discussion would suffice to enable the proposed sub-committee to ascertain the Committee's intentions. The Irish delegation agreed that the

number of non-permanent Members of the Council should not be increased. With the existing number of Members, the Council worked well; if the number were increased, it might become an unwieldy body. Secondly, he felt that the tendency of States to seek to establish a right or to assert a claim to a seat on the Council was a bad tendency. Under the Covenant, the seats on the Council were conferred freely by the Assembly. The Council should certainly, as had already been made clear, be broadly representative of the well-defined geographical, racial and other divisions of the world, but he thought that eligibility for membership ought not, apart from these considerations, to rest exclusively upon the fact that a State belonged to any group or combination of States. The Irish Free State had made it perfectly clear, both before and at the time of its election to the Council, that it sought election as a Member of the Assembly and that it did not seek election on the ground that it had associations with other States. Thirdly, any system that tended to promote lobbying was to be avoided as far as possible. But lobbying was not the worst evil to be avoided in that connection. There was a greater evil still—namely, the formation of groups for bargaining purposes.

M. UNDÉN (Sweden) doubted the advisability of appointing a committee of enquiry. He agreed with Lord Cecil that the present system was inadequate, since it favoured certain States or groups of States. It was, however, difficult to devise an ideal system of elections; he would therefore prefer, instead of the appointment of a committee of enquiry, that the problem should be adjourned to the next Assembly and should be discussed by the First Committee.

M. CASSIN (France) recognised that there were good grounds for Lord Cecil's proposal. He did not, however, delude himself with the supposition that the sub-committee would find a solution easily. Over and above the rules there were men and nations, and hence agreement might be reached by appealing to the spirit of good understanding. Rivalry and lobbying could not be abolished by a rule; they could be done away with only by making admission to the Council automatic, and that would deprive the elections of all real life. Every solution had its disadvantages, but an enquiry by a sub-committee might have other results than a mere proposal to increase the number of non-permanent Members; it might, more particularly, lead to an appeal to reason and good understanding. Hitherto, increases in the number of seats on the Council had almost invariably remained proportionate to increases in the number of Members of the League. That argument could not be advanced this year, notwithstanding the accession of Mexico. The sub-committee's instructions must not be too definite. It must rather be urged to exercise moderation, and not to revolutionise the 1926 rules, which, too, should be applied in a spirit of moderation. Another point to be observed was that, although the Assembly decided its rules with regard to the elections, an increase in the number of seats on the Council would require the agreement of the latter body.

M. MATINE-DAFTARY (Persia) thought that two solutions might be contemplated with a view to satisfying the States Members in regard to the composition of the Council: (1) the number of non-permanent Members might be increased, and (2) a system might be adopted whereby all countries would be enabled to take their seat on the Council in turn, without lobbying. To the first solution there was unfortunately no limit, and to satisfy the Members of the League the Council would have to be transformed into a second Assembly.

The second alternative might be regarded as a better and fairer system. It would be based on the participation of all continents in the work of the Council. The League should reflect the entire world, and all interests should be represented on it. The sub-committee proposed by the British delegation should be composed in such a way that all continents would be represented on it on a footing of equality. Only a committee of that kind could draw up equitable rules for the election of the non-permanent Members.

M. RUNDSTEIN (Poland) considered that the suggestion for increasing the number of non-permanent Members required very careful examination, since it would give certain countries a prospect of being represented on the Council, whereas, under existing circumstances, they had practically no such chance.

The British proposal, therefore, should be drafted in such a way as to foreshadow the possibility of an increase. The special committee would be asked both to study the present system and to consider the various ways and means of increasing the number of non-permanent Members.

M. FERRARA (Cuba) supported the British proposal, but would have been glad if the British delegate had appended a few directions in view of the considerable difficulties which it was bound to encounter. It must be admitted that no perfect electoral system had ever yet been discovered.

A distinction must be drawn between lobbying and preparation for elections. If it were desired to avoid the splitting of votes, no election could be held without previous conversations or exchanges of views. He did not share the view that the Assembly should be left a free choice and that territorial distinctions should be disregarded. He did not intend to discuss the matter, but would point out that there was a gentlemen's agreement under which three seats were allotted to Latin America. He hoped that that agreement would not be allowed to lapse.

M. LIMBURG (Netherlands) observed that the Fourth Committee had adopted the draft resolution according to which the various Members were requested to make no proposals likely

to involve fresh expenditure. Would it not therefore be preferable to adjourn the appointment of this special committee, the meetings of which must necessarily involve expense?

Mr. GUTHRIE (Canada) pointed out that nothing in the British proposal authorised the special committee to study a possible increase or decrease in the number of non-permanent Members of the Council. That was a constitutional question which the special committee could not examine. Everyone agreed that the present electoral system was defective and that its reform should be studied by a committee. He therefore supported the British proposal.

M. POLITIS (Greece) supported the British proposal. At first sight, the problem seemed insoluble. There were constitutional rules regarding the free election of non-permanent Members of the Council which excluded all regulations for the enforcement of the election of certain countries. Moreover, everyone agreed that it would be very dangerous to increase the number of the Members of the Council. With its fourteen Members, the Council was already an Assembly in miniature and was no longer what the authors of the Covenant had intended it to be. In view of the complexity of international affairs, the more numerous the Council, the more difficulty it would experience in taking effective action.

How, therefore, could satisfaction be given to countries which, belonging at the present time to no group, were, in practice, automatically excluded from the Council? What could be done if all the rules were intangible and if, as the Cuban delegate had pointed out, existing tacit agreements ought not to be disturbed?

The main difficulty seemed to be the lack of elasticity in the present organisation of the Council. On the one hand there were permanent Members, and, on the other, Members appointed for a fixed period of three years. It was quite comprehensible that countries having general and permanent interests should be permanent Members of the Council. It was more difficult to understand why there was not a certain graduation in the length of time for which the non-permanent seats were occupied by other countries. There was no constitutional obstacle to such a graduation, because Article 4 of the Covenant, which laid down that the election should be free, also stated that the Assembly could choose its own period for holding elections.

Hitherto, too much attention had been paid to the honour and what was called the right of each nation to sit on the Council. The counterpart to every right—namely, duty, had been rather left in the shade. The Council assumed very serious responsibilities, and each Member of the Council ought, proportionately to the place it occupied in the community of nations, to share those responsibilities. Account should be taken, therefore, of the possibility which each Member of the League possessed of taking its part in the common responsibility.

In the light of these two concepts it might perhaps be possible to find a solution, not necessarily immediately—that would be too much to hope—but, when the question had been carefully examined by the League, a certain maturity of opinion would be reached, which would make elections easier and diminish the drawbacks of lobbying.

As the Vice-Chairman had pointed out, the Assembly had adopted a resolution recommending strict economy; but it had not intended to exclude modest and reasonable expenditure of an indubitably useful nature. The special committee proposed by the British delegation might be set up very economically, if it did not include a large number of members, if the members received no allowances from the League and were the delegates of their Governments, the Governments paying the cost of their stay at Geneva.

Sir Brojendra MITTER (India) agreed with the Canadian representative that the question of the number of non-permanent Members of the Council was not strictly a matter to be dealt with by the special committee. But it was a factor which had to be taken entirely into account. That, he thought, was also the opinion of Viscount Cecil.

In the special committee all States should have an opportunity of expressing their views, in order that all possible solutions might be considered. If, therefore, States set out their views without undue delay, the special committee might meet just before the next Assembly.

It would also be desirable to obtain information in regard to the electoral systems in force in the various countries. The States Members ought to be consulted on that point.

M. DE VASCONCELLOS (Portugal) observed that the present system involved much more inconvenience than any increase or decrease in the number of Members of the Council. The present rules practically debarred certain States from any representation on the Council. That was the greatest possible drawback, and should be avoided at all costs.

Lobbying and wire-pulling would cease with the end of the secret vote, which was the fundamental defect of elections to the Council. In an election involving so great a political responsibility, each State should shoulder its own responsibility. Then there would be no more intrigues.

The budgetary question had been dealt with by the highest authority on the subject, the Chairman of the Fourth Committee. It might be added that, since the Disarmament Conference was meeting in February, certain delegates to that Conference might also be experts chosen to sit on the special committee, a procedure which would still further facilitate the solution of the budgetary question.

The CHAIRMAN felt that on this occasion he must break his silence as Chairman.

The Committee would remember that the original Council had consisted of nine Members —they had lost one, the United States of America, but had gained another. The proportion had

been changed without much harm. Then a few years ago a large committee had examined the question and the number of Members had been increased to fourteen. Even then the view was taken that the Council might have become too large a body. What suggestions, therefore, could be put forward, if the basic principle were laid down that there must be no increase? What suggestion could the special committee make for any better allocation of seats? Could it again put forward a proposal for rotation? A definite system of rotation might give the Council a higher moral status, but would deprive it of much of its force. The League had no force of its own : it derived its force through the Members of which it consisted—in other words its force was the force of the individual countries. The States which supplied the force must obviously have, a share in the responsibility, so that no change in the permanent Members was likely.

Attention was already given to representation from each continent. He would remind the Liberian delegate that there were not many independent States in Africa and that, in any case, Africa was represented through the Colonial Powers. It was also quite possible that some day an independent African State would be a Member of the Council.

He would not attempt to deny that irregularity existed, but he himself could see no adequate remedy. The greatest country in the world—China—had not a permanent seat on the Council. On the other hand, China was frequently elected as a non-permanent Member, and, later on, the situation might change to an even greater extent. In fact, change was inevitable, and no mechanical rule could be better than the League's own considered judgment, modified from time to time according to circumstances. It was impossible to foresee what the world would be like in a few years' time.

He therefore proposed that the question should be adjourned until the next year.

He was absolutely opposed to consulting persons outside the League. There was practically no analogy between the electing bodies of the League of Nations and the electorates of States. Conflicts of opinion and interests existed, and the League had been formed to prevent such conflicts. The League was one of the most heterogeneous bodies imaginable, but the very plurality of the nations composing it was its soul. Nevertheless, the League had been acquiring a sort of cohesion which an outsider would never understand. An outsider might therefore make quite impossible proposals.

The proposal for an enquiry had been submitted too late to be carried into effect in the current year. He proposed an adjournment for a year in order that both old and new Members should be able to study the matter in a spirit of League consciousness.

M. PILOTTI (Italy) urged that all suggested reforms should take into account the countries that were still outside the League. Some of them were outside because they made their entry or re-entry dependent on the possibility of obtaining a seat on the Council.

If it were thought better that the question should be adjourned, the Assembly might, nevertheless, draw the attention of the various Governments to existing drawbacks and ask for suggestions. Personally, he did not see what the solution could be, unless it were that indicated by M. Politis; but it was just possible that definite suggestions by States would enable some rather better system to be devised.

M. VASCONCELLOS (Portugal) urged that States which felt they were not being fairly treated should at least have the moral satisfaction of knowing that the question was being studied; otherwise, the situation would become intolerable. Though he would be the first to admit M. Scialoja's great experience, he could not agree that M. Scialoja's individual opinion was an adequate reason for shelving the problem.

M. RESTREPO (Colombia) thought there was too much haste all round to reform—to reform the elections, reform the Covenant, reform everything. People might infer that the whole machinery of the League was in bad working order.

In the twelve short years of the League's existence some thirty nationals of some dozen countries had held non-permanent seats on the Council. On the previous day the Assembly had elected Spain, Panama and China. Perhaps next year Portugal would be elected. In any case M. Vasconcellos should not think that Portugal was deliberately being abandoned. Portugal's historic claims alone entitled her to consideration as a future Member of the Council.

Moreover, the Chilian delegation had amended Viscount Cecil's proposal. The whole question, however, required most careful consideration. He repeated once more that the Assembly should avoid all appearance of haste. He therefore supported the Chairman's proposal to adjourn the question until the following year.

M. WOO KAISENG (China) said that China felt great satisfaction at her election to the Council. Her main desire was not to receive honours, but to be in a position to collaborate usefully. China had always claimed a permanent seat, but, if that were not possible without

increasing the number of Members, obviously the problem required most careful study. His predecessor had always advocated a continental allocation of seats, but that again raised the delicate point as to how the principle could best be applied. Could not the two proposals to appoint a sub-committee, and to adjourn the question, in the meantime consulting the various Governments, be taken together? That might facilitate the solution. In any case, the Chinese delegation was entirely favourable to Viscount Cecil's proposal.

M. GAJARDO (Chile) said that, as it had been explained to the Chilian delegation that too great an extension of the scope of the enquiry would raise innumerable difficulties, the delegation withdrew its proposal. The main object that the Chilian delegation had in view in submitting that proposal was to find some way of avoiding practices—such as lobbying—which did no honour to the League.

Viscount CECIL (British Empire) noted that no delegation was opposed in principle to the consideration of the problem. True, there had been proposals to adjourn its consideration, some of which were based on the desirability of avoiding fresh expenditure. In view, however, of M. Politis' assurance that the expenditure would be negligible, the Committee need not attach too much importance to that aspect. Other proposals for adjournment had been made by M. Undén, M. Scialoja and M. Restrepo. M. Restrepo had indeed been very frank and had shown that he was himself in favour of postponing the question *sine die*. The great majority of the delegates were, however, in favour of taking some action. The Assembly could not entirely ignore the sentiments of certain States and shelve the question now in the hope that it would not be raised next year. M. Restrepo had said that they always seemed to be changing the statutes. There had not been many important changes made in the Covenant—the most important, perhaps, had been to add the words "judicial settlement" to "arbitration". No one could call that revolutionary.

There had been a number of changes made in the composition of the Council, but, when the rules were first drawn up in Paris, they were never regarded as final. It had always been thought that some scheme of rotation should be devised for the non-permanent Members. When the League had come to study the system of rotation, it saw that an increase of the membership of the Council was inevitable. But, even with such rotation, certain Members felt they were debarred from the possibility of obtaining a seat.

M. Undén and M. Scialoja had based their proposal for adjournment on the necessity of longer consideration of the problem. He entirely agreed that the question required most careful consideration, and, if he believed that one more year's consideration would make the matter easier to deal with, he would have accepted the proposal. The question had, however, been considered quite carefully. The British Government had at any rate devoted much attention to the point and had what were, he thought, some very useful suggestions to make. Moreover, Members of the League had received several months previously a circular letter from the Portuguese Government. If the question were merely adjourned, then, in fact, nothing at all would be done. One or two Governments might reply in the course of the year and that would be all.

The speed with which the special committee might be able to take action was another matter. Much time and trouble would be required to overcome the immense difficulties caused by the clash of interests. That, however, should not prevent the appointment of a special committee immediately. The special committee would not even be asked to report to the next Assembly. It might submit its report two or three years hence. The essential point was that any countries which felt themselves aggrieved should feel that the matter was being studied. The special committee might or might not eventually feel bound to recommend increased membership. Personally he hoped not, but he did not think that such a recommendation should be absolutely debarred from the outset.

It would be a great mistake to reject all proposals for change. The League of Nations was, and must be, a living organism, which would develop and evolve to meet world requirements.

M. UNDÉN (Sweden) explained that his proposal to adjourn the discussion was intended merely to enable the Committee to discuss the question fully before it was referred to a special committee.

The procedure he had in view was in keeping with that followed in the previous year for the examination of proposals made by a certain Government for the preparation of a general convention. It allowed the Governments interested in amending the existing rules to explain their ideas in a memorandum, which might be discussed at the next Assembly. He did not in any way desire to prevent an examination of the problem.

The CHAIRMAN closed the discussion. The following text would be submitted to the Assembly:

> "The Assembly requests the Council to appoint a special committee to study the existing system of elections to the Council and to report to a future session of the Assembly on any reforms which may appear desirable."

But, before the text was transmitted to the Assembly, he would put the proposal for adjournment to the vote.

The proposal to adjourn the question for one year was rejected.

The CHAIRMAN, in reply to M. Politis, observed that, according tot he text of the resolution, the Council had to decide the composition of the special committee.

Viscount CECIL (British Empire) pointed out that, if the special committee were composed of Government representatives, the cost would be very small. If it were composed of individuals the Fourth Committee would certainly have something to say on the matter.

M. SOTTILE (Liberia) wished it to be stated in the Minutes that he trusted that due consideration would be given to the representation of the various continents.

The CHAIRMAN proposed Viscount Cecil as Rapporteur.

Agreed.

FOURTH MEETING.

Held on Wednesday, September 16th, 1931, at 10.15 a.m.

Chairman: M. SCIALOJA (Italy).

7. Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris (continuation): Précis of the Observations submitted by the Governments since the Assembly of 1930 (Annex 3).

M. MAJOURANITCH (Yugoslavia) emphasised the importance of the Committee's task. They had to harmonise two not very complicated and extremely concise documents: the Covenant of the League and the Kellogg Pact.

The Kellogg Pact—a star of the first magnitude, which had only recently appeared in the political firmament—had, like twin stars, a dark companion which displaced its centre of gravity and caused all the perturbations and variations of light in the main star. He referred to the reservations which States—even its authors—had made to the Kellogg Pact.

The reservations accompanying the Kellogg Pact had not yet been very minutely defined. Their scope was unknown. The Committee was therefore faced with an alternative.

In the first place they might bring the two acts into harmony without taking the reservations into account, in the hope that the reservations would disappear spontaneously. In that case the first great difficulty arose. Certain reservations were of slight effect—they were, nevertheless reservations made by States. They could consequently not be abolished without the consent of those States, and that consent might be difficult to obtain. Nevertheless, with all these reservations, the Kellogg Pact was an immense step forward towards universal and lasting peace. The reservations were in part and to a certain extent a safety-valve in the vast machine which was destined to modify the whole history of mankind. It would not, perhaps, be very wise to eliminate them.

The other possibility was to allow the reservations to remain. In that case, however, a danger—perhaps a fatal danger—became manifest. The Kellogg Pact was an international treaty. Reservations were therefore feasible; but how was a Pact with reservations to be incorporated in another international Convention which was the basic law of the League founded on the equality of all Members? In that case the reservations would no longer be safety-valves but cracks that weakened the machine. He need not discuss the consequences of such weakness, in view of the League's responsibilities.

Should the problem then be merely shelved?

No; it should be faced and all the reservations of the Kellogg Pact should be analysed. Some of them, concerned with the interpretation of the Pact, would cause no difficulty. Others referred to the very essence of the instrument and were common to a whole group of States. They might be reduced to one single reservation. Possibly, in that case, the single reservation might be incorporated in the Covenant.

That would, nevertheless, leave a residue of reservations which could not be analysed. The League would have to combat them with all its force and would be valiantly aided by all the branches of its activity and all its efforts to ensure co-operation and disarmament, and to avoid war.

He feared his arguments might help to destroy all hope of solving the problem at the present session. It was impossible, however, to ignore the fact that certain States had made the ratification of the amendments to the Covenant depend on the coming into force of a general treaty for the limitation of armaments.

That was both comprehensible and logical. Why hurry, since, in any case, no decision would become operative before the next session? Why not utilise the intervening period in an endeavour to secure a reform which would be beyond all criticism?

He would remind them of the proposal to constitute a special committee of jurists to analyse minutely all the reservations of the Kellogg Pact, and submit a report. A special committee would also be called upon to propose measures for harmonising the two acts, either completely or relatively. The Kellogg Pact, even with all its reservations, and the Covenant nevertheless formed the two corner-stones of lasting peace. Peace was progressing. Nothing could stop it; but excessive zeal or hasty or premature measures might retard its final triumph.

M. MENDELSSOHN-BARTHOLDY (Germany) said that the German Government had not sent in a reply because its attitude had been fully explained in the two committees appointed to examine the question. A German memorandum had been submitted to the Committee of Eleven, and had, he thought, helped to facilitate that Committee's task.

The German Government was still of opinion that the two proposals might be used as a basis for the amendment of the Covenant in such a way to bring the two acts closer together. The hope that certain Governments not represented on the Committee would send in useful suggestions had been fulfilled. Many of these suggestions had been very interesting, including Finland's enquiry as to whether it would not be desirable to replace the expression " resort to non-peaceful methods " by the words " resort to war " as being less ambiguous.

The German Government was prepared to co-operate in reaching an agreement on the modification of the Covenant, and would explain its attitude on all points of detail. Difficulties would be encountered, but could be surmounted. The Committee's task was not merely a legal one. The main aim must be to organise universal co-operation for peace. If the Committee succeeded in solving the problem, it would have got nearer to the intentions of the authors of the Kellogg Pact.

M. D'AVILA LIMA (Portugal) said that that was the second time the Committee had had to consider the body of articles established as a result of the recommendations of the last Assembly but one, for bringing the Covenant into harmony with the Paris Pact.

The Portuguese delegation had already explained its views in a modest but nevertheless full and substantiated manner. Though agreed on the principle, it foresaw difficulties in carrying through the task and preparing a text. Though the expression of those doubts had not endowed the Portuguese delegation with a seat on the special sub-committee, it had secured the support of other distinguished authorities, to whom he wished to express his gratitude.

Like the French and German delegations, the Portuguese delegation thought it would be preferable to maintain the organic structure of the Covenant, not merely by an act of passive solidarity, as implied in the Paris Pact, in spite of the implication contained in the preamble to that document, but by legally implementing peace to avoid the danger expressed in the French note : " To fail to ensure a final solution for all points brought before the Council of the League would be to leave open the possibility of war ".

Contrary to the argument that certain proposals to reform the Covenant were rather daring and not very likely to become operative, Portugal had suggested the ratification of the *novum jus*, under the General Act of Arbitration, which had been confirmed by the accession of so many countries. Recourse to arbitration, as laid down in the General Act, must not be, as Portugal had at first suggested, a preferential solution, but, in the light of the reservations made by several Governments, must be of a secondary character—a sort of subsidiary procedure to fill the gap in paragraph 7 of Article 15.

The most recent form of the text—that of the sub-committee—was the best, perhaps, because it had gained in intensity what it had lost in amplitude. It might, however, be still further improved.

He again drew attention to the previous suggestion, which had been supported by Italy, to the effect that the Council should still be allowed under Article 15, paragraph 7 *bis*, in conformity with the proposal of the Committee of Eleven, to ask the opinion of the Permanent Court of International Justice without a unanimous decision being necessary for the purpose.

Not only did such an opinion—which was optional— not adversely affect procedure under the Covenant, but it might help the Council in reaching a decision or in bringing about a solution by endowing it with the support of the Supreme International Tribunal.

Thus, while the cause of peace would be aided, something would be done to allay certain apprehensions, such as those expressed by China and Finland, who rightly maintained that the important point was to conserve the principle which at present dominates the Covenant—namely, the priority of entirely peaceful procedure.

He fully appreciated certain comments that had been made, particularly the British proposal, to give paragraph 2 of Article 12 an alternative character by substituting " or " for " and ", and to restrict the scope of the word " decision " in paragraph 4 of Article 13 by adding the qualification " judicial ".

They ought also to take into consideration the Finnish observations concerning pleonasms or superfluities—for instance, in Article 13, paragraph 4, the words " in a dispute to which they are parties " and the tautological multiplicity of references to recommendations of the Council in paragraphs 6 and 7 of Article 15.

Whatever was decided in connection with these suggestions, there was no doubt that the task of conciliating the two main acts of world peace policy was commencing under happy auspices.

M. RUNDSTEIN (Poland) thought, as the object of the present discussion was to define the views of the various Governments, it would be better not to go into details, but to adhere to more general arguments.

The Polish Government was prepared to accept the amendments proposed in the previous year by the Sub-Committee as being the most practical solution at present. The Assembly could, of course, go further along the lines traced by the Committee of Eleven, but over-radical reforms were risky. It would be preferable to adhere to a minimum compatible with the letter and spirit of the Paris Pact.

If the solutions proposed by the Sub-Committee were held to be good and equitable, they should entrust the final preparation of the revised articles to a Draft Committee. That Committee would also consider several new proposals contained in Government replies or put forward in the course of the discussion by representatives of Governments which had not replied to the Secretary-General's circular letter—in particular, the suggestions of the Finnish Government.

The proposals made in the previous year by the Sub-Committee would, if the Committee adopted them, solve the problem that had been causing the League anxiety for so long. He drew the Committee's attention to the connection between the proposed amendments and the sanctions mentioned in Article 16 of the Covenant. If they did not accept the amendments, Article 16 would still apply only to cases of unlawful warfare and would not cover intervention by the League in other cases of war contrary to the Paris Pact. That would not tend to strengthen international security.

The Polish Government thought that the amendments were ripe for final approval by the Assembly and would be prepared to accept them without reservation. He was glad to see that other Governments took the same view, so that there was hope that a definite result might be attained.

He also wished to remind the Committee of the close connection between the harmonisation of the two acts and the problem of disarmament. Great Britain had already expressed her views in this connection and pointed out how desirable it would be that these two acts should be harmonised before the Conference met. In any case, it was particularly important to note that there was no inconsistency between the Covenant and the Pact. It might be said that the provisions of the Covenant were in suspense or were tacitly abrogated as long as the Paris Pact remained in force. Thus, even though an improvement of the Covenant might be thought to be impossible for the time being, all possible misunderstandings should be dispelled, as the Polish Government had observed in its reply. It was now, at least, a definitely established juridical fact that the provisions of the Covenant regarding lawful warfare had become inoperative according to the principle of the Kellogg Pact. It would, however, be preferable to give that Pact material force by introducing definite rules on the subject in the Covenant.

Mr. GUTHRIE (Canada) said he had positive opinions as to the propriety and necessity of endeavouring to remove the anomalies and inconsistencies which they all admitted existed between the Covenant and the Kellogg Pact. He did not wish for undue haste, but it had to be remembered that the Pact of Paris had been in operation for two years. Two Committees of eminent men had studied the question of amendments to the Covenant. Should a fresh committee be appointed? Only fourteen Governments had replied by June 1st, 1931, but he did not think that meant that the others would not accept the proposals made, since, in point of fact, they had not raised any objection to them.

To adjourn the question for further study would hardly enable fuller information to be obtained. Moreover, he agreed with the Polish delegate that the differences between the two texts should be removed before the Disarmament Conference met.

The Canadian Government had not sent a reply to the League, but had requested him to state their views to that Committee. These views were as follows:

His Majesty's Government in Canada had examined and compared the draft amendments prepared, first by the Committee of Eleven, secondly by a Sub-Committee of that Committee at the last Assembly, to harmonise the Covenant with the provisions of the Paris Pact for the Renunciation of War. In its opinion the schedule of amendments prepared by the Sub-Committee of the First Committee represented an appreciable improvement over the amendments proposed by the Committee of Eleven in two important respects—namely:

1. The text drawn up by the Sub-Committee for Article 13, paragraph 1, made a clear distinction between the positive obligations upon the parties to the dispute from the general obligation "negative in character" to refrain from supporting a State refusing to carry out a decision which on pronouncement of the award or decision becomes incumbent upon all the other Members of the League.

He reminded the Committee that the amendment to Article 13, paragraph 4, put forward by the Committee of Eleven, contained certain elements of ambiguity the implications of which were unsatisfactory to the Canadian Government. The text proposed by the Sub-Committee

made it perfectly clear that it was the parties to the dispute who undertook to carry out the award or decision rendered. For that reason his Government preferred, and was prepared to support, the Sub-Committee's text.

2. Similarly, the undertaking proposed by the Committee of Jurists for Article 15, paragraph 6, that "the Members of the League agree that they will *comply* with the recommendations of the [Council's] report" was, it was felt, open to misunderstanding. The possibility of that misunderstanding was removed in the Sub-Committee's text of that paragraph, which made it clear that it was the parties to the dispute who would be invited to comply with the Council's recommendations. For those reasons the Canadian Government was prepared to accept the text drawn up by the Sub-Committee of the First Committee of the Eleventh Assembly, subject to certain minor alterations which, it was understood, had already been submitted for that Committee's consideration.

There remained for consideration by that Committee the larger question of the expediency of incorporating the proposed amendments to the Covenant in a Protocol, which could be opened for signature during the present Assembly. His Government appreciated the force of the argument that amendments to the Covenant should not be lightly undertaken, but, when that argument was put forward at that juncture as a reason for deferring indefinitely the harmonisation of the Covenant with the Treaty for the Renunciation of War, it might appropriately be pointed out that such an observation, though apposite, was overdue. In 1929 and again in 1930, the Assembly of the League had unanimously adopted a resolution declaring that Members of the League should no longer be accorded by the Covenant the right to have recourse to war in cases in which that right had been renounced by the provisions of the Pact of Paris. If that resolution meant anything at all, it meant that the Members of the League were prepared to amend the Covenant by making the obligation not to resort to war absolute and binding upon all Members of the League. In the view of his Government, the purpose which the Assembly expressed by resolution on those two occasions would be fulfilled by the acceptance of the amendment prepared by the Sub-Committee of the First Committee of the Eleventh Assembly.

In considering the consequences of a further postponement of this important question, it was necessary to look beyond the drafting and juridical difficulties which the process of amendment had encountered, and judge the effect which such a postponement would have upon the public opinion of the world. It was possible that, in presenting the proposed amendments to the Covenant as a simple harmonisation of undertakings already widely accepted, advocates of the change had over-simplified the issues involved. However, to the man in the street the issue was quite clear, and the meaning of any further postponement would be all too obvious. He would say that the nations of the world had rushed to renounce war as an instrument of national policy in signing the Pact of Paris, but had rejected an opportunity to translate their action into a formal undertaking the violation of which would involve the penalties provided by the machinery of the League. Sceptics who had doubted the solemnity of the several renunciations of war would be effectually silenced if a resolve were now made to take a further step by harmonising the Covenant and the Pact, as he ventured to affirm the Sub-Committee's report would do when duly ratified.

M. HOFFINGER (Austria) still hoped that they would do good work even if they could not work with speed. M. Scialoja had always been an excellent advocate of prudence and wisdom, but the speaker had been greatly struck by the difference between his attitude in previous discussions and that which he had adopted at the last session. His remarks in former years had seemed like the markings painted on packages containing fragile goods; they now looked like a red or yellow flag indicating danger or plague. Members of the Committee should reflect on that attitude, because the Chairman, as he had himself pointed out, had been present at the birth of the League. One of the points to which the Chairman had referred was the lack of replies from Governments. From this he seemed to deduce that most Governments were not favourable to the amendments. On the contrary, M. Hoffinger believed that, although the maxim that "silence means consent" could not be applied without qualification, it might reasonably be assumed that a Government which had fundamental objections would have communicated them to the Secretariat. The Canadian delegate's statement confirmed that opinion.

The fact that Austria had not replied in time was due to a fortuitous circumstance—namely, a Government crisis just when the time-limit was expiring. The Austrian delegation was authorised to make the following statement:

> "The Federal Government of Austria is following with deepest interest the efforts of the League of Nations to bring the Covenant of the League into harmony with the Paris Pact.
>
> "It is of opinion that it would be highly desirable to terminate a juridical anomaly—namely, that States Members of the League and signatories of the Paris Pact are bound by two instruments, one of which prohibits certain acts which the other allows. As a result of this difference, the Statutes of the League present a hiatus in regard to certain situations which are dealt with differently in each Act. The Federal Government is even more convinced that this anomaly should be remedied, inasmuch as the discussion on the subject in the League has proved that the absence of organic and executive provisions in the Paris Pact might produce doubts as to the juridical nature of that Pact, which some speakers seemed to regard as a sort of statement of principles having a moral rather than a legal value. The Federal Government is definitely in agreement with those who, in the discussion, combated this argument and stated that the Paris Pact does not in nature or legal value differ from any other instrument of international law.

"The Federal Government therefore regrets that the Eleventh Assembly of the League was unable to terminate its work on the basis of the Report of the Committee of Eleven, and is prepared to collaborate fully in the completion of that work during the Twelfth Assembly.

"The Federal Government sees no objection to the proposals contained in the Report of the First Committee of the Eleventh Assembly with regard to the amendments to be made to the Preamble and to Articles 12, 15, paragraph 7, and 16, paragraph 1, or to the omission of Article 15, paragraph 7 *bis*, which had been suggested by the Committee of Eleven. As regards Article 15, paragraph 6, the Federal Government regards as acceptable the text proposed by the First Committee, but would not see any objection to going back to the text proposed by the Committee of Eleven, provided the latter is not modified by clauses restricting the powers of the Council to seek for the most appropriate method of ending the dispute."

The absence of a reply from the Austrian Government does not, therefore, signify disapproval; on the contrary.

He had not been able to study the statements made in the American Senate concerning reservations to the Kellogg Pact to which the Chairman had alluded. He did not, however, see how they could prevent the continuation of the work which had been begun. The Italian Government had pointed out that certain States had made their accession to the Treaty of Paris dependent on individual interpretations of the terms of that Pact and expressed the opinion that it was not possible to take those restrictions into account seeing that they could not be tolerated under the Covenant. *A fortiori*, therefore, they should reject reservations made by States non-signatories of the Covenant, or by mere Members of Parliament, which had not been ratified by the Government concerned.

The Chairman had also said that good craftsmanship was preferable to speed, but good craftsmanship implied a thorough knowledge of the work. M. Scialoja had said that the Covenant ought not to be weakened by amendments which, if they were not accepted, would diminish its value and authority. He would ask the Committee to compare this observation with that made by the Italian Government, in its reply, to the effect that, unless amendments really improved the Covenant, it would be better to make none at all. In the view of the Italian Government the Covenant would be improved by adopting the text of the Committee of Eleven for the various paragraphs of Article 15. He asked the Chairman, therefore, to tell the Committee whether the crucial point was the difficulty of harmonising the different opinions regarding the paragraphs of Article 15 or whether he foresaw a more general difficulty of such a nature that, even if everybody accepted the Italian Government's views regarding Article 15, the Committee could not make any further progress. If so, it would be very desirable that the Chairman should indicate how the discussion should proceed in view of the difficulties to be solved, for it was impossible to ascertain what those difficulties were.

With regard to procedure, although he agreed with M. Rundstein on many points, he wondered whether M. Rundstein's proposal to appoint a drafting committee was not premature, since it would certainly have a much more important task than drafting, in view of the fundamental differences of opinion still existing with regard to the actual scope of the amendments. If the Committee decided to refer the matter once more to Governments, or to a committee, it would be desirable carefully to define the existing difficulties and to formulate a definite series of points for consideration.

Mr. KNOWLES (New Zealand) said the New Zealand Government was prepared to accept the text drawn up by the Sub-Committee on condition that the two amendments to paragraph 2 of Article 12 and paragraph 4 of Article 13, referred to by the Portuguese delegate, were adopted.

Mr. HEARNE (Irish Free State) said that the views of the Irish Government were contained in their memorandum to the Secretary-General which was before the Committee. In that memorandum, the Irish Government said that they had no objection to the principle of the amendments of the Covenant proposed at the Sub-Committee of the First Committee of the Eleventh Assembly. They considered that, in all the circumstances, these amendments provided the most suitable means of incorporating in the Covenant a general prohibition of resort to war and the principle that the settlement of international disputes should never be sought except by pacific means.

While they were thus prepared to accept the amendments referred to in their present form, the Irish Government felt that there were certain respects in which the proposed text might be improved from a drafting point of view. The words "likely to lead to a rupture" in Article 12 (1) implied a restriction of the general principle of pacific settlement to which it was sought to give effect in the proposed amendments. The Irish Government, accordingly, felt that these words should be eliminated from the text of that article. That would involve a consequential modification of the text of Article 15 (1). The Irish Government also felt that additional words would be required in order to make clear the scope of article 15, and they would make a proposal accordingly. They proposed, therefore, the following wording:

"If there should arise between Members of the League any dispute which cannot be otherwise settled and is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members, etc."

As regards paragraph 6 of Article 15, the Irish Government would accept the draft of the Sub-Committee of the First Committee of the Eleventh Assembly, or, if necessary, they would,

like the Austrian Government, accept the draft submitted by the Committee of Eleven. He pointed out that what was necessary was to give some finality to the recommendations of the Council in the circumstances contemplated by Article 15. It was clear that, when a dispute was submitted to arbitration or to judicial settlement, the award of the arbitral tribunal or the decision of the Court was legally binding upon the parties. He felt that, if the proposals of the Committee of Eleven were adopted, the effect would be to give legal binding force to the recommendations of the Council. That would involve finality in cases referred to the Council similar to that which had already been secured with regard to cases submitted to arbitration or judicial settlement.

He referred to the discussion which took place at the Sub-Committee of the First Committee of the Eleventh Assembly on the subject of the extension of the sanctions of the Covenant, which an acceptance of the amendment of Article 15 would involve. He reminded the Committee that Governments which would accept the proposed amendment of Article 12 (1) had accepted an extension of sanctions, and he pointed out that the extension of sanctions, which an acceptance of the amendment of Article 15 would involve, amounted to no more than a theoretical widening of the field of sanctions. In practice, having regard to the provisions of the Kellogg Pact and the provisions of the Covenant as amended, the number of cases in which sanctions would have to be resorted to would be very few indeed. It would be a pity if a valuable and far-reaching reform of the kind suggested should be postponed for any academic or theoretical reason which would have little or no practical significance.

The discussion had, he said, proceeded on general lines. It was now three years since the Kellogg Pact was signed, and, during that time, there had been a serious and substantial inconsistency between the fundamental law of the League of Nations—namely, the Covenant, and the Pact of Paris. These instruments had been examined by the Committee of Eleven and the Sub-Committee of the First Committee of the Eleventh Assembly, and, in the latter Committee, a full and frank discussion of a political character had taken place. A text had been produced. Count Apponyi, a day or two previously, had emphasised the necessity for proceeding with the work of reconciling the two instruments. The trend of the discussion that morning indicated that it was not intended to take the matter to a conclusion at that Committee. He would have thought that the text of the Committee of Eleven and that of the First Committee of last year, together with the replies of the Governments, would have been sufficient material to enable the Committee to arrive, with the assistance of a drafting Committee or a sub-committee, at a text which would have a prospect of success. This question had now become a problem for the Governments themselves. The work of the lawyers had been completed. It was a question for the Governments of the world to accept, or to accept with amendments, the provisions of one or other of the texts already prepared.

In conclusion, he said that it would be well for the Committee to take account of the danger of postponing this matter further. It had been suggested that the whole project of amending the Covenant would be better resumed when the General Disarmament Conference had concluded its labours. He asked whether the further postponement of the project might not seriously injure the prospect of the successful conclusion of the Disarmament Conference. There was, in his view, some uncertainty as to the future growing up all over the world by reason of the tendency in the League of Nations to postpone major issues. He did not wish to exaggerate the tendency, but he thought that, if important matters of the kind under discussion were postponed too frequently or too long, public opinion might begin to entertain well-founded doubts as to the value of their labours in the Assembly of the League of Nations. In the result, Geneva might suffer a total, and perhaps not a transitory, eclipse.

Baron DESCAMPS-DAVID (Belgium), after paying a tribute to the work already accomplished, observed that the British declaration showed that there were certainly some difficulties which had to be overcome. He did not criticise anyone for amplifying the points raised by the British delegation. Great caution was necessary in amending the fundamental statutes of the League, but now that ample light had been thrown on the problem, surely they ought to be able to arrive at some conclusion.

He had carefully studied the Paris Pact in all its aspects. The present question was merely a part of the vast problems raised in the Pact. The Pact was not merely morally binding but was clearly a juridical act having a definite juridical effect—the absolute prohibition of war as an institution.

If they recognised the radical difference between legitimate defence and war they might, he thought, solve the problem of defining the aggressor. It was possible, even now, to determine the relations between law and force; and they were faced with a question far less complicated than that. Old errors died hard, but he was convinced that the problem was not really insuperable.

In any case, both the Covenant and the Paris Pact existed as accepted acts—if there were divergencies between them, jurists and statesmen must draw the necessary consequences.

He wished to call attention to two facts. First, the Pact of Paris and the Covenant had been cumulatively acknowledged by almost all the Members present. Secondly, in objective reality, there was no actual antagonism between the Covenant and the Pact. On the contrary, there was a sort of convergence of tendencies. The Covenant had been adopted at a time when policy with regard to war was not what it was at present. In any case, he most strongly urged

that something should be done at the present session. There was already a very large number of provisions on which all were agreed. Those could be adopted at once — if only as a matter of loyalty towards legal principles — with such qualifications as might be rendered necessary by the organic interdependence of the articles of the Covenant which could not be amended separately from one another. The great future problem of disarmament was not itself independent of the decisions the Assembly might reach that year—in fact, the Assembly might by its decisions definitely help forward the cause of disarmament.

He earnestly begged the members of the Committee not to believe that they were faced by an insoluble problem. As the Austrian declaration proved, there was no need to await replies from Governments which had not replied, and as for the question of expressions of opinion by statesmen in countries not Members of the League, surely the fifty-four Members of the League had a right to consider their own position juridically free from all political influence due to individual foreign points of view.

Mr. TE WATER (South Africa) said that the South African Government was prepared to accept the text established in the report of the First Committee, which they considered preferable to that presented by the Committee of Eleven. The South African Government had, however, at no time considered that there was any urgent need for reconciling the terms of the Covenant with those of the Paris Pact. The question was a matter of form rather than substance.

In that regard, he would refer to the observations of the Italian Government of April 16th last to be found in document A.11.1931 (see Annex 1), wherein was stated:

> "The Italian Government considers, however, that the pursuit of this object should be abandoned unless it were likely to result in a real improvement in the working of the system established by the Covenant of the League of Nations for the pacific settlement of disputes.
>
> "There is no objection to the application of both Covenant and Pact between the States which are bound by both of them; the mere fact that one of these agreements still admits the possibility of war in certain cases, while the other has eliminated this possibility, does not appear to create practical drawbacks sufficiently serious to call for the amendment of the Covenant, especially as there is no hope of really perfecting it."

That view appealed to him as being sound sense. It seemed to him that more harm had been done by the immense discussion that had taken place during the last two years, and was still taking place, and by the extraordinary indecision shown by nations in this matter, than any possible ultimate good that might result from the reconciliation of the Covenant and the Paris Pact. His Government would be quite happy to see these discussions come to an end, for, indeed, it seemed that everything that could usefully be said on this question had been said.

He recognised, of course, the valuable and conscientious work performed by the various Committees which had been appointed to seek a solution of this problem.

The South African Government would not be unhappy, in these circumstances, should a general desire become manifest among delegates that no immediate good was to be found in prosecuting the matter further.

However, if it was clearly the unanimous wish to proceed, he was empowered to say the South African Government was prepared to accept the text proposed by the Sub-Committee appointed last year as being preferable to the proposals of the Committee of Eleven. It would be understood, however, that ratification on behalf of the South African Government was subject to the coming into force of a general treaty for the reduction and limitation of armaments.

FIFTH MEETING.

Held on Thursday, September 17th, 1931, at 10.15 a.m.

Chairman: M. SCIALOJA (Italy).

8. Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris (continuation).

M. HUBER (Switzerland) said he would explain in outline the standpoint of the Swiss Government, which had not yet replied to the circular letter of November 1930. The publication of the Covenant in 1919 had caused disappointment in certain quarters, even though it constituted immense progress as compared with the previous international organisation. It had been hoped that the Covenant would unreservedly condemn warfare. That suggestion had been embodied in the draft international organisation submitted to the Peace Conference by the Swiss Government. The Swiss Government had therefore gladly acceded to the Kellogg Pact and was prepared to co-operate in finding a positive solution for the problem of the harmonisation of the two instruments.

Contrary to what had been asserted, it was not inconsistent that the Covenant and the Kellogg Pact should co-exist. The Covenant was a starting-point—the absolute minimum of international organisation required to ensure peace. There was nothing to prevent States Members concluding conventions going far beyond the obligations laid down in the Covenant. Article 21 of the Covenant itself stated that no international understanding for the maintenance of peace was inconsistent with any clause of the Covenant.

There was, however, a natural desire to adapt the Covenant to the Kellogg Pact, because the Covenant was the veritable charter of international organisation, and it might seem strange that war could still be regarded as a possible means of settling international disputes, whereas almost all the States Members of the League and certain other very important States had concluded another agreement proclaiming the absolute renunciation of war as an instrument of national policy. But though justifiable, the harmonisation of the two instruments was not a simple matter. There were really two "pacts"; each instrument formed a complete and perfectly balanced system, but they differed from each other essentially in structure. The bringing of the Covenant, which was the basis of an international organisation and laid down political principles of the highest importance, into harmony with an agreement which merely affirmed two principles of policy, mainly of moral weight, was not a simple matter.

The Covenant was unique in that it combined the realities of political life with bold concepts, in order to maintain peace and build up international law on new foundations. The very perfection of this perfectly balanced system was the reason why it was so difficult to incorporate therein the fundamental idea of a diplomatic act of an entirely different nature. In fact, the Paris Pact could not be merely incorporated in the Covenant. It became necessary to revise the Covenant in such a way that the main ideas of the Paris Pact would be reflected therein. On the understanding, therefore, that there was no question of incorporating one diplomatic document in another, the question of reservations lost its importance. It might even be asked whether there really were any reservations, and whether the so-called reservations were not the interpretations given by certain Governments during diplomatic correspondence which preceded the conclusion of the Pact. In any case, the revised Covenant must be acceptable to all countries, or, at any rate, the great majority of countries. It was for States which had made reservations concerning the Paris Pact to explain their reasons when the principles of that Pact were about to be introduced into the Covenant.

He would make the following suggestion with regard to methods. First, they should analyse the Covenant, which provided for procedure in three stages for the exclusion of war and the maintenance of peace. The first defined the conditions under which a State might in certain cases resort to war, the second was concerned with solutions, and the third with sanctions.

The system of the first stage, defined in Article 12, had been completely transformed by the incorporation of the principles of the Paris Pact. Under no circumstances might war be waged except in self-defence; on the contrary, war was absolutely prohibited. That was the great change involved in harmonisation. That would connote a further advance beyond the immense progress achieved in the Covenant, as compared with international law as existing in 1919.

In the matter of solutions, the Covenant was rather timid. It proclaimed the principle, at all times recognised in international law, of absolute respect for arbitral awards, and it gave some sort of binding force, but quite indirectly, to a unanimous decision of the Council, inasmuch as a State desirous of making war would thus bring sanctions into operation. Moreover, all the solutions depended on agreement between the parties. It was primarily a system of conciliation.

Since there had been introduced into the Covenant, in place of the system of the limitation of resort to war, the system of absolute prohibition contained in the Pact, the corollary ought, he thought, to be accepted—namely, peaceful settlement in all cases. That principle was embodied in the Paris Pact without any indication as to methods. The Covenant, which was an organic statute, provided for definite methods.

That hiatus in the Covenant was to a large extent filled by the optional clause, by treaties of arbitration and conciliation—which even included all disputes of any kind—and the General Act. But these methods, although they had spread to an extent that nobody would have thought possible ten years previously, did not cover all the situations which might jeopardise peace. It therefore seemed reasonable to maintain the proposal of the Committee of Eleven to the effect that a unanimous decision of the Council should have binding force. If the Council was really unanimous, there would be every reason to suppose that the solution was an equitable one acceptable to all Members of the League.

But if a decision of the Council were to have the same effect as an arbitral award, it was logical to retain yet another proposal of the Committee of Eleven—namely, that the Council might on a majority vote request advisory opinions on the points of law involved in the disputes submitted to it.

To rely on unanimous decisions of the Council was not going very far; it was, however, an advance in that it formed a true corollary of the prohibition of war.

In the matter of arbitra awards, the universality of which had not yet been confirmed by article 13 of the Covenant, they might perhaps go a little further. The Committee had, on the one hand, the proposal of the Finnish delegation to ensure a solution when the validity of an award was disputed, but they might go still further with a view to mobilising world opinion if a State opposed the enforcement of an award : the Council might, in that case, be empowered to convene an extraordinary session of the Assembly.

Sanctions were the most important part. Here, the Covenant had made a really radical innovation quite different from previous international law—an innovation, that was truly epoch-making in the history of that law. Sanctions formed a very special element of that organic institution, the League, and great care would have to be exercised in extending the system to cases different from those provided for in the Covenant. The authors had been very wise in selecting the circumstances in which the sanctions of the League might apply.

The first case was that of aggression in violation of Article 12—*i.e.*, when the aggressor had not called for arbitration or mediation by the Council. That was the most serious infraction of the prohibition to resort to war : naturally, therefore, such a situation would cause great public emotion. Nations would entirely approve intervention, in cases, even, which did not concern them directly, if the matter was so obviously one of universal concern.

There was also the case of a State resorting to war against a country which was conforming to the arbitral award—in other words, the case of a State desiring to terminate the situation created by the award. Respect for awards and treaties was, however, the corner-stone of civilisation itself.

The third case was that of a State resorting to war against another State which was adhering to the unanimous decision of the Council. In that case, also, war would be intended to terminate a situation confirmed by a unanimous opinion of the Council, exclusive of the parties to the dispute. It might also be held in that case that the solution was acceptable for all countries and that intervention was legitimate.

But there were other cases which had not been clearly ascertained. Was it wise to endeavour to find a definite solution for all war situations which it might be impossible to foresee in advance ? The Covenant had proceeded by enumeration and had selected very serious definite cases in which the League might count on the support of public opinion. But if the decision were reached only on a majority vote and opinion was divided, the situation might not be so clear, and the League of Nations might then find itself in a very precarious position.

It had been said that these cases were merely of theoretical interest. That could not be stated definitely, because no one could foresee what might happen if the League were to accept a comprehensive formula for situations which had not been clearly defined. In any case, disputes not covered by the optional clause, by the General Act, or by treaties of arbitration, which were not settled by the unanimous vote of the Council, might cause conflicts in which opinion would be divided. It would be no service to the League to compel it to risk losing its authority by taking decisions in which the Council might not—as it was at present—be supported by world opinion.

The harmonisation of the Covenant and the Pact should connote the co-ordination of obligations arising under the two instruments, and not any amplification of those obligations. If, in particular, it was sought by some comprehensive formula to apply sanctions to all situations which might arise, they would be going much further than the Paris Pact, which provided no sanctions, and possibly much further than the obligations arising under the Covenant. It would not be a mere addition but a wholesale multiplication of contracted obligations.

If, therefore, they amended Article 16, it would be wise to follow the lines indicated by the Italian and Norwegian Governments and reserve sanctions for cases in which there was a unanimous decision of the Council confirming the measures to be taken to restore peace or subdue the aggressor.

As opposed to juridical possibilities there were the realities of juridical life, and the Committee should take these realities into account in order to ensure the proper working of the Covenant. The harmonisation of the two instruments was not a mere work of juridical logic; it was also a political task, in which allowance should be made for all possible situations. The Covenant of 1919 constituted immense progress in the domain of international law—the greatest progress which had been accomplished for centuries. To ensure its application in its present terms and spirit would already be a great point gained.

M. Erich (Finland) reminded the Committee that the Covenant remained subject to the ever-varying views of political life. It was a delicate instrument which, if amended at all, must be amended with care. When innovations were proposed, whether in the form of amendments to the text or by a separate instrument such as the measures intended to prevent war, there was a danger that some provision or other of the Covenant might be weakened or distorted. The Finnish Government was very interested in this question, as was shown by its observations. He would draw the special attention to the main conclusions of the Finnish memoranda :

1. None of the present advantages or guarantees which the Covenant afforded to Members of the League should be sacrificed, particularly with regard to international security, nor should the meaning of any provision at present in force be distorted implicitly.

2. No reservation, whether express or implicit, made in the new provisions to be inserted in the Covenant, would be compatible with the spirit of the Covenant or its organic unity. Reservations would be bound to cause confusion and might even have a distracting effect.

3. No interpretation should be allowed to the effect that only war in the strict sense could be the corollary of the peaceful means by which international disputes ought to be solved. There were certain measures of coercion which must be termed non-peaceful, although they were not regarded as, *ipso facto*, involving a state of war.

4. In the new text of Article 15 any formula which might appear tautological or opportunist must be avoided. If there was to be a difference between the unanimous and majority-vote decisions of the Council, the text should be drafted so as to make a real difference, a difference not in appearances only but in substance, between the consequences of the two classes of decision.

After these general observations he would submit several observations of detail.

The principle defined in Article 12, which laid down that disputes likely to lead to rupture and, in general, all international disputes should be settled by peaceful procedure, ought to be maintained. He agreed with the observations of the Irish delegate and emphasised the obvious contradiction between prohibition of war in the Paris Pact and the expression a "dispute likely to lead to a rupture". Disputes must, under the present terms of the Covenant, be submitted to peaceful procedure without any possibility of postponing resort to arbitration or conciliation until it had become obvious that the dispute could not be settled. There was some danger that, if the Committee agreed to the formula adopted by the Sub-Committee in the previous year, an unscrupulous State might resort to non-peaceful procedure on the pretext that no further means were open. Article 12, as at present drafted, was categorical on that point.

Again the texts proposed—"si le différend n'a pu être réglé" ("if the dispute cannot be otherwise settled")—were not satisfactory in view of the fact that the same expression was applied to a different case in Article 15, paragraph 4, of the Covenant.

With regard to Article 15, there were obviously difficulties, it might even be said inequities, that might arise in the case of a very definite dispute concerning the effects between a recommendation adopted unanimously and a recommendation adopted by a majority of the Council. Finland was, nevertheless, prepared to accept in the first place the solution recommended by the Committee of Eleven—namely, that conclusions adopted unanimously were binding. But it was also desirable that the Council should be able, on a majority vote, to request an advisory opinion of the Permanent Court.

The present text of paragraphs 6 and 7 of Article 15 established, with regard to effects of recommendations to the Council, an essential difference between the two hypotheses. Unless all differences were abolished between a unanimous and a majority-vote recommendation, the difference should be maintained, not only in the form, but in the essence of the recommendation. If they were not prepared to agree that a unanimous recommendation was binding, as the Committee of Eleven proposed, the Finnish Government, though still favourable to the first solution, proposed as an alternative that paragraph 6 should be so worded as to show that the party which conformed to the conclusions of the report might rely on its action to claim a settlement of the dispute in conformity with the Council recommendation. That formula was no vaguer nor more ambiguous than the terms of the present text of paragraphs 6 and 7 of Article 15, which was, nevertheless, of the highest importance. There had been some hesitation about making a unanimous recommendation of the Council binding. Such a recommendation should, however, be endowed with other and more weighty effects than those following on a majority-vote decision, unless they were prepared to abolish all differences between the two cases.

If the conclusions of such a recommendation were not binding, at any rate the party conforming to a unanimous recommendation should be authorised to derive certain advantages therefrom—namely, the conclusions should give him an acquired situation which could be pleaded against an adverse party. If the latter refused, by contrary acts, to conform to the conclusions of the recommendation, it should not be allowed to nullify the effect of the recommendation. The party which did not conform to the recommendation ought to be held responsible if, as a result of its resistance, the situation grew so much worse that a rupture became likely.

The draft Convention for the prevention of war laid down in Article 4, paragraph 2, that, if a party violated the orders of the Council, it would establish against itself a presumption that it had resorted to war within the meaning of Article 16 of the Covenant. Similarly, a party which conformed to a unanimous recommendation must be allowed to plead its action as a presumption in its favour.

A unanimous recommendation of the Council would therefore provide, for the party conforming thereto, an excellent position which could not be further questioned and in which it would be entitled to remain, unless, of course, some special agreement were reached by which the dispute was brought before some arbitral or judicial tribunal.

According to the intentions of the authors of Article 15 of the Covenant (paragraphs 6 and 7), a recommendation adopted by a majority would not confer on the party conforming thereto the same advantages as those conferred under a unanimous recommendation. It would be of value only in so far as the conclusions were well founded.

It would be seen, however, on closer examination, that the Sub-Committee's text abolished all actual difference between the two kinds of recommendation. All that was necessary was

already laid down in paragraph 4 of Article 15. Paragraphs 6 and 7 only repeated, rather tantologically, the sense of paragraph 4. This point had been emphasised in a passage of the Finnish Government's memorandum which M. Erich had read.

The observations of the Finnish Government had secured the approval of other members of the Committee, and he hoped that they would take them into account in preparing the final text. Finland hoped that the harmonising of the two instruments would be brought to a successful conclusion. It might have been sufficient if they had been allowed to co-exist side by side, but, once the undertaking was begun, it would be most unfortunate if it were abandoned.

M. POLITIS (Greece) was glad that he had helped to bring about the adjournment of the discussion, which had made it possible for all members to become better acquainted with the documents and for some to receive supplementary instructions from their Governments.

The discussion had shown that the question was riper than might have been thought; amendments had been submitted which might perhaps lead to an improvement in the texts adopted in the previous years, but it also proved that the silence of many Governments was not necessarily due to indifference or hostility and did not preclude accession in principle to the proposed reform. Such was the case with Greece, whose Government was of opinion that the harmonisation of the two instruments was both useful and necessary. In addition to the strong arguments set forward at great length in the previous year before the Committee to show why that was so, the present year's discussion had elicited an additional reason which ought to be emphasised—the intimate relationship between the suggested reform and the great work which would be undertaken in a few months' time by the Disarmament Conference. Although certain countries had already declared that they could not ratify the proposed amendments until the Disarmament Treaty had come into force, other countries thought that the coming into force of amendments by Governments was an essential condition to the concessions they would be called upon to make to ensure the success of the Disarmament Conference. These countries quite rightly saw in the amendments new guarantees of security which would enable them to adopt a more liberal attitude in making the concessions necessary for the success of a general Convention on the limitation or reduction of armaments. That was a point which could not be too strongly emphasised and which proved, not merely the utility of the reform, but its urgency.

There were other reasons which had not been mentioned up to the present and which had prevented Governments from replying. The Greek Government, in particular, noted as a result of the discussions of the previous year that the text submitted for its general approval contained provisions regarding the scope of which doubts still existed; it experienced great difficulty in forming a final opinion on the point. After a wide general discussion in full Committee, it had been noted that in the previous year, in addition to the legal questions of the problem of harmonising the two instruments, there were also political aspects of the highest importance.

The Sub-Committee, after examining the legal and political aspects of the problem under the chairmanship of M. Limburg, was able to submit certain texts; but it had not been able to deal with all the questions laid before it, and it had been forced to note that certain rather important differences of opinion existed which could not be solved until the Governments had carefully examined the matter and until an agreement had been reached between the Governments most directly concerned.

He did not know whether such agreement could be reached. He feared not, or in any case, that it would not be full agreement. Without enumerating to the Committee all the divergencies which had become manifest in the Sub-Committee in the previous year, he felt bound to say one or two words on the main differences from a purely theoretical standpoint. One arose in connection with Article 12 and Article 13, paragraph 4—namely, the question of reprisals. M. Cassin's report stated that:

> "As the jurists report notes, the text proposed for Article 13, paragraph 4, clearly allows States the right themselves to proceed to the enforcement of awards given in their favour."

But by what means could they enforce such awards? One thing was certain: they could not resort to war, since war had been forbidden. Apart from war, were they free to choose the means of constraint to ensure enforcement of the award given in their favour? M. Cassin doubted that, for he said:

> "The only open question is the limit imposed upon a State in whose favour the award has been given. The general desire would seem to be to admit that the principle laid down in the preamble concerning the prohibition of resort to war applies in this case. The uncertainty surrounding so new a point in international law should be a further incentive to the successful State to appeal to the Council, and for the Council to propose measures ensuring the enforcement of the award."

A successful country was therefore entitled to ensure the enforcement of the award by its own action, though it could not resort to war for the purpose. It was allowed, in fact, to employ other means; but what means were available? Might it resort to measures of constraint of a military nature?

That was a serious question, which had not yet been solved. It was a danger which ought to be dissipated. They could not modify the Covenant, they could not insert revised provisions in Articles 12 and 13 without knowing exactly what those provisions meant.

But there was yet another more serious divergence, which referred to the right of legitimate defence. It was understood that the outlawry of war, which is admitted by the Paris Pact, and which it was intended to insert in the new text of the Covenant, referred only to wars of aggression. It did not refer to wars of defence undertaken in virtue of a right regarded as absolutely essential for the maintenance of a State's integrity.

There could be no doubt that war undertaken in answer to offensive warfare was still permitted. The contracting parties to the Pact of Paris had not been sufficiently explicit on this point, and as the Italian Government said at the end of its Note :

> "It is not in the least necessary to include in the amendments a clause relating to self-defence, since it is obvious that a State which had disregarded the clause forbidding war could not demand that the State attacked by it should observe that clause."

That was obvious, but defensive warfare might arise in other circumstances—a typical situation being that in which a country was faced with a state of peace created by others which it regarded as seriously imperilling its existence. In order to put an end to that situation, it resorted to arms and began war. It would then say, and be convinced that it was entitled to say, that it had only exercised its right of self-defence.

Unless that point were carefully defined, serious consequences might follow. The exception thus admitted without definition might undermine the rule and lead to consequences of extreme practical complexity and gravity, for, just as the State which invoked self-defence wished to reserve its entire freedom of appreciation to decide whether its security was threatened, similarly other States Members of the League might, on the same grounds, claim the same freedom of discretion in judging an act committed by a State which resorted to war in its own defence, and might not be of the same opinion, deeming that what that State called defensive warfare was really offensive and a war of aggression. The question would then arise whether the sanctions laid down in Article 16 should apply. That was a very serious and doubtful point which ought to be cleared up. If the difficulty were not removed, the proposed reform would be full of danger, for the questions to which he alluded could not be solved at a stroke. They needed careful examination, which could only be effected by a sub-committee. Governments should be consulted on outstanding divergencies in order to ascertain whether the various States were definitely prepared to agree on all such points. On the basis of this new consultation, it might be possible to secure a final and definitive reform next year. That would be not too late for the Disarmament Conference, which in all probability would not have terminated its work by September 1932. It would be desirable that after the thirteenth Assembly the Conference should know whether the Covenant would be remodelled in such a way as to increase the guarantees of safety.

He therefore proposed the appointment of a sub-committee to study the amendments suggested to the text (which the Committee was then considering) and all questions which had not been settled in the previous year. He also proposed that a detailed report on the result of the work of the sub-committee should be made to the Assembly, which would then invite all countries to examine minutely the problems raised and reply in due course next year.

Dr. Woo Kaiseng (China) said that as a member of the Committee of Eleven he had drawn attention to the difficulty of finding a text which would be both juridically sound and satisfactory to all. China preferred the text of the sub-committee of the First Committee to that of the Committee of Eleven as being clearer and a closer interpretation of the desire to prohibit war in accordance with the Pact of Paris.

The Chinese Government deemed that the outlawry of war was not enough unless it were accompanied by the outlawry of other measures of coercion, such as occupation, bombardment, etc., which really amounted to warfare. When one country, by menaces followed by acts, tried to impose its will on another country by force, such action differed from warfare only in externals. If the weaker party were unwilling to yield, such practices inevitably led to war itself.

Great difficulty was experienced in defining the aggressor, but the problem might be made easier if it were declared that the aggressor was the party that first employed coercive measures. Such measures were a manifest violation of the Covenant : the Covenant, therefore, should textually prohibit such measures, in order that the stronger party could not thus break the will of the weaker without resorting to open warfare.

M. Limburg (Netherlands) feared that M. Politis' proposal really meant the postponement of the solution of the problem for several years. This was the third general discussion which had taken place on the subject. There had been a very important debate in 1929; it led to the appointment of the Committee of Eleven, which made its proposals. In 1930 the Committee had discussed the amendments of the Committee of Eleven. Even at that time several delegates had said that it was not so much a question of harmonising the Paris Pact with the Covenant as of deciding whether the time had come to prohibit war in the Covenant in all circumstances. The First Committee

had appointed a Sub-Committee to consider the amendments of the Committee of Eleven and had suggested certain modifications. So now they had two groups of amendments, both of which had already been referred to the Governments. True, some Governments were still reflecting; others still had scruples with regard to the extension of sanctions in Article 16. But that was no reason why the Committee should not decide on definite amendments which might, if necessary, be submitted to Governments in 1931, after this third general discussion.

It should be remembered that some Governments had already abandoned their scruples, and were ready to agree to one of the two systems. Other Governments had given their replies yesterday, and those replies had been in the affirmative. He therefore proposed the immediate appointment of a sub-committee to revise the two groups of amendments and see whether they could not secure unanimity on one of these groups, or on a combination of the two, as a final text for submission to the Governments. August 27th, 1928, had been hailed as a day of glory for humanity. War had been outlawed for ever. Was that rejoicing now to be regarded as premature and illusory?

Mr. te Water was right in stating that too much discussion of the Pact of Paris would only weaken it.

If the problem were defined as he now defined it, and as he had defined it in the previous year, he thought they could reach a solution. At present there were fissures in the Covenant by which war could enter, a fact which had been noted and already criticised by all commentators during the last ten years. Was not the Pact of Paris a new circumstance which ought to give the League courage to fill those gaps and banish all legitimate warfare from the Covenant? If so, they had all of them their responsibility as Members of the League, but they had that responsibility only. They were not concerned with the fact that several countries had made reservations.

What were those reservations—or " so-called " reservations, as M. Huber called them. Some referred to the question of legitimate defence—he did not propose to consider the reservations regarding sanctions which were made *after* the signature of the Pact. If the reservations regarding legitimate defence meant that each State had itself, without an impartial supervision, the right to judge whether its acts merely constituted legitimate defence, then that would be the death, not only of the Paris Pact, but of the Covenant.

Moreover, all authorities agreed that every State had a legitimate right to defend itself. The limits of legitimate defence were not, however, defined in the Covenant. That definition ought to be left to international practice and the decisions of the Council.

M. Politis had mentioned the case of a State which was so hard pressed by another that the only solution would be a resort to arms. That case might, perhaps, have occurred in the past; but for all countries which had signed the optional clause, such a situation had now become a question of law for the Permanent Court to decide. In the case of countries which had not signed the optional clause, the decision would be reached by the Council. In this matter, as in others, they should have confidence in the Council.

Another argument was that certain Members of the League had not yet acceded to the Paris Pact. That was of no importance if the question was defined as he had defined it—namely: " Had not the time come to prohibit war completely under the Covenant? ". Switzerland was a case in point. Switzerland had desired even in 1919 to prohibit all war, and the Swiss delegate had told them that the Covenant in its original conception had on that very account been a disappointment for his country. Switzerland would therefore agree with him.

The difficulties which seemed so great to M. Politis that he desired an adjournment for another year related to self-defence and reprisals. Did he really believe that adjournment for twelve months would bring about the solution of those questions? Of the two the more serious was the question of reprisals, which had been on the agenda of the League since 1923. The Committee would remember that in 1924 a Committee of Jurists had given a very evasive opinion on the limits of reprisals. The fact that this point had not been settled had not prevented States from adhering to the Covenant, because under Article 13 of the Covenant Members " agreed that . . . in the event of any failure to carry out . . . an award, the Council shall propose what steps should be taken to give effect thereto ". There was nowhere any mention of what the State which had gained its case had the right to do on its own initiative, nor need there be, if war were prohibited absolutely under the Covenant.

It was true that sanctions under the Covenant had a corollary in arbitration or judicial settlement, and the unanimous decision of the Council, and that, if all war were banished, the same corollary would not exist. But there was a solution for that objection as set out in the Norwegian and Italian amendments. Even without those amendments, with no corollary of arbitration, judicial settlement or Council decision, did not the Members of the Committee believe that a complete and full system of judicial settlement would be attained all the more speedily if they began by eliminating all possibility of war under the Covenant? If war were banished, the general adoption of the system of judicial settlement would come about sooner. Moreover, many countries had already signed the optional clause and the others would doubtless follow suit.

The question must no longer be adjourned. The Assembly must take action. As regards the effects of their decision on the Disarmament Conference, M. Politis had suggested that the decision would be reached before the Disarmament Conference came to an end. He did not quite agree with that. If the question were adjourned, it was not at all certain that it would be settled before the end of the Disarmament Conference.

If he agreed to the appointment of a sub-committee, he would do so in the hope that the sub-committee would complete its work during the present Assembly, so that the First Committee

might consider its recommendations and submit them to the Assembly. That was their duty, for the sake of the prestige of the League and the welfare of humanity.

M. UNDÉN (Sweden) observed that, although complaints had been made of the constant adjournments of this question, the adjournments had proved to be useful. On each occasion further difficulties had been brought to light and new texts suggested. The lesson was not that the League was powerless, but that the question was not so simple as had at first been thought.

After quoting the report of the Sub-Committee in the previous year, he declared that Sweden was not directly interested in the question of reservations to the Paris Pact and the compatibility of the new articles with certain treaties. On the contrary, the Swedish Government still had scruples with regard to the wide extension of sanctions. It had been said that this extension would really have an effect on the deliberations of the Disarmament Conference, but, if so, would it not be better to ascertain what the effect would be in the matter of disarmament? Sweden, however, did not press that side of the problem. She was more preoccupied with the question how sanctions would function within the League. It was highly inconvenient to extend sanctions to cases in which the Council was divided, either on the merits of the case or the provisional steps to be taken. The question of sanctions was also being considered in the Third Committee, in connection with Article 4 of the draft Convention on the strengthening of means to prevent war. Under that article, it seemed that sanctions were extended to all cases without exception when the Council unanimously recommended provisional measures, and those provisional measures had not been carried out. If that were so, the clause was practically the same as the suggestion he had made in the previous year.

As had been pointed out, all delegations desired to reach a solution; but the nations were not unanimous as to the means by which that solution should be reached. He did not think there would be any great inconvenience in adjourning the question. After all, there was not much more discrepancy between the Pact of Paris and the Covenant than, for instance, between the Covenant itself and the General Act of Arbitration. He was sure that not only delegates, but the man in the street whose opinion had so often been quoted in this connection would realise that the Pact of Paris did not lose any of its validity or force, simply because the League could not agree on the best manner of incorporating its clauses in the Covenant.

He emphasised that the outlawry of war had already become an accomplished fact by the signing of the Kellogg Pact.

The CHAIRMAN was afraid that the discussion would have to be adjourned until the following morning. That was no disadvantage, because the question was the most serious the League had ever had to consider. A false step in the drafting of any article might be disastrous. A few more days devoted to the question would not be misspent. No one believed the Pact of Paris to be sufficient in itself : if it had been, there would be no need for a Covenant. The Assembly was engaged in laying down universal law : that was a hard task, for the law must be so clear as to allow the elucidation of all points, even the most complicated ones. The task was indeed harder than had been thought. M. Politis had referred to the question of the definition of self-defence. There was an even more difficult case. Suppose the self-defence of a nation finally took the form of an offensive. How would that point be decided?

If they could not terminate their work in time for the present Assembly, nothing would be lost. It would be better not to terminate their work than to submit to the Assembly something which would not secure universal acceptance. In any case, it would be impossible to have the new Covenant ready when the Disarmament Conference met, because the new text would have to be ratified by Governments, a procedure which would require two or three years.

SIXTH MEETING.

Held on Friday, September 18th, 1931, at 10.15 a.m.

Chairman : M. SCIALOJA (Italy).

9. Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris (continuation).

M. RAESTAD (Norway) thought it incorrect to suggest that there was any conflict between the Covenant and the Pact. Some speakers appeared to argue that the Covenant authorised certain wars. It did not authorise them; it merely did not prohibit them. The text of the Covenant recognised certain wars, but the actual system on which the Covenant was based did not recognise them.

It was the duty of the League organisations set up to watch over the maintenance of peace to apply international law as a whole. They therefore applied the Kellogg Pact, which was a very important part of that law.

The lack of coincidence between the two instruments was partly logical and necessary in view of the difference in structure between the Covenant and the Pact; that was one of the obstacles to harmonisation. Another difficulty was due to the suggestion that the opportunity should be taken to amend and improve the system of the Covenant.

There were three aspects to the problem—the liberty of action retained by the States Members, the methods for the pacific solution of disputes, and sanctions.

A question cognate to Members' liberty of action was that of legitimate defence. Here there was a logically necessary lack of coincidence between the two instruments. The Kellogg Pact left each signatory free to decide on its own initiative and for its own particular case what it understood by "legitimate defence". The report by the Foreign Affairs Commission of the United States Senate stated that each nation was free at all times, and regardless of the treaty provisions, to defend itself, and was the sole judge of what constituted the right of defence and the necessity for, and extent of, the same.

The contents of the Kellogg Pact, which include the prohibition of the use of non-pacific means, might be incorporated in the Covenant; but this freedom of action and judgment would then necessarily cease to exist, in so for as the Covenant was concerned, because it was, both in logic and in form, at variance with the system of union on which the League was based. Again, as it would not exist for States individually, it could not continue to exist merely by reason of the fact that certain Members of the League combined to agree on a more or less arbitrary definition of the phrase in question.

M. Raestad could not share M. Huber's view with regard to the problems raised in connection with the pacific solution of disputes. M. Huber favoured the solution recommended by the Committee of Eleven, whereby the unanimous recommendations of the Council would become obligatory. In the previous year the Sub-Committee had reached another solution which did not differ greatly from the present state of affairs, and had done so only after mature reflection.

It was, of course, the general desire that legal disputes should be submitted to judicial settlement: it was, however, equally true that in the interest of world peace there must exist a supreme authority able to compel, if need be, the acceptance of solutions which, though at variance with positive law, would represent an equitable settlement of a dispute that might otherwise be a permanent cause of conflict.

If the unanimous recommendations of the Council were brought into the category of final decisions, the Council would be converted into a court which would have to adhere to positive law. This *de facto* situation was emphasised by the proposed amendment whereby the Council could, by a majority, ask for the opinion of the Permanent Court. The Council would be converted into a legal tribunal, and the loss in the practical and political efficacy of its action would be as great as the gain that would result from making its decisions binding.

The Norwegian Government had at first asked that no change should be made in the system of sanctions. It had, however, found it possible to vary that position. It regarded the present system as constituting an empirical solution which was in no way final and was capable of amendment. For the reasons advanced by M. Huber and M. Undén, it could not go further than agree to the Italian amendment in cases where there was a division of opinion in the Council as to which was the Covenant-breaking State.

No relation would exist between the draft amendment and the vital problem of disarmament but for the proposal to bring the Pact and the Covenant into harmony with one another. The link only came into being owing to the desire to utilise the work of harmonisation to make certain improvements in the Covenant, more particularly with regard to sanctions. The forthcoming Disarmament Convention would be a convention subject to periodical revision, whereas the Covenant was a fundamental law, which was not subject to revision in the same sense and was sure to remain in existence for a long time to come.

As the Chairman had remarked, what was it hoped to gain by linking up the Disarmament Conference and the amendments to the Covenant, seeing that the fate of those amendments would not be known for a long time, perhaps, indeed, for many years to come?

M. Raestad wondered whether it would not be a more useful procedure to arrange for the discussion, during the Disarmament Conference, of agreements parallel to the Disarmament Convention and subject to revision like that Convention, and to give up the complicated and difficult undertaking of attempting to embody in the Covenant the ideas contained in the Kellogg Pact.

M. Cassin (France) observed that France had from the outset supported the British proposal for the amendment of the Covenant, because, although the Briand-Kellogg Pact had undeniably legal force, it was desirable that the Covenant should be harmonised with the progress achieved by the renunciation of war.

In the previous year, the French delegate had stated that his country was prepared to vote for, and ratify without delay, the amendments proposed by the Committee of Jurists; the latter had not placed any narrow construction on their terms of reference, since they had suggested, in addition to the renunciation of war, the opening of proceedings for pacific solutions which would be binding. This attitude on the part of France was in no way linked up with the debates at the Disarmament Conference. At the previous Assembly, France had agreed to accept the much more modest amendments of the Sub-Committee, so as to make it easier for all Members who had signed the Covenant to agree on a number of ideas embodying the measure of progress at present practicable.

There was no change in her general position with regard to the question of substance. She was prepared to go as far as the other countries would consent to go. She considered that the texts proposed last year—in particular Article 12 and Article 13, paragraph 4—represented an advance in comparison with the work of the Committee of Eleven, and she would support them, since the prohibition of war would henceforth be directly bound up with the search for pacific solutions. She would, of course, have to make it clear, as other countries, in particular Japan, had done, that legitimate defence was not excluded from Article 12. It was unanimously agreed that the conception of legitimate defence must be distinguished from that of war, since they did not belong to the same category. France, however, would not embody in a written text a literal definition of legitimate defence. In the present condition of international law, there was what he might term a series of strata one above the other in the judgment of what constituted legitimate defence. The countries which had signed the Pact of Paris, and which were not Members of the League and had not acceded to the Statute of the Court, had been able, as the United States had done, to reserve to themselves a kind of unilateral power of judgment as to what constituted legitimate defence. The countries, however, which had signed, not only the Briand-Kellogg Pact, but the Statute of the Hague Court, and in particular Article 36, were in a different position. The legal force of the Briand-Kellogg Pact emerged from the terms of that article. It was the Court which would ultimately have to judge whether in law there had or had not been a breach of the Briand-Kellogg Pact, which was one of the international undertakings covered by Article 36. It might also be allowed that the States should agree to find a more precise definition of legitimate defence, but the scope of that term might still give rise to divergencies of view.

With regard to Article 13, paragraph 4, it was plain that if the total prohibition of war were incorporated in the Covenant, and if the countries were deprived of their traditional right to exercise their own discretion in carrying out an award, that would be conferring a very grave responsibility and a particularly heavy duty on the Council, since any failure on the part of the League in this matter would have incalculable consequences and might even cause a reaction. The inadequacy of the solutions proposed with regard to Article 13, paragraph 4, had accordingly to be admitted, although, under present conditions, the text approved by the Committee last year represented, perhaps, all that could be extracted from generally held concepts.

M. Cassin called to mind the position taken up by his delegation in the previous year in regard to the solution of disputes. It had then favoured the idea of conferring binding force upon the unanimous decisions of the Council, and of allowing the Council at any time to ask for the advisory opinion of the Court even without the assent of the parties concerned. The great authority lent to this argument by M. Huber's support, and the fact that the Italian delegation also had adhered to it in its observations, only strengthened the French delegation in its attitude on the point of principle, and M. Cassin emphasised the word " principle ".

As to sanctions, he would reaffirm the statements he had made in the previous year. Certain distinguished thinkers like M. Huber, who were entirely familiar with the internal structure of the Covenant, with the development of international justice, and with the progress that had been achieved, failed, perhaps, to pursue their arguments to the end. One fundamental point must be borne in mind. The League had been set up to maintain international peace. Everyone realised how serious it would be, seeing that the countries were already bound by the Briand-Kellogg Pact, which was outside the Covenant, to attempt to incorporate the principle of the total renunciation of war in the Covenant; that was to say, to include it in an organic whole and, at the same time, to remove from that organic whole a certain number of contingencies which in reality there was most reason to fear.

Certain speakers had argued that, if there was an arbitral award, a judicial decision, or a unanimous decision on the part of the Council, the conscience of mankind was more prepared to accept the system of sanctions than in cases where the Members of the Council were divided. That was true; but there was something yet more vital—namely, the need for maintaining peace. War, then, would have been declared illicit in the Covenant; yet at the same time, it would be stated that a breach of the obligation to refrain from war would in certain cases involve no sanction. That was an extremely serious position. Besides, must not the duty to observe the peace take precedence of everything, more particularly when the Council was divided? How could the hands of statesmen be strengthened in their own country? How could they withstand the popular clamour for war, if they were unable to say to their countrymen: " Keep calm. If we go to war, we shall have the entire world against us." ?

It must not be possible, when statesmen say to the public: " If we make war, it will be unlawful ", for agitators to retort: " What does that matter? Let us make war—no one will hinder us and we shall run no risk ".

M. Cassin accordingly laid special emphasis on one point of primary importance—namely, that the Covenant must contain no purely theoretical legal provisions. If it were desired to embody the principle of the renunciation of war in the Covenant, there must be no possibility that any war could be free from the ultimate danger of sanctions. Such danger, moreover, was virtually theoretical, since statesmen would have far better chances of calming public opinion if they could point to the prospect of punishment.

It was theoretical most of all because of the development that had occurred in the past two years in the tendency of amendments. First of all, certain Members of the League who had not originally signed the Pact of Paris had done so later, or were taking steps to do so. That was a very important fact from the psychological, if not from the legal, point of view; but over and above this, there was the increasing number of accessions to the General Act of Arbitration. As the French Government had pointed out in its written observations, it was through the machinery of accessions to Article 36 of the General Act of Arbitration that it would be possible to secure, in the political sphere, the reforms which, perhaps it might be felt, could not at once be effected in legal practice. If there were a large number of accessions to the General Act of Arbitration,

the obligation to resort to arbitration would become operative when there was a division in the Council in the circumstances mentioned in Article 15, paragraph 7. There would be an arbitral award, and if there were such an award, Articles 12, 13 and 16 would bring the whole matter within the organic framework of the Covenant. Consequently, as a result of practice and almost without any amendment to the Covenant, a substantial measure of progress, which might give ground for alarm in theory, had already been achieved. It was, however, plain that the countries could not be expected to isolate themselves; it would be perfectly natural to urge them forward—even those which had not acceded to the General Act of Arbitration—by showing them that, if they amended the Covenant, they would thereby be not extending it but ensuring the full application of all its articles.

In this matter it would be well to avoid practical difficulties. Among the instruments of accession to the General Act of Arbitration there were certain formulas which reserved the right of the members of this new form of international judicial association to go first before a political authority—the Council, in political disputes, for instance. He would refer to the formula employed by the British and French Governments and, more recently, by the Italian Government. The British formula, in particular, foreshadowed compulsory arbitration proceedings, which were not to be taken as the principal or immediate proceedings but as subsidiary; that was to say, the parties would have recourse to them only in the event of a division in the Council.

The principle contained in Article 15, paragraph 7, apparently caused misgivings in the minds of many delegations. Some headway, however, had been made, and the statements of the Swedish and Norwegian representatives showed that there was a growing perception of the danger of taking certain steps separately in the work of harmonisation on which the Committee had embarked.

M. Cassin agreed with M. Politis' proposal that a sub-committee should be appointed, not to solve all the difficulties, but to take note, so to speak, of the difficulties which had disappeared or were beginning to look less important and at the same time to isolate those which might still exist.

Some countries—and their number was steadily growing—had stated that there was a link between the success of the work undertaken and that of the Disarmament Conference. One of them had suggested that the problem should be split up, that the principles of the Covenant should be left over and that certain applications of those principles contained in agreements that were open to revision should be taken separately. This, they argued, would advance the work of disarmament. If the sub-committee found no solution for the questions raised, it could at least map out a programme of work for the next year. It could either suggest a further consultation of Governments or convene a committee of Governments, two or three months, for instance, before the Assembly, at a time when the main lines of the Disarmament Conference would have become clear and when the work of the Conference could be appreciated, with the object of deciding what could be embodied in the Covenant at the next Assembly.

Mr. BECKETT (British Empire) said that his Government was for the moment in a somewhat peculiar situation. At the last two Assemblies it had expressed a desire that the Pact of Paris should be incorporated in the Covenant. The necessary amendments had been prepared in the previous year. Almost unanimous agreement had been reached on a formula in the Sub-Committee to which the question had been referred, but at the last moment it had been asked whether these amendments would not have the effect of precluding military operations in the circumstances mentioned in the Treaty of Versailles and certain other treaties. That doubt once expressed had sufficed to involve the postponement of the question, although the British delegation had voted against adjournment.

In the meantime, the Governments had been consulted as to the position they would take up towards the proposal. The last Government of the United Kingdom had replied approving it. The present Government, however, had not yet had time to consider the matter and was therefore in favour (as in the circumstances it could only be) of adjourning a decision to the next Assembly. The speeches which had been made by other delegations indicated that opinion in the Committee was fairly equally divided on the question of adjournment. If it were decided to postpone the question, the present discussion would have had the advantage of bringing out certain points of detail on which misunderstanding still existed.

Lord Cecil, who had taken a deep interest in the matter since 1929, had instructed Mr. Beckett to say that his personal views had undergone no change and that they were in conformity with the last British Government's reply to the Secretary-General's letter.

With regard to the so-called reservations to the Kellogg Pact, Mr. Beckett pointed out the dangers of the imprecise use of language. Inaccurate expressions sometimes led to misunderstandings, and he was uncertain, judging from the remarks of his colleagues, whether some misapprehensions did not actually exist. He had an official copy of the Pact before him, and there were no reservations shown on it. To the best of his knowledge and belief no reservations had been attached to the ratification of any country when they were deposited at Washington.

The references to the so-called "reservations" referred to certain diplomatic correspondence which had preceded the conclusion of the Pact, and it was desirable to appreciate what the nature of this correspondence was. The Pact had not been drawn up in the usual way at a conference; its terms were arrived at as the result of certain diplomatic correspondence. This diplomatic correspondence, in fact, formed the preparatory work of the Paris Pact, in the same way as the records and Minutes of a conference in other cases formed the preparatory work of a convention. There were no reservations, but there was some preparatory work. The preparatory work of a treaty or convention had, subject to certain conditions which had to some extent already been defined by the Permanent Court of International Justice, an interpretative force.

Referring to the suggestion which had been made, that a sub-committee should examine the debates in the American Senate with regard to the Paris Pact, Mr. Beckett said that there was

no reason, in principle, for examining the debates in the American Senate rather than the records of the discussions in the Parliaments of all other countries which had participated in the Pact. This would be a formidable task, and he did not consider that it would serve any useful purpose. The meaning and interpretation of a text must be sought first of all in the text itself, together with, if necessary, the records of the preparatory work.

Finally, Mr. Beckett, referring to the amendment suggested by the delegation of the Irish Free State and supported by the Finnish delegation, that the words "likely to lead to a rupture" should be omitted from Articles 12 and 15, said that he desired to express no opinion on the merits of this proposal, but he considered it very necessary that only amendments which were strictly necessary to bring the two instruments into harmony with each other should be examined by the Committee at the present time, and that all other proposals should be considered separately and on their own merits. He considered that this proposal fell outside the scope of the Committee's present task, which was to consider how the two instruments could be brought into harmony with each other.

M. PEDROSO (Spain) wished to dispel a misunderstanding. The failure of the Spanish Government to reply to the questionnaire did not mean that Spain was not interested in the proposals or was opposed to them. Spain had not replied because the change in the Spanish regime had occurred just at the time when the replies were due.

As a matter of fact, the Kellogg Pact had been incorporated in the Spanish Constitution, Article 6 of which laid down that "Spain renounces war as an instrument of national policy". This principle was developed in Articles 45 and 62.

That being so, Spain naturally desired guarantees to be extended and expressed in an international agreement, because there could be no doubt that effective guarantees were required for the Paris Pact. The difficulty of the Committee's task was not insuperable. It merely had to make the sanctions of the Covenant apply to the Pact. If Articles 13 and 16 were enforced by the absolute banishment of war, then the whole former concept of neutrality would be transformed. By making war a crime, neutrality would be tantamount to complicity, and neutral countries would share in the responsibility for the loss of life and wealth incurred, particularly as a new war would probably mean the end of civilisation. He hoped the forthcoming Disarmament Conference would end, not in failure, but in splendid achievement. The Spanish Republic was therefore opposed to an adjournment and would agree to any decision calculated to achieve an effective result.

M. ROLIN (Belgium) desired to rectify certain errors and check a certain tendency to extend the problem in all directions. He must insist that, whatever the conclusion of the discussion, the Committee must make up its mind that it could not abandon the work it had undertaken. To do so would be to deal a fatal blow both at the Covenant and at the Paris Pact.

Jurists were convinced that the legal value of the Paris Pact was above all discussion. It was a treaty signed and ratified by a large number of countries, and, where its clauses went farther than the clauses of the Covenant, it tacitly abrogated those clauses of the Covenant or modified them. Baron Descamps had shown that the outlawry of war—without exception, because legitimate defence was not a real exception—had profoundly modified the whole situation. M. Rolin himself agreed with Baron Descamps and M. Huber that the change brought about by the Paris Pact was nothing less than revolutionary, but its effects could not be complete until the Covenant had been harmonised.

The Covenant differed from the Paris Pact, however, in that it was not a mere convention. It was an organisation which possessed definite rules, and it had certain social functions connected primarily with the maintenance of peace. It was therefore of vital importance to ascertain how an agreement reached outside the League, which referred to the same object and to which almost all the Members of the League had acceded, would affect the League itself.

If, after three years of study, the League could only say that these two instruments were independent, that it was difficult to harmonise the effects of the one with those of the other, and that, if a serious difficulty arose, each instrument would have to be considered separately, that would indeed be a confession of weakness.

It had often been said that the force of treaties lay in the measure of public support they secured. Public opinion would never understand the Assembly's failure to harmonise the two instruments owing to a few obscure considerations.

M. Huber had mentioned three problems: first, the outlawry of war. At the outset the Committee had seemed to be unanimous; but later, certain speakers, delving deeper into the depths of the two alternative texts proposed, had raised a whole series of what they deemed to be difficulties. The Committee ought not to go into the minutiæ of such rare possibilities. The Covenant was the League's constitutional charter. It laid down main principles and essential rules. It could not make provision for every conceivable eventuality. It would indeed be useless to endeavour to do so. If necessary, special rules of application could be prepared to meet certain special cases, but the place for such rules was not in the Covenant itself.

Finally, he would like the Committee to remember that all the difficulties, the solution of which had been mentioned as indispensable, existed under the present Covenant without any appreciable weakening of that instrument's force.

There was, for instance, the question of reprisals.

But that question already existed under the present Covenant. How and to what extent would that problem arise if, instead of prohibiting resort to war for the three months following on the recommendations of the Council, war were prohibited absolutely? That was, after all, a secondary matter the solution of which might be postponed.

He saw no objection to the League endeavouring one day to define pacific and non-pacific acts of constraint in the light of the general prohibition of warfare.

Again, Article 12 of the present Covenant allowed resort to war against a country which refused to conform to an arbitral award. It was asked what pressure could be brought to bear on such a State by the State which had won its case, after the general prohibition to resort to war had been introduced in the Covenant. It would surely be very dangerous to endeavour to settle that question *in abstracto* in a text. The decision in such cases should be left to the Council. But it should be remembered that in all cases what was prohibited was warfare waged to impose the will of one country, contrary to an award. The Council might, of course, in the last resort authorise a State to apply material pressure in order to enforce the award. But that was not a war of aggression; it was a matter of social action, authorised by the Council.

Many delegates had urged that a definition of legitimate defence was necessary. How could they possibly hope to define in international law—and that *in extenso* and *in abstracto*—a matter which, to the best of his belief, it had never been possible to define adequately in municipal law?

Here again, they ought to have confidence in the Council and in the good sense of the Members of the League. He would remind delegates that the Third Committee had, after long discussion, arrived at the conclusion that no better explanation could be given than that set out by M. de Brouckère in his memorandum concerning the application of Articles 11 and 16.

(M. Rolin read the text in question.)

That text indicated the spirit of their application, but did not exactly amount to a definition. It was, however, sufficient: too detailed an interpretation was not desirable. In the case quoted by M. Politis, opinion would doubtless be unanimous in refusing to admit as legitimate defence an effort made by a country to terminate by violence a situation which that country deemed to endanger its vital interests. An argument of that kind would amount to resuscitating in the domain of arbitration the reservation regarding vital interests which had for so long paralysed the development of arbitration. The League could never allow a country to adopt such an attitude, which would be tantamount to a revolt against world law—a revolt which obviously no text could justify.

With regard to individual agreements, let there be no misunderstanding. Under the Convention being prepared by the Third Committee countries would be allowed to undertake to carry out the preparatory measures passed by the Council in times of crisis. Their violation would constitute a presumption of aggression, which the Council would be bound to note, as well as the Members of the League, in bringing sanctions into play. Nevertheless, no one had complained of that, because the contemplated action would remain within the spirit of the Covenant. The Locarno Treaties, for instance, had been accepted without demur by the Council, and the Assembly had even recommended them to countries as models for the conclusion of other agreements. Nevertheless, those Treaties provided in certain cases for intervention.

The second point raised by M. Huber was the pacific settlement of disputes. M. Rolin himself did not believe the time had yet come to make arbitration compulsory under the Covenant and the Pact. States Members should not be placed in such a position that they would have to choose between bowing to compulsory arbitration or leaving the League. It was doubtless quite logical to assert that, when war was compulsorily prohibited, resort to arbitration ought to be compulsory; but there was something more sacred than logic—namely, the public conscience, which, though rather hesitant in certain countries with regard to arbitration, nevertheless entirely accepted the outlawry of war. He saw no objection, however, to laying down that the unanimous recommendation of the Council would be binding and final, and that the Council would be bound to consult the Permanent Court if the majority so demanded.

He now came to certain points on which the Committee had seemed to be divided, and hoped he would be able to persuade some delegates at least that provision was now being made in connection with the revision of the Covenant for eventualities which were not new and which need not cause undue misgivings. In the first place, there was the question of principle. M. Huber's solution was that, when the Council was divided, war would be prohibited, but that the Members of the League of Nations would be entitled to disassociate themselves from that prohibition. Did M. Huber really believe that it was possible to acknowledge in a text the principle of the Paris Pact, while refusing to take that fact into account in the life of the League? If that were so, war would no longer be outlawed. In any case, if a differentiation were made between the two instruments, the outlawry of war would no longer have any value. Could they not see that in schools and universities it would be soon taught that there were two sorts of prohibitions—prohibitions without sanctions and prohibitions with sanctions, complete and incomplete obligations, legal and moral obligations? He thought, moreover, that the effect of M. Huber's suggestions would be to restrict the guarantees of the present Covenant on an essential point. When the Council was divided, the present Covenant prohibited resort to war for three months after the report of the Council. M. Huber said that this clause disappeared because the prohibition to resort to war became absolute; on the other hand, he refused to allow sanctions when the Council was divided. Under the present Covenant they had a safeguard for at least three months. Did he wish that safeguard to be taken away? If not, what sort of a situation had he in view? Whither would that lead the League? If the report of the Council were adopted by a majority, war would remain prohibited without any time-limit; but the parties would incur sanctions only if they did not wait for three months; and if they waited for three months before violating their

obligations, they would no longer incur any sanction at all. That would surely be an absolutely illogical situation.

M. Raestad had made another proposal to the effect that the obligation to participate in sanctions should be suspended if the Council were divided as to the determination of the aggressor after having been divided regarding the solution of the dispute. Strange though it might seem, M. Rolin thought that M. Raestad's suggestion went too far, and yet not far enough. On the other hand, it must be admitted that at present, under Article 16, individual obligations did not depend only on the individual recognition of an act of aggression, but on a degree of collective action in which each and all could take their part. If such collective action became impossible as a result of mass treachery, obviously the whole social edifice would collapse and all bonds would be broken, whether the original dispute had been submitted to the Council or to the Assembly.

On the other hand, this hypothesis could not be amplified into an admission, or an implied admission, in the text that a certain weakness on the part of the Council was sufficient to free the Members from their pledges.

Thus, even at present, the interpretation of the text went a long way to meeting the wishes expressed.

It was useless to imprison this matter in a strait-jacket of words.

Did national laws define the action to be taken in the case of non-fulfilment of civil duty, or when the supreme power failed in its task? Here, again, confidence must be shown in the Council and in the belief that the great majority of States would act in good faith.

For the same reason he contested M. Undén's suggestion that the recommendation of the Council should be regarded as binding if aggression were committed in violation of the provisional measures recommended by the Council unanimously. That was too formalistic and restrictive. In reality, these various questions seemed to be foreign to that of the extent of obligations; they referred rather to forms of proof. He would ask the Committee to distinguish carefully between law and evidence.

He now came to a political consideration. He was sure that the United States of America would not remain indifferent and neutral if the spirit of the Kellogg Pact were violated. They had, in fact, taken the initiative in protesting against the Soviet invasion of Manchuria. If, therefore, the League said in its Covenant that it intended to draw a distinction according to whether its own organs, which the United States did not take into account, had or had not succeeded in their laborious endeavours to reach unanimity, could anyone believe that the League would thereby be encouraging the United States to take action? Moreover, with regard to the Disarmament Conference, some countries had asked that security should be strengthened; what better means of strengthening could there be than the adaptation of the Covenant to the Paris Pact? He therefore formally proposed that, if it were not possible to terminate the work that year, they should at least give a mandate to do so to the Members of the League assembled at the Disarmament Conference.

He would terminate on the note of a personal appeal to the Committee. He had served in the war for four years, and in memory of its tribulations he begged his colleagues to erect over the entry to the great social edifice the commandment: "Thou shalt not kill"—without interpretations, restrictions or reservations. Even so they would perhaps not have entirely excluded the possibility of war.

The League had other duties; it had to ensure for all nations satisfactory material and moral conditions of existence, without which no barrier against warfare could be safe. But, at least, it should be made clear to all the world that in the League's juridical organisation there was no place for war.

M. Matine-Daftary (Persia) said that his Government welcomed the principle of the amendments proposed to harmonise the Covenant with the Pact of Paris, but as he had already had occasion to state, in view of the fact that the Covenant was the constitutional charter of the League, the Persian Government could not approve any amendments other than slight modifications which would consolidate and improve the guarantees which the Articles of the Covenant as a whole provided for the Members of the League. The Persian delegation could not in any circumstances agree to amendments which might diminish those guarantees.

M. Antoniade (Roumania) stated that the Roumanian delegation had never been opposed to the idea of bringing the Covenant into harmony with the Pact of Paris. Roumania was represented on the Committee of Eleven and on the Sub-Committee set up during the past year. The reports of those bodies had been accepted by the Roumanian delegation, which was, moreover, convinced that it was highly desirable to prolong the discussions, seeing that various difficulties had been disclosed.

The Committee of Eleven had been compelled to consider the purely legal aspect of the question without dealing with the political effects of adapting certain texts to a principle subsequently recognised almost unanimously. The present discussions had shown how complicated those effects would be. Some who were entitled to speak with authority urged that further consideration must be given to the matter and all the problems which had arisen studied thoroughly. There were doubts as to certain questions, in particular the problem of reservations, the interpretation given by the parties to the Pact of Paris, and the problems of reprisals (Article 13, paragraph 4), legitimate defence, and sanctions in cases not covered by the general prohibition against resorting to war. Various explanations, aimed at removing doubts and scruples which had been expressed, had been given with great legal authority. But in spite of the respect which those opinions inspired and the individual approval with which they might be received, the scruples and the great responsibility of Governments, which were not covered by individual opinions, however authoritative they might be, should be kept in mind.

The Roumanian delegation had been very much impressed by the Chairman's appeal to the Committee's prudence. There was no reason for precipitating the matter, whereas there were several reasons for allowing the question to develop. The British declaration made ratification of the amendments to the Covenant subject to the conclusion of a general convention on disarmament. The idea contained in the reply of the French Government, which thought that the extension of the idea of compulsory arbitration and an increase in the number of accessions to the General Act would facilitate the unanimous adoption of amendments to the Covenant, tended in the same direction. The Roumanian delegation would therefore support any proposal to continue to study the question closely in all its aspects and supported M. Cassin's proposal.

M. MENDELSSOHN-BARTHOLDY (Germany) said that the discussion seemed to be becoming more and more centred around the question of legitimate defence; he was not at all sure that the Committee was well advised to contemplate the harmonisation of the two instruments from that particular point of view.

Though mentioned neither in the Covenant nor the Pact, the right of a nation to defend itself against attack was indisputable. It derived from a natural law which had greater force than any convention.

As the Chairman had observed at the first meeting, the Committee, if it hoped to achieve a useful degree of harmonisation, must take into account the underlying motives of the Kellogg Pact. Delegates should remember the circular note of the United States Government, to which M. Raestad had referred, and particularly the passage in that note stating that it would not be in the interests of peace that a treaty should contain a provision regarding the juridical concept of legitimate defence, because it would be far too easy a matter for an unscrupulous Government so to control events as to bring them into line with the definition contained in the Treaty. He thought the Committee ought to bear that danger of a plethora of provisions in mind, if it really desired, as the Swiss delegate had said, to facilitate as far as possible the harmonisation of the two instruments and carefully avoid anything which might accentuate their differences. As everyone seemed to be agreed that the proposed amendments did not create any new problems regarding the question of legitimate defence, leaving the relations between the written law in the Covenant and the unwritten law of defence exactly as they were at present, it would be better to refrain from discussing or preparing a draft definition of cases of defence, either special or general. If ever the case arose, all would depend on the circumstances, which would reveal the good or bad faith of the parties much more clearly than any abstract law or convention.

On the other hand, the German Government thought that it might be advisable to discover a formula for differentiation between pacific and non-pacific measures, as suggested in the reply of the Finnish Government. All Governments desired that the amendment of the Covenant, now that it had been begun, should be brought to a satisfactory conclusion. Meanwhile, the obligations of the Kellogg Pact retained all their legal and moral force.

The CHAIRMAN declared the discussion closed.

M. POLITIS (Greece) submitted the following motion:

"In view of the general discussion on the amendments to the Covenant, the Committee decides to set up a committee with the following task:

"(1) To note the progress accomplished and to be accomplished with a view to the adoption of the amendments proposed in 1930;

"(2) To point out, if necessary, the method to be followed in order to ensure reaching a solution of the problem during 1932, bearing in mind the convening of the Disarmament Conference;

"(3) To draw up on these lines the terms of a draft resolution to be submitted to the Assembly."

M. Politis explained, in reply to M. Raestad (Norway) that his draft resolution did not preclude the Committee from recommending the Governments to separate the material problem from the problem of introducing provisions into the Covenant.

The CHAIRMAN considered that, in accordance with precedent, a sub-committee should be appointed without formal terms of reference.

Agreed.

SEVENTH MEETING.

Held on Saturday, September 19th, 1931, at 9.30 a.m.

Chairman: M. SCIALOJA (Italy).

10. Progressive Codification of International Law: Observations by the Governments (Series 1, 2 and 3) (Annex 4).

M. HUBER (Switzerland) briefly explained the object of the draft resolution submitted by the Belgian, Danish, Finnish, Japanese, Netherlands, Norwegian, Swedish and Swiss delegations as a basis of discussion (Annex 5).

The work of the progressive codification of international law should be continued in the light of past experience. The League should endeavour to make sure that definite results would be obtained from any conferences it might convene. The draft, based on the resolution of the Hague Codification Conference, proposed a system by which Governments would be consulted beforehand, so that their attitude would be ascertained with fair certainty before further action was taken.

Another aim of the resolution was to protect customary law, as would be seen in the preamble to the draft, which reproduced a resolution of the Hague Conference.

Provision was made for three stages in the consultation of Governments. The latter would first be informed of a suggestion or a proposal for codification made by one or more States before the Assembly met. The Assembly could then decide whether further action should be taken. If so, it would request the Council to appoint a committee of experts to prepare a preliminary draft. The preliminary draft would be communicated to Governments and would then be examined by the Assembly at a later session, and the Assembly would decide whether further action should be taken in the matter.

If so, Governments would be consulted a third time, and their observations would be examined by the committee of experts. A third Assembly would then decide whether it was desirable to convene a conference. Governments would therefore be consulted three times, and the Assembly would be called upon three times to take a decision. If there were a considerable majority in favour of the codification of some particular subject, there would be every reason to hope that the conference would lead to positive results.

Baron DESCAMPS-DAVID (Belgium) reminded the Committee that, when the Committee of Ten was convened to prepare the International Statute of the Permanent Court, he had, as Chairman of that Committee, made the following proposal jointly with Mr. Elihu Root:

> "Convinced that the extension of the sway of justice and the development of international tribunals are urgently required to ensure the security of States and wellbeing of the nations;
>
> "Moved by an earnest desire to forward the achievement of these results in the world;
>
> "The undersigned propose to the International Committee of Jurists assembled at The Hague the adoption of the following resolutions to be regarded as recommendations:
>
> "I. That the Council or Assembly or some other authority, which has the necessary powers, should convoke, as soon as possible, a new inter-State Conference to carry on the work of the two first Conferences at The Hague, for the purpose of:
>
> > "1. Re-establishing the existing rules of the Law of Nations, more especially, and in the first place, those affected by the events of the recent war;
> >
> > "2. Formulating and approving the modifications and additions rendered necessary or advisable by the war and by the changing of the conditions of life and of international relations following upon the armed conflict;
> >
> > "3. Endeavouring to reconcile divergent opinions, and bring about a general understanding concerning the rules which have been the subject of controversy;
> >
> > "4. Giving special consideration to those points, which are not at the present time adequately provided for, and of which a definite settlement by general agreement is required, in the interests of international justice."

The authors of the proposal favoured a method of decentralisation—*i.e.*, a method whereby immediate application should be made direct to all the great international organisations, all the associations working for the development of international law, and, in the first place, the conference should be requested to collate the work of those associations and organisations. M. Politis had also taken the important step of proposing to the Academy of International Law that each year an eminent authority should study and set out the general lines of the principles of the law on peace.

Only after this preliminary work would it be possible to establish first drafts, covering the whole body of international law, to be submitted subsequently to the Council and the Assembly

The system followed, however, was a different one. M. Huber had mentioned the three stages through which it would be necessary to pass, not to achieve a general survey and codification of international law, but to secure the acceptance of a small point which might later be studied. By this method it would seem that at least 100 years must pass before any effective codification could be achieved. Would it not be desirable to come back to the true conception of the codification of international law—namely, to apply in the first place to lawyers and experts, and not to seek for a few partial solutions but to work out the main principles of international law? The Hague Conference, conscious of the inextricable difficulties which might arise, had itself put forward recommendations for the modification of its organisation.

Sir Brojendra MITTER (India) said that the Government of India welcomed the resolution in the hope that the machinery set up under it would normally take the place of codification conferences. The resolution had the double merit of progressive deliberation and caution. In the working of the proposed machinery there would be the simultaneous operation of the other important factors in the development of international law—namely, the conventions concluded under the auspices of the League of Nations, the growth of case-law in the Permanent Court, the awards of arbitral tribunals and, above all, the studies of international jurists. This would be more likely to yield important results than codification conferences without previous study. The experience of the last conference had been that the expenses were disproportionate to the result achieved.

M. RUNDSTEIN (Poland) said that the study of the observations submitted by the Governments on the problem of codification had dispelled the pessimism which predominated in the previous year. These replies had shown that the following procedure should be adopted : (1) the work of codification should be continued; (2) the codification should not affect the free development of customary law; its evolution by means of the practice and jurisprudence of the international courts could not be hindered by fixed or inflexible rules. In this manner a certain equilibrium would be established between the old customary law and the new conventional law; (3) consequently, it was desirable to avoid definite rulings and to prefer the method of legislative codification to that of the consolidation of international *droit commun*.

The principal point in codification was, therefore, the method and preparation. Without entering for the moment into the nature, aims and extent of the codification, it would be preferable to establish a set of rules of procedure for codification.

Numerous proposals and suggestions had been made, such as the draft procedure recommended by the Hague Conference (Recommendation No. 4), the general principles recommended by the Eleventh Assembly in regard to preparatory procedure, the ideas contained in the remarks by the Irish and Netherlands Governments, which were especially important, as they aimed at giving the First Committee a decisive part in the question. Lastly, the Committee had before it a draft resolution from eight delegations. This draft might serve as a basis for discussion on method, which should be undertaken immediately, since no one wished to refer the question to the next session of the Assembly.

M. LIMBURG (Netherlands) said he would merely state that the Netherlands delegation had approved the draft resolution submitted by several other delegations, but had proposed the addition of the following words at the beginning of the first paragraph :

> "Each year the Council shall place on the agenda of the Assembly the codification of international law."

In this manner the question would be brought before the First Committee every year; if any States had made proposals, the Committee would deal with them; if no proposal had been made, the Committee would pass on to other questions.

The Netherlands delegation made this proposal because the Council would probably not place either of these subjects on its agenda automatically, and it was important that States should not lose sight of the question of international codification.

On the other hand, the Netherlands delegation proposed the addition of the following words to paragraph 7 :

> "The Assembly, moreover, may decide that a conference should be convened even if all the Members of the League of Nations do not intend to participate."

That amendment was based on experience acquired, for instance, at the Conference on the Unification of the Laws on Bills of Exchange, over which M. Limburg had presided.

The Conference had been called to draw up a Convention constituting a unification law to apply to the Continent, since Great Britain and the United States of America had intimated that they would be unable to sign the Convention owing to the divergency between the legal conception of cheques and bills of exchange existing on the Continent and in the Anglo-Saxon countries. Nevertheless, the British and American representatives, in particular Professor Gutteridge, had given the Conference the most valuable help.

It should further be observed that an invitation to non-member countries to take part in the work of an Assembly Committee, as suggested in paragraph 7, was entirely novel and at variance with the rules normally followed. Some less categorical phraseology should be used, such as "States non-members . . . may be invited".

M. Ito (Japan) supported the resolution. The Japanese Government considered that it would be desirable to continue the work of codification on the basis of the 1924 Assembly's resolution. His delegation had likewise wished to meet the legitimate demands made by many Governments in their replies to the Secretary-General in the previous year, more especially the desire that the Assembly should be given some kind of preponderance in the choice of the subjects to be codified and in the decision as to the expediency of convening conferences.

The question of the subjects to be codified must not in any way be affected by the words in the preamble: "without jeopardising the customary international law which should result progressively from the practice of States and the development of international jurisprudence". The Japanese Government would later submit observations with regard to the composition, powers and competence of the committee of experts proposed in paragraph 3.

M. Pilotti (Italy) regretted that the proposal made by M. Rundstein on the first day to discuss the preliminary procedure to be followed for general conventions negotiated under the auspices of the League before the question of codification had not been followed. The rules adopted for codification should be based on the general rules laid down for the preparation of conventions negotiated under the League's auspices, since codification was only a particular case. That had, moreover, been the intention of the Committee set up to draft the resolution concerning preparatory procedure. The Committee had taken as a guide the ideas developed by the Hague Conference.

Mr. McGilligan (Irish Free State) regarded codification as one of the most important of the League's tasks. It would meet one of the greatest needs of the present time. The Irish Free State delegation supported the policy outlined by the Assembly in its resolution of 1924. It had set forth its views in the memorandum it had sent the Secretariat on the policy to be followed. It had likewise made a proposal as to what it considered the best method. Mr. McGilligan urged the need for continuing the work of codification. The practical methods adopted must be in direct proportion to the object in view. Various improvements were, he considered, possible:

(1) The present system of international law gave rise to serious objections in regard to its form. The obligations of international law should be simple and clear, since, if they were uncertain, their application would be uncertain as well;

(2) New rules of international law might be found necessary to meet the changed situation. That was the task of the League.

The Irish memorandum also expressed the opinion that the task of codification should be entrusted, not to international jurists, but to the representatives of the Governments which had to sign the conventions. Codification should be one of the League's normal activities and should be carried on continuously.

Lastly, there should be some method for the revision of international conventions. For reasons of economy, the Irish Free State Government would not press for the setting up of a permanent commission similar to the Commission on Disarmament.

The Irish Free State delegation supported the resolution before the Committee, subject to any amendments that might be submitted. If paragraphs 5 and 6 were to be taken to mean that the Assembly should decide whether or no a codification conference should be held, the Irish Government would accept that text, which squared more or less with its own suggestion. . He thought that the proposed machinery, which in appearance was somewhat complicated, might lead to the preparation of a draft convention which could be signed without there being any need to convene a special codification conference.

M. Mendelssohn-Bartholdy (Germany), speaking on behalf of the German Institutes of International and Comparative Law, offered their wholehearted co-operation, more particularly that of Berlin and Hamburg, backed by Government support.

Codification was not very greatly appreciated in Germany, which had felt the effects of excessive codification of municipal law. Nevertheless, much interest was taken there in the headway made in the United States of America towards codification. It should be pointed out that there was in the United States a special method which should be followed elsewhere. The codified law was not imposed on tribunals like an ordinary law, but the law thus re-enunciated formed the subject of a recommendation by a Committee of Experts considered to possess the highest qualifications. In certain States the Courts applied the new law as if it were binding, and, if they thought there were grounds for diverging from it, they indicated the reason.

He did not share M. Limburg's view with regard to paragraph 7. If States non-members were to be invited, they should be invited in all cases and in the normal course of affairs and not merely if the President thought it expedient.

M. Andersen (Denmark) approved M. Pilotti's remarks. It would be difficult to discuss the question of codification independently of the close relationship between it and the unification of the preparatory procedure to be followed in regard to general conventions concluded under the League's auspices; besides, the rules for the preparation of general conventions and the convening of certain conferences drawn up in the previous year had been based on a recommendation by the Conference for the Codification of International Law.

The first point in head IV of the resolution adopted in the previous year must, so far as possible, be brought into harmony with the passage dealing with the different spheres of jurisdiction of the Council and the Assembly.

He associated himself more particularly with the following passage in the Netherlands Government's reply :

> " The Netherlands Government wishes to draw attention to the desirability of drawing up the rules regarding preparatory procedure in the matter of conventions in general, and the rules concerning the codification of international law, so far as possible on the same lines."

He proposed that, if a sub-committee were set up, it should be asked to consider conjointly items 2 and 3 on the agenda.

M. GIANNINI (Italy) thought that, keeping to the practical point of view, the Committee should consider what suggestions might be made for improving the work of codification. The Italian Government had endorsed the suggestions made by the Special Committee in the previous year relating to the procedure to be followed for facilitating the ratification of international conventions concluded under the auspices of the League. The speeches made at the Eleventh Assembly had, however, emphasised the necessity of investigating each question separately, and the report stated that paragraph 4 dealt particularly with the procedure to be followed before conferences were convened.

The Governments had expressed their opinion regarding paragraph 4, which defined the proposed procedure, as had also the League technical organisations. But the latter had made certain reservations, because some of them did not desire to give up their own particular method.

The Governments had made suggestions in which two trends of opinion might be observed; there was the Netherlands view that the procedure should be more flexible, and the Swedish view that it should be slower.

The problem was whether the codification of international law need be studied from a particular angle. In addition to the general procedure laid down in the resolution of the Eleventh Assembly, must there be a special procedure for codification, as was suggested in the proposals of several delegations ?

M. Giannini thought that the two questions on the agenda should be referred for examination to a sub-committee, as proposed by the Danish delegation.

There were three suggestions : that from the Codification Conference, that approved by the Eleventh Assembly, and that submitted to the Committee.

As the outcome of his experience of the various codification conferences on private law—air law, maritime law and international codification—he desired to draw his colleagues' attention to certain practical aspects of the problem.

First of all, the preamble should be maintained, although if it were to contain the word " codification " there must be an agreement as to the exact meaning of the term.

Secondly, it was essential to estimate the time required for preparing a conference. With the procedure proposed by the Hague Conference, four years would be necessary; with the procedure suggested by the last Assembly, six years; and at least ten years according te the methods recommended by the group of delegations.

Reviewing the various stages of the procedure, M. Giannini explained why such a long period seemed to him unavoidable. The experts must be allowed to work in an atmosphere of calm. The Committee of Legal Experts for the Air Conference had taken three years to prepare the draft which had later become the 1929 Warsaw Convention. That was a record time for the preparation of a conference of that kind, for the practical necessity of a convention governing responsibilities as to air armaments had been universally recognised, and Governments had been spurred on by the various airway companies. The proposed procedure was far more complicated, and it would not be an overestimate to put at eleven years the period that would be required to cover all the different stages. The procedure should in prudence be envisaged from a general and not from too rigid a point of view.

Some flexibility was necessary, particularly in politics. In addition, the procedure should be brought as far as possible into line with the rules followed for general conventions.

He thought, too, that if it were desired to summon a Codification Conference, invitations should be sent to Member and also to non-member States. Every State must decide for itself, whether it wished to co-operate. He could not approve the Netherlands amendment to paragraph 7.

With regard to the first amendment proposed by the Netherlands delegation—that the question of codification should be placed every year on the Assembly agenda—he thought this would frequently give rise to barren academic discussions. As soon as there was general international agreement upon the necessity of codifying a particular form of law, the Governments would automatically propose that the subject should be discussed. In the absence of such agreement, it could not be supplied by placing the question on the agenda.

He thought that the question of procedure had caused the other recommendations made by the Hague Conference to be rather overlooked. Apart from the writings of M. Guerrero, M. Rolin, M. Rundstein, and others, the works that had appeared on the problem of codification were few and not very important.

Of the recommendations made by the first Hague Conference, he considered the one suggesting that there should be a connection between European and pan-American codification should be taken up, in order to avoid the creation of a continental international law.

The second recommendation—that the major international organisations should co-operate with the various Governments in the work of codification—should also be examined. Several international bodies were investigating the problem of codification.

The draft resolution which several delegations had submitted to the Committee should be examined by a sub-committee, and he thought the Committee should express a desire that the

two recommendations of the Hague Conference should be taken up, and that the sub-committee should seek for a happy medium between the very flexible proposal made by the Hague Conference and the rather hard-and-fast one contained in the delegations' resolution, thus reconciling the demands of progress in international law with the caution that was essential in making a choice of subjects in the preparation of a conference.

He did not attach great importance to the question of procedure, for even though the method of work could contribute to a conference's success, it was not necessarily a guarantee of success.

Finally, he drew attention to the fundamental difference between the Hague Conference's resolution and the resolution submitted by various delegations. The Hague draft did not mention any particular committee of experts, nor did it make any suggestion for its composition. This was left to the Council, as was also the summoning of the conference. The draft resolution submitted by the delegations referred several times to action by the Assembly, in the hope that, if the various Governments were more or less committed in the Assembly's discussions, the conference would have a greater chance of success. He apologised for his scepticism. Every conference held under the auspices of the League would in those circumstances be bound to succeed. In his opinion, intervention by the Assembly was not always necessary. The question merited consideration by the sub-committee.

Mr. BECKETT (British Empire) thought that the only question now remaining to be settled was one of procedure.

He agreed with M. Pilotti as regards the connection between the present question and the next one on the agenda. He also supported M. Andersen's proposal that the two questions should be considered by the same sub-committee. He approved generally the joint draft resolution; in particular, the preamble was very carefully drafted. It was of particular importance that the original suggestion of any subject for codification should come from a Government, and that the suggestion should be made long enough before the Assembly to allow Governments time to form their opinion. He would even like the period to be longer than four months.

He would have no objection to M. Limburg's suggestion to maintain codification as a permanent item in the agenda of the Assembly, provided M. Limburg agreed that the original proposal of any particular subject for codification must come from a Government.

(M. Limburg agreed.)

With regard to M. Limburg's observations and proposals under paragraph 7, M. Beckett did not think the fact that only a limited number of States were willing to participate in the Conference should necessarily form any objection to its being held. He fully endorsed M. Limburg's remarks concerning Bills of Exchange. The Conference had brought many facts to light, which were useful to the countries which did not sign the Convention as well as to those which did. But he did not think any amendment of the text was required, because the Assembly itself would decide whether a conference should be held and whether any particular conference ought to be attended by a large or a smaller number of States. He did not feel that the method proposed for the participation of non-member States in the work of the Committees of the Assembly was the right one. Non-member States would, under the previous paragraphs, be given every opportunity of expressing their views at each stage of any particular proposal, but there might be technical difficulties in inviting them to participate direct in the work of the First Committee. He doubted whether paragraph 7 was really necessary.

Proposals had been made that the actual drafting of the convention should be done by the First Committee of the Assembly. That Committee would not have time to do the work properly. Moreover, if the convention were finally elaborated in the First Committee, in the absence of non-member States, their participation at a vital stage of the proceedings would be lacking. If it were thought desirable that at the final stage of the proceedings there should be present, not merely the technical experts, but Ministers for Foreign Affairs or other statesmen representing their countries, in order that these might take their share in the responsibility of the work, that could probably be arranged by holding the two meetings simultaneously.

M. RAESTAD (Norway) agreed with M. Pilotti that the resolution on codification and that concerning the general preparation of conferences should be dealt with by the same sub-committee. As part-author of the draft resolution on codification, he had studied the question very carefully and did not consider that the proposal on codification was in conflict with the resolution on general conventions. A certain synthesis of opinions of Governments was essential. Any question dealt with by the method of codification was of a juridical nature and was therefore not urgent. The draft relating to general conventions provided several alternatives, some of which would have to be eliminated because they were not suitable for codification; thus harmonisation already existed to a certain extent.

M. Giannini had expressed the opinion that the procedure outlined was too long, but surely there was no need for speed. It was more important to ensure really effective work at each stage. Mr. Hearne had asked whether it was really necessary to convene a conference in each case and whether the Assembly could not open a protocol for signature. There was certainly nothing to prevent the latter course being adopted, and it might certainly be of use in exceptional cases.

On the question of admitting non-member representatives to the work of the First Committee, he agreed with Mr. Beckett, inasmuch as he did not think that Committee should be asked to

draft the text; that would be done by experts. Its work would consist merely of an examination with a view to criticism and elimination. In those circumstances, the presence of non-member representatives on the First Committee would not be essential. However, M. Raestad thought there was no objection to their being present. Their presence was, in any case, essential to the work of the Committee of Experts. It would, perhaps, be a bold step if such representatives were admitted to the First Committee, but he did not think that in questions affecting the interests of the whole of humanity a certain amount of boldness was out of place.

Mr. COLLINS (Australia) said that the Commonwealth Government entirely endorsed the view of the Government of the United Kingdom that progress was most likely to be achieved by the development of international law in the form of conventions, as opposed to the process of consolidation which the Hague Conference had endeavoured to carry out.

M. BASDEVANT (France) stated that he would accept the proposal of the eight delegations, subject to a few minor improvements. He had no objection to referring it to a sub-committee, which would also consider the procedure for the preparation of general conventions. The authors of the proposal had had that possibility in view. The sub-committee would no doubt consider the advisability of taking special precautions for the preparation of conferences on codification, even though a certain slowness might result. He proposed an amendment to paragraph 3, because he was afraid the committee of experts might become so engrossed in its own work as to lose sight of realities.

He proposed the following text: ". . . which shall be invited to proceed, with the assistance of the Secretary-General of the League of Nations, to make the necessary enquiries and prepare ". . . .

These enquiries should be addressed to international scientific associations concerned with the codification of international law and to the Governments, in order to ascertain their views and desires. The committee of experts would prepare its draft in the light of the replies received. He was convinced that this method would be useful, however slow it might be. It might be useful even if the subject of the enquiry did not come to fruition. Although the results of the last Conference were rather meagre, yet with regard to customary law the Conference had borne fruit. The three reports of the League of Nations Secretariat on the subject contained a vast amount of material and showed that a great measure of assent by Governments had been obtained on certain important principles.

He also had an amendment to propose to Article 6, on the lines indicated by the Irish and Norwegian delegates—namely, that it might not always be necessary to convene a conference to deal with minor questions. The Assembly ought not to be limited to any one line of approach.

The text he proposed was as follows: ". . . shall be communicated to the Assembly, which shall then decide as to the action to be taken, including the desirability of referring the matter to a codification conference ". Some quite satisfactory results in preparing texts had been obtained by preparing a text direct for signature—for instance, the General Act of Arbitration, and, in private law, the recognition of agreements to arbitrate and the enforcement of arbitral awards.

The CHAIRMAN thought that the initial point of the discussion was not very clear. Some delegates had referred to the law of procedure. Jurists knew what terrible things laws of procedure were. But in this case the Committee was not preparing a law. It could not legislate or even advise legislation. It could, at the most, suggest to the executive power of the League of Nations certain rules which that power might follow, as being good rules if circumstances did not call for some other process.

The only acts having force of law were conventions created by States themselves. Four systems had been proposed as the best means for arriving at such conventions. Personally, he would rejoice if they could secure a convention by whatever means. After all, public opinion looked only at results, and not at the methods by which those results were obtained.

Some questions could be settled rapidly. The settlement of others might take even longer than was primarily foreseen. Obviously, it was often a very difficult task to secure full and complete agreement among so many countries of different history, race and character. It would indeed be better not to arrive at a solution too soon, if that solution had to be revised almost immediately after its publication. The task the League had assumed was not one which any man could accomplish in his lifetime. That was why it had been entrusted to the League. He repeated, therefore, that all the Committee could do was to indicate certain administrative rules which it advocated as being probably the best in most circumstances.

11. Communication by the Bureau.

The CHAIRMAN announced that the following members were appointed to the Committee for the Harmonisation of the Covenant with the Pact of Paris:

M. D'AVILA LIMA (Portugal)
Mr. BECKETT (British Empire)
M. CASSIN (France)
M. ERICH (Finland)
M. HUBER (Switzerland)
M. ITÔ (Japan)
M. LIMBURG (Netherlands)
M. MAJOURANITCH (Yugoslavia)
M. MENDELSSOHN-BARTHOLDY (Germany)
M. PEDROSO (Spain)
M. PILOTTI (Italy)
M. POLITIS (Greece)
M. RAESTAD (Norway)
M. ROLIN (Belgium)
M. UNDÉN (Sweden)
M. WOO KAISENG (China)

12. Progressive Codification of International Law (continuation).

M. ROLIN (Belgium) was not convinced by the Chairman's remarks and did not agree with his conception of what was to be done. A resolution adopted for proposing a certain procedure to be followed in concluding conventions was a resolution to define regulations of a kind approved by the Covenant, like the rules for the election of members of the Council, which, whatever might be said, were binding rules until they were abrogated or modified, as they might be. The Assembly should not leave the door open to others to adopt other rules of procedure. A certain degree of uniformity was what the Committee was seeking to obtain. The rules need not be absolutely rigid. The Council could always decide that special rules were required to meet special circumstances. The Assembly, however, ought to lay down the normal rules to be followed in normal circumstances.

The CHAIRMAN asked the members of the Committee whether they wished to appoint a sub-committee. As his own opinion was somewhat different from those of most members, he would ask M. Limburg to appoint the committee.

M. LIMBURG (Vice-Chairman) proposed a committee consisting of the following members: M. ANDERSEN, M. BASDEVANT, Mr. BECKETT, Baron DESCAMPS-DAVID, M. GIANNINI, Mr. HEARNE, M. HUBER, M. RAESTAD. As he had proposed two amendments which he would be called upon to defend, he also proposed to include his own name.

13. Preparatory Procedure to be followed in the Case of General Conventions to be negotiated under the Auspices of the League of Nations: Observations by the Governments and the Technical Organisations (Annex 6).

The CHAIRMAN observed that this question had been dealt with to a large extent in the discussion on the previous point.

M. UNDÉN (Sweden) said that the Swedish Government had made certain reservations with regard to the method of procedure, and had suggested that the case should also be taken into consideration where the Assembly adopted a convention without that convention being sent to a special conference. He hoped the sub-committee would take that point into consideration.

M. ANDERSEN (Denmark) stated that the Danish Government was keenly interested in the question and hoped the sub-committee would give serious consideration to its observations.

The CHAIRMAN presumed it was the desire of the Committee to refer the matter to the sub-committee, which would be appointed for the consideration of the previous item on the agenda.

Agreed.

EIGHTH MEETING.

Held on Monday, September 21st, 1931, at 10 a.m.

Chairman: M. SCIALOJA (Italy).

14. Nationality of Women: Report by the Secretary-General (Annex 7).

Dame Edith LYTTELTON (British Empire) proposed the following resolution:

"The Assembly,

"Having examined with the greatest interest the report of the Secretary-General on the question of the Nationality of Women presented in accordance with the Resolution of the Council of January 24th, 1931, and the report and proposals of the Committee of Representatives of Women's International Organisations which is annexed thereto:

"Notes the desire of the said Committee that steps should be taken to bring about the reconsideration of the Hague Nationality Convention, bearing in mind the principle of equality between men and women;

"Thanks the Committee of Representatives of Women's International Organisations for its report; and

"Requests the Council, in harmony with the Recommendation No. VI of the Conference for the Codification of International Law held at The Hague, March-April 1930, to transmit to all Governments the report of the Secretary-General on the question of the Nationality of Women, together with the Minutes of the First Committee of the Assembly on this subject, and to request Governments to submit their observations on this subject for reconsideration of the matter by the thirteenth Assembly."

Dame Edith, said that, in proposing this resolution, she would like to begin by making a short reference to the past history of the matter. She referred to Articles 8-11 of the Convention drawn up at The Hague in March 1930 and reminded the Committee of the very great interest taken in the subject by all the organisations in the different countries representing the interests of women at the time of that Conference. It was common knowledge that the representatives of these organisations were disappointed, because the provisions of the Convention did not go sufficiently far to meet their demand that marriage should not put a woman in any respect in a different position from that of her husband so far as nationality was concerned. It was also the case that the Hague Convention did not go so far in this direction as the Government of the United Kingdom would itself desire to go. On the other hand, the Hague Convention did make a step in this direction, and on two points, at any rate, the articles contained provisions which, if carried into effect, would constitute an advance upon the nationality laws of the great majority of countries, including her own. Article 8, for instance, dealt with the question of statelessness, one of the most serious hardships to which women had drawn attention when urging their claims to a greater degree of equality with men as regards nationality. Article 10 could also be regarded as a definite recognition of the principle that a woman, because she was a married woman, was not to have a nationality forced upon her. Her Government, therefore, could not in any way agree that the Hague Convention marked a retrograde step. An invitation to go further was to be found in the sixth resolution of the Hague Conference itself—a resolution which referred to the principle of the equality of the sexes in matters of nationality and asked that States should consider especially whether it might be possible to decide that, in principle, the nationality of a wife shall not be changed without her consent, either by the mere fact of marriage or by any change in the nationality of her husband.

In 1930, the Cuban delegation had moved a resolution referring the matter to the Council, and, in January 1931, the Council had placed the continued study of this question on the agenda of the present Assembly and had asked the Secretary-General to submit a report on the whole question and consult with the international women's organisations. The Consultative Committee met. The report of the Secretary-General was presented to the Council, and the report of the Consultative Committee strongly urged reconsideration of the question. On page 10 of the report five principles recommended were set out, designated *(a)*, *(b)*, *(c)*, *(d)*, *(e)*. Her own Government agreed, in general, with *(a)*, *(b)*, and *(c)*, but at present they could not give their assent to *(d)* and *(e)*. *(d)* would place married persons, men or women, in a specially favoured position as to nationality; *(e)*, which dealt with the nationality of children, was an entirely new point which might lead to difficulties. It was obviously wiser not to complicate the simpler question of women's nationality with these other questions.

It was important that the Consultative Committee should continue its work. The speaker would ask the Rapporteur to recommend in his report that the work of the Consultative Committee should be continued for one year under arrangements made by itself, which would not cost the League of Nations a penny. The terms of the resolution had been subject to long consideration, and she hoped the Committee would feel able to support it. She hoped the Committee would agree that the question raised in the first paragraph required the most earnest consideration, for it concerned millions of women all over the world. The operative part of the resolution requested the Council to transmit to all Governments the report of the Secretary-General, together with the Minutes of the Committee, and to request Governments to submit their observations thereon for the reconsideration of the matter by the next Assembly.

The delegation of the United Kingdom realised that at the present moment there might be delegations which were not in a position to state the views of their Governments upon the merits of the question raised in the report of the Women's Consultative Committee. The draft resolution had taken account of this fact, and it would be seen that it did not commit any delegation which concurred in it to any definite view on the merits of the question. Therefore, by voting for the resolution the First Committee would not be pledging themselves or their Governments to any definite pronouncement on the merits of the question; they were only asking that the question should be laid before their Governments, together with the Secretary-General's report and the Minutes of the Committee, and should agree that the whole matter should come up again for reconsideration at the thirteenth Assembly. The Chilian resolution was almost identical with the British, so that no doubt these two resolutions could be combined.

The views of the United Kingdom on the merits of the question were as follows :

> " The British Government considers that it is right that all disabilities of married women in matters of nationality should be removed, and that, in so far as nationality is concerned a married woman should be in the same position as any man—married or unmarried—or any single woman."

Dame Edith said that women felt they had a right to ask for this elementary measure of equity and justice. They had proved that they loved their countries quite as much as men.

It had often been argued that such a measure would endanger the unity of the home; but the truth was that, for women the whole world over, nothing was dearer than the unity of the home. That unity would not be advanced by injustice.

She hoped that the Committee would adopt the British resolution; by doing so it would be according to women that elementary measure of equity and justice for which they were asking.

Mme. VERGARA (Chile) said that the Chilian delegation withdrew its resolution (Annex 8), provided the Committee accepted the following sentence, laid down in that resolution, as an

amendment to the British resolution : " Begs the Women's Consultative Committee to continue to carry on its work ".

The Work of the Consultative Committee should continue for many reasons, one of the most important being that the Institut de Droit International, at its last meeting in April, had unanimously accepted a note proposing the setting up of a committee to work with the Consultative Committee on questions concerning women, and, having placed this question on the agenda, recommended States to consider whether it would not be possible to incorporate in their legislation the principle of equality of sexes as regards nationality.

If such an important institution resolved to work with the Consultative Committee, it was because it recognised that women after all were the people principally interested.

Mme. SCHÖNFELD-POLANO (Netherlands) thought that the principal question which the Assembly had to decide was whether the League of Nations should take up the question of the nationality of women again, in the light of the recommendations of the feminist organisations expressed in the annex to the report, or whether the resolution of the Hague Conference represented the maximum of what could be obtained at present by international agreement.

The Netherlands Government had no doubt that Article 8 of the Convention adopted at the Hague Conference contained the maximum of what could be realised at present by international agreement, and was therefore of opinion that the Convention—which had been signed by as many as thirty-eight States in 1930—should not be brought up for revision.

Article 8 was a compromise between the diametrically opposed concepts of countries which believed in absolute equality and those in which the status of the husband governed that of the wife.

Under Netherlands law a Netherlands woman lost her nationality when she married a foreigner, but, as under other laws she might not acquire her husband's nationality, the Netherlands Government was prepared to allow a Netherlands woman to keep her nationality in those circumstances—*i.e.*, it was opposed to Article 8 only in so far as it covered cases where a woman might acquire her husband's nationality by a mere petition or declaration. At the Hague Conference, the Netherlands Government had formulated an amendment which would have made this article acceptable to it. Though Article 8 constituted the maximum on which agreement could be reached, it actually endangered the principle of equality, because it might apply to cases which were not cases of involuntary statelessness.

She did not see how the situation had changed since 1930.

The Netherlands Government could not agree to a system in which husband and wife might be of different nationalities, owing to the disturbances such a system would cause in private law.

If husband and wife were not of the same nationality, what would the nationality of the children be ?

What, again, would be the law governing the status of husband and wife as a married couple ? What would happen in the case of divorce ? The sixth Hague Conference on International Private Law had not been able to discover any generally acceptable solution for that problem.

The system of national unity avoided all these complications. Though sometimes to deprive a woman of her nationality might cause difficulty, the difficulties raised by absolute independence were even greater. That was a point which had already been mentioned by the Netherlands delegation at the Hague Conference. The Consultative Committee had endeavoured to refute the arguments submitted against equality. Those arguments had not convinced the Netherlands Government. The Consultative Committee said that conflicts of law would exist as long as the two systems were maintained side by side. The Hague Conference had, in point of fact, set itself the task of minimising such conflicts, and therefore it would be to the advantage of all that the Convention should be ratified.

The report mentioned a second objection to the system of equality—namely, that the unity of family life would be endangered. The Netherlands delegation could not enter upon an exhaustive study of the question in which of the two systems unity, in the sense of harmony, was best safeguarded. The important practical point was that the Netherlands Government was not prepared to give up the system of family unity, which, in its opinion, possessed great juridical advantages. Nevertheless, it was prepared to help in finding a solution whereby the demand for naturalisation must be made by both husband and wife. That was a more satisfactory position for married women than the present position, and the unity of nationality was safeguarded at the same time. For that reason, that solution was also preferable to the one whereby the woman kept her own nationality when her husband was naturalised.

Practice in the matter of naturalisation was evolving in the Netherlands on the lines she had indicated. When a German applied for naturalisation as a Netherlands subject, the Government required the wife to countersign the application in order to prevent her having double nationality, since, according to Netherlands law, she would acquire Netherlands nationality through the naturalisation of her husband, whereas according to the German law of 1913 she could keep her own nationality when her husband was naturalised.

The report stated that, in certain countries where the old rules held good, juridical unity did not exist, because the husband could change his nationality in the course of marriage without that change affecting the nationality of the wife. That did not prove any illogicality in the Netherlands law, since that law did not allow a Netherlands married woman to keep her nationality when her husband acquired another nationality by naturalisation.

Mme. Schönfeld-Polano proceeded to refute other statements in the report on similar points, her object being to show that the question of the unity of the nationality of the parents was much more important for countries which adopted the principle of the *jus sanguinis*, just as the unity of nationality of husband and wife was of practical importance for countries in which the statute personal was governed by national law.

It had been stated that husband and wife might have different nationalities when it was not in their interest to have the same nationality. The Consultative Committee favoured a free choice for husband and wife as to unity or diversity of nationality. The matter, however, was not one merely of free choice of the individuals: it was a question of importance to States themselves. The Netherlands Government could not admit that the system of equality, combined with an option to choose the same nationality, had the same value as the system of unity.

The solutions proposed by the Consultative Committee with regard to the difficulties arising in connection with children—solutions intended to avoid giving an equal right to a father and mother of different nationality to transmit their nationality to their children—were not acceptable to countries where the principle of *jus sanguinis* and the principle of statute personal. Such principles were not out of date: they were based on the closest connection of filiation rather than the connection between the person and the country in which he was born. The Netherlands attached great importance to the maintenance of their legal system regarding nationality. Moreover, the International Union of Catholic Women's Associations, representing 25,000,000 Catholic women (Annex 9), had drawn attention to the danger of any provisions likely to undermine the unity of the family, which proved that the system of the independence of the married woman in regard to her nationality was not unanimously demanded by public opinion.

The inference to be drawn from all this was that no world agreement could be reached either on the principle of independent nationality or on the principle of the unity of nationality of married persons. Moreover, an *international* examination was not what Recommendation No. 6 of the Hague Conference prescribed. That recommendation, according to which States should examine the question individually, was in no way incompatible with Articles 8 and 9 of the Convention, as the Consultative Committee's report implied.

The procedure proposed by the Consultative Committee was contrary to that outlined at The Hague: their adoption would mean the undoing of what had been done at the Hague Conference. That would be most unfortunate from the point of view of codification itself.

A Convention had been signed at The Hague, and the Netherlands delegation was therefore bound to object strongly to the assertion in the report that no actual convention existed but merely a proposal for a convention. The Convention had been signed, and the whole discussion could not be reopened.

The Netherlands delegation had no objection to the British proposal, but attached no great practical importance to a new enquiry. She proposed the insertion in the British resolution, after the word " Assembly ", of the words: " If need be, in order to show the necessity of awaiting the results of the enquiry set up among the Governments before deciding whether further international action was justifiable ".

Frau VON ZAHN-HARNACK (Germany) said that Articles 8, 9, 10 and 11 of the Hague Convention were intended to prevent double nationality, and undoubtedly constituted progress, inasmuch as women were no longer entirely dependent on their husband's nationality. Nevertheless, the Convention had been a great disappointment to many women because it did not put into practice the idea that women were citizens in their own right.

It was not only women who thought the Hague Convention was not quite satisfactory. No less than seven Governments—those of Colombia, Cuba, Denmark, Japan, the Netherlands, Sweden and Switzerland—had signed, subject to a reservation concerning Articles 8 and 11, and various Governments of Members of the League had made a proposal that a Consultative Committee should be set up, consisting of eight women's organisations, to give an opinion on the problem.

The memorandum before the Committee clearly showed that the Consultative Committee had studied the question very thoroughly and had given careful consideration to the legal position in various countries. It had explained that the basis of the whole system should be the principle of equality of men and women.

The problem interested, not only women who were members of the great feminist organisations, but also very many women who in general did not look at this matter from a purely feminist point of view, because the social and economic position of women had fundamentally changed in recent years. Increased professional opportunities had strengthened the feeling of responsibility, and women considered themselves to-day even more directly attached to their country than they did in earlier days. The idea of unity of the family had also changed in certain respects. To-day, this unity was considered, in the first place, as a moral unity between wife, husband and children, not necessarily endangered or destroyed by different national situations. The old laws which placed women under tutelage had caused them numerous dangers and much harm which had arisen, not only in time of war, but also under normal conditions. That fact could not be ignored by States.

The situation had been stated very clearly a few days previously in the proposals made by the General Assembly of the German *Juristentag* which said that, under the German law on nationality, women should be given absolute legal equality.

The German delegation therefore seconded the motion of the British delegation.

M. RUNDSTEIN (Poland) hoped a final solution of the problem would be found in the near future. He agreed with the Chilian and British resolutions. The Assembly's resolution might possibly be extended.

Women's organisations had conducted propaganda against the Hague Convention, particularly against Articles 8, 10 and 11. In particular, the following sentence on page 8 of the report was unjustified:

> " These articles, which are directed mainly to preventing statelessness and dual nationality would, if ratified, give recognition. . . . to the old idea of the subordinate position of women . . . ".

They aimed at avoiding the worst cases of conflict and laid down the principle of the complete autonomy of women in the case of naturalisation during marriage. No common denominator could at present be found to reconcile the various systems. The articles in question were so far from retrograde that certain States had only accepted them subject to reservations.

He was of opinion that the Hague Convention should rather be restored to favour, and proposed that a passage should be inserted in the recitals of the resolution to the effect that the Hague Convention took account of the different legal systems in force, contributed to the solution of the difficulties in regard to the nationality of women, and did not in any way prevent the future work of codification.

He was very disillusioned by the lack of impartiality of certain women's organisations in their attack on the Convention.

Sir Annepu PATRO (India) regretted that a woman from India could not have been present to bring the cause of women before the Assembly, but in the absence of any representative of the women of India he rose to support the resolution. It would appear that there was some feeling in some European countries against giving equal rights. He came from India, which was often regarded as conservative; but he would remind the Committee that India was the first country to give a woman the right to sit as Speaker in the House of Commons. He felt it was impossible for men longer to resist the claim of women to equity and justice.

The First Conference for the Progressive Codification of International Law had, he felt, failed in one important aspect—namely, the equality of women. He wished there could be unanimity in the matter. But the immediate issue was not whether equal rights could be conceded to women at once. From the speeches made that morning he had no doubt there was a very strong case for the revision of the conclusions of the Hague Conference. Women should not obtain their rights of citizenship merely from the men to whom they were married; nationality should be given to women in their own right. The Committee should not oppose the resolution now under discussion. That resolution accepted the principle of the equality of women, and recommended all Governments to consider the question. He was surprised that the Netherlands seemed to be so far behind the Eastern nations in this matter, but he felt sure that the attitude of the Netherlands would be revised in the light of the present discussions.

Under Articles 8, 9 and 10 women might be deprived in some cases of their right to hold property as well as office—in other words, deprived of what was the natural right of every citizen. There was the fullest justification for the reconsideration of the recommendations of the Hague Conference by the Governments in consultation with their advisers and their own women's organisations. It was true that women were impatient; but men, while being bound to consider the matter fully, were, he thought, bound to yield to women's just demands, and women based their claims, not on the grounds of services rendered, but on the strength of justice.

M. HOFFINGER (Austria) stated that his Government had instructed him to give the fullest and warmest support to the proposals of the British and Chilian delegations, which could easily be brought into harmony. He agreed with the warning given by the Scandinavian delegate against the tendency of taking resolutions merely in order to give satisfaction to somebody, but in the present case he felt that the Committee could not deny satisfaction to the request made to the League of Nations by the worldwide women's organisations.

Women simply asked that a problem of vital importance to them should be re-examined. This request for the reconsideration of a point of paramount importance to women did not involve the League in any further expenditure or hamper its more urgent work. The problem also was a serious one, inasmuch as it affected 50 per cent of humanity. Although opinions differed as to the nature of the reforms required—as the declaration of the Catholic organisations showed—women were unanimous in taking the view that the present situation was intolerable, and unworthy of them.

Governments, as well as the League, were in duty bound to work for the welfare of peoples, and there could be no doubt that a matter which was of so vital an interest to the female half of the population must also be of interest to them. Thirdly, the interests of the League of Nations must prompt the Committee to show its goodwill, for even optimists could not say that the public opinion of the world was over-enthusiastic about the work done by the League. The Assembly was going to make a strong appeal to women throughout the world to support the League in its work for peace and disarmament; was it possible in such circumstances to refuse to examine this legitimate demand from women?

The complaints of women against the existing legal situation were founded on two practical and moral considerations. The present system, or rather conflict of existing systems, was the cause of serious practical inconvenience, but this was not the main grievance. Outstanding importance was attached to the moral feature. Men had the right of self-determination in the matter of nationality, whereas women had not.

The Hague Conference, which had dealt with some of the practical difficulties and disadvantages of the present system, had touched only very lightly upon the principle of self-determination for women in the matter of nationality.

Women's part in the life of nations had greatly changed during the last few years. That was a fact, whether people approved or not. Legislation was generally somewhat behind the development of social life, but in this particular instance the laws of many States were very far in arrears of social evolution. It was of outstanding importance that the law should be brought up to date nationally and internationally.

The Austrian delegation associated itself with the reservations put forward by the British delegation concerning points *(d)* and *(e)*. Whilst fully in sympathy with the difficulties mentioned

by the Netherlands delegate, he thought those very difficulties provided yet one more reason for reconsidering the question. If Governments simply remained where they were, without agreeing to discuss any new rules, the question would in ten years' time be exactly where it was to-day.

Mlle. FORCHHAMMER (Denmark) supported the British resolution and the Chilian amendment.

Women were not very satisfied with the articles of the Hague Convention dealing with women's nationality. In appointing a special committee, the Council had hoped to remedy the omission made in not consulting women at an earlier stage of the proceedings. The question was so decidedly a woman's question that it was difficult to understand how it had been thought possible to regulate it without consulting women.

She stressed the importance of the Hague recommendations, and hoped that next year's Assembly report would give the views of the Governments as fully as possible, in addition to the recommendations of the Women's Consultative Committee. She hoped that, before replying to the questions, Governments would follow the example of the Council and consult their own women's associations.

Mr. GUTHRIE (Canada) said that Canada had a special interest in the question under discussion, owing to the very great number of international marriages between Canadians and Americans. The Canadian delegation heartily supported the British proposal. The Canadian Parliament had perhaps gone a little further than other countries by adopting recently Articles 8, 9 and 10 of the Hague Convention. He was aware that the Hague recommendations did not go as far as many of the women's organisations desired, or as far as the recommendations of the Fifteenth Conference of League of Nations' Societies. An act adopting them had, however, been passed by both Houses of the Canadian Parliament, but would not be brought into force until a Proclamation had been issued. It was felt that it would be well to see what the attitude of the other nations was before issuing the Proclamation.

The difficulty was acute in Canada. If a Canadian girl married a United States citizen, she thereby automatically lost her British citizenship, yet under United States law she did not acquire United States citizenship, until she had resided in the United States for five years. During that period she possessed no nationality, a situation fraught with great difficulties and inconvenience as regards the laws of succession and property, the right to vote, passport regulations, etc. It was therefore of considerable importance to Canada that this unsatisfactory condition should be remedied as soon as possible.

In Great Britain, the principle of the law of nationality had been based upon common law until 1870. In that year, it was modified by an Act of the British Parliament which had force in Canada. After many amendments to the 1870 Act, the law was consolidated in Great Britain in the Act of 1914. The basic principle of that Act was that the wife of a British subject should be deemed a British subject and the wife of an alien should be deemed an alien.

That principle was operative in a very large number of States but not in all States. It was not operative in the United States or in Belgium, Yugoslavia or certain other European countries, or in South American countries. Consequently, the situation throughout the world was very unsatisfactory, and the time had come to aim at securing uniformity. He believed that his own country would go as far as granting equal rights, if the other nations of the world decided to do likewise. The sooner the equality of the sexes was realised, not only in nationality, but in all matters of law, the better it would be for the world.

M. WINTER (Czechoslovakia) said that the Hague Conference had succeeded in solving the important problem of the stateless woman. This was a very important point for European countries. Its practical importance was seen in the case of women who had to earn their living and were debarred from working in some particular country because of their nationality. It often happened that a widow was unable to work in her native country, because she had automatically acquired the nationality of a foreign husband. Her only alternative was to go away to her husband's country where she was unknown and entirely unused to her surroundings. There were cases of refugees who married students in their adopted country, the wives thereby losing their right to follow their profession in their own country. The result was a tendency towards irregular unions.

Some speakers appeared to be in favour of leaving the whole matter for future solution, while certain women's organisations wanted the whole question to be settled immediately. But it was not only the interests of women that were at stake : the interests of States had also to be considered. He was in favour of adjourning the wider question and dealing with the narrower issue at once. Feminist organisations would, he thought, realise that there was a desire to reach a just solution of the whole problem. By adopting the course he suggested, the confidence of those organisations would be secured.

M. GIANNINI (Italy) proposed to sum up the question, as the discussion had become confused. Women were a great electoral force, but, as he was not a candidate, he could speak impartially, particularly as his only desire was to express clearly the views of his Government.

An initial confusion had arisen in the discussion owing to a slip of the pen in the Secretary-General's report, which was headed " Nationality of Women " instead of " Nationality of Married Women ". The problem arose only in connection with married women. In the light of that correction many observations made became meaningless.

The question had first been raised in 1925 by a questionnaire from the Netherlands

Government concerning problems of private law in connection with the nationality of married women.

He fully believed that the draft Hague Convention of 1928 constituted all that could be done in private law at present as regards the nationality of married women. That Convention was being considered by Governments and would lead to a result sooner or later.

It was practically at the same period that the League of Nations began to study the question of codification. Subsequently, the Committee of Experts had studied the problem. M. Rundstein had prepared a report which was submitted to the various Governments. The Governments had all expressed an opinion. The Hague Conference had been held and the problem had been discussed. Certain articles were adopted (unanimously) and certain recommendations (on a majority vote). The problem, therefore, had not been overlooked, and the women's associations had been given a fair hearing, both by the Bureau and by the Committee on Nationality. It was quite incorrect to say that the question had not been examined. They had had, however, to admit that they could not reach agreement.

But the Convention on nationality had done what could be done. Certain more daring provisions had been eliminated from the very outset—for instance, five Governments refused to accept Article 10 at the very time of the signature of the Convention.

Then there had been agitation among women so strong that the United States delegate had said that for those very reasons he could not adhere to certain proposals, which was rather annoying seeing that other countries had made considerable concessions to secure the adoption of those clauses and had remained empty-handed.

The movement had continued. The Council had appointed a committee of representatives of international women's organisations which had worked with rapidity and had submitted a very interesting report, which obviously, however, was the work rather of lawyers than of jurists or statesmen. All the arguments in the report were exaggerated. Laws were made to say what they did not say and the value of the Hague Convention was undervalued. The Secretary-General had then prepared an admirable report in which the various questions submitted to the members of the Committee for examination were set out.

The Committee would be well advised to define certain specific points. Should the work be continued and, if so, how? By means of a special committee or by consulting the Governments first? There was a previous point, however. The Consultative Committee's report indicated the present position with regard to the Hague Convention and the evolution of national laws.

It was quite inaccurate to say that no Convention existed but only a proposal for a convention He had had full and duly recognised powers at the Hague Conference, and like all his colleagues he had signed a Convention which Governments might or might not ratify. The Secretary-General of the League had asked Governments to notify their decision. Therefore the report misrepresented the situation.

Again, the report mentioned certain provisions in national laws and classified them, but that classification was misleading. Practically the only policy in nationality laws since the war had been that each State endeavoured to keep its own nationals and capture the nationals of other countries. To allege, therefore, that any particular law was based on a particular tendency was mere casuistry.

As a matter of fact there were five very broad systems:

First, a woman marrying a foreigner maintained her nationality of origin unless she formally renounced it; and yet it would be seen that the four or five laws based on this concept offered quite different solutions of the problem. Under French law, a foreign woman became French only if she lost her nationality of origin or at her own request. But a Frenchwoman acquired the nationality of her husband only if she resided abroad or did not request to remain French. Under American law, a foreign woman did not become an American, but an American woman remained American. Under Turkish law, a foreign woman who married a Turk became Turkish, but a Turkish woman who married a foreigner remained a Turk. There was really only one logical law on those lines—the law of the Soviets, which stated that men and women could marry if they liked, and that without changing their nationality.

According to the second system, a woman on marriage lost her nationality unless she stated that she wished to keep it. Here, again, there was the utmost diversity of nationality laws which it would be useless to enumerate.

Third system: A woman on marriage lost her nationality if she transferred her domicile abroad but kept it if she remained in her country of origin.

Fourth system: A woman who married a foreigner lost her nationality of origin, if she acquired the nationality of her husband.

Fifth system: A woman who married a foreigner lost her nationality, whether she acquired or did not acquire that of her husband.

Obviously, therefore, no definite legal system existed. The only way to meet feminist demands would be to adopt Soviet law universally; but that law undermined what was dearest to the hearts of many peoples—the family. Thus, what was a fundamental concept in certain countries would be completely destroyed. In those circumstances was there really any hope of reaching a general agreement?

The report had referred to conflicts of law which occurred under the present system; but its proposals merely amounted to generalising the problem. Conflicts would become systematic; conflicts of law would occur, not only between wife and husband, but between husband and wife, father and son, mother and son, and so on.

With regard to the unity of the family, it was said that that was a tie which should be purely moral and not legal. He could not agree. It was the stronger partner in reality who dominated the union; it might be the wife, it might be the husband. To argue that it was always the husband was false : quite the contrary might be the case. If individuals rather than the law were left to settle the question of family unity, very curious situations might result.

Some delegations had already spoken on the distressing problem of the transmission of nationality to children. Whichever was the dominant partner—husband or wife—would see that the children had his or her nationality, if possible, because neither could prevent the State saying that children born in its territory were its nationals. Suppose, however, a State allowed the spouses to settle the matter between themselves, a number of complications might arise concerning the children in time both of peace and of war. The wife might be governed by one law, the husband by another, and the son by yet another. In fact, if the principle of the free choice of nationality for children were allowed, five children might all in theory be of different nationalities, which would be an impossible situation. What would happen, for instance, in the matter of succession? The reply was that complications occurred even under the present system. True, but why complicate them further? In war-time it would be even worse than in peace-time. For instance, either mother or father or children might be expelled the country and their property be confiscated and the rest of the family allowed or obliged to remain, retaining their property.

After all, if a woman desired to maintain her entire freedom, there was no obligation for her to marry at all. The same applied equally to men. But if two persons desired to marry, the family became and must become paramount. The family, being a moral unit, was of more importance than the individuals of which it was composed. If the highest ideal were, on the contrary, the absolute liberty of each individual, then the only possible system was logically the Bolshevist one.

The problem was not merely a legal or political, but a social one; it struck at the very heart of nations, and for nations which, like Italy, regarded the family and family unity as a fundamental basis of social life, no compromise was possible.

The conclusion was that there was no need to start reconsidering the problem two years after the Hague Conference. There was, moreover, a Convention open for ratification which some countries had ratified. It was to be hoped that others would soon follow suit. The present was not the time to ask Governments to begin to study the problem anew.

What then was to be done? As the Council had appointed a special committee, which had submitted a report (though it must be remembered that the Union of Catholic Women had disagreed with that report), the only course was to refer the two documents to the various Governments asking them whether they were prepared to ratify the Hague Convention as it stood or whether they wished the problem of the nationality of married women to be discussed further.

The resolution submitted by the Italian delegation (Annex 10) tended towards the same conclusion as the British and Chilian resolutions; but it was more accurate, and left a way open for the Hague Convention, some of the solutions of which really ought not to be dropped.

Count Apponyi (Hungary) agreed with the British proposal, because it did not imply any decision on the merits of the question—only a re-examination, because the Hague Convention did not meet all requirements. The Italian resolution was not fundamentally opposed to such re-examination. It must be remembered that not merely individual but national interests were at stake. In addition to the rights of individual husbands and wives there was the duty towards the family. The weakening of family ties was one of the greatest dangers of the time. He would not say that the maintenance by women of their separate nationality would necessarily weaken family unity, but the problem required further consideration. Personally, he was convinced that family ties ought to be strengthened rather than weakened. Subject to that reservation he could accept the British resolution.

M. Politis (Greece) accepted the British proposal in principle. He also agreed with Count Apponyi that family ties ought not to be weakened. The problem, however, of harmonising this primordial principle of family unity with certain strong modern tendencies was a very serious and complicated one. Since Roman times, many social changes had occurred. There must be some system of unity connecting husband and wife and children; otherwise, marriage would be a mere empty form. How could a system of relative subordination be replaced by a system of co-ordination in accordance with social progress?

He supported the British delegation's resolution, because it left the question open for further examination; but he suggested two amendments :

(1) In the paragraph beginning " Notes ", the words " that steps should be taken to bring about the reconsideration of the Hague Nationality Convention " should be omitted. Reconsideration was, if not impossible, quite inappropriate, because it would produce a very bad effect on public opinion.

The Hague Conference had recognised that no radical solution was possible. It had therefore sought to alleviate the most serious cases of conflict—statelessness and double nationality. The Assembly could not say at present: "Let us destroy all we have done and try to do something better". It could only say: "The problem is a very complex one which merits further consideration".

(2) He asked that the Committee should add in the last paragraph the words "and to the said Committee" after the words "to all Governments". Similar words should be inserted in the last sentence after the words "to request Governments". He asked that the British resolution be now referred to the Drafting Committee, together with the various amendments proposed directly or indirectly. He suggested that the discussion should be regarded as closed.

The CHAIRMAN explained that, if M. Politis' proposal for closure were not adopted, the Committee would have to hold a night sitting.

Mlle. CAMPOAMOR (Spain) said she had asked to speak at the beginning of the discussion. During the discussion many statements had been made which required refutation. She was opposed to the proposal for closure.

M. GIANNINI (Italy) said that, with the amendments proposed by M. Politis and certain changes based on the Italian draft, he could accept the British resolution. He would, however, second M. Politis' closure motion.

The Chairman put the proposal for closure to the vote.
By 12 votes to 5, the Committee decided to close the discussion.

The Chairman appointed a Drafting Committee consisting of Mr. BECKETT, M. CASSIN and M. GIANNINI.

NINTH MEETING.

Held on Tuesday, September 22nd, 1931, at 10 a.m.

Chairman: M. SCIALOJA (Italy).

15. Nationality of Women: Draft Resolution submitted by the Drafting Committee.

The CHAIRMAN read the following draft resolution, submitted by the Drafting Committee:

"The Assembly,

"Having examined with the greatest interest the report of the Secretary-General on the question of the nationality of women, presented in accordance with the resolution of the Council of January 24th, 1931, and the report and proposals of the Committee of Representatives of Women's International Organisations which are annexed thereto:

"Notes the desire of the said Committee that steps should be taken to bring about the reconsideration of the Hague Nationality Convention, bearing in mind the principle of equality between men and women;

"Thanks the Committee of Representatives of Women's International Organisations for its report; and

"Requests the Council, in harmony with Recommendation No. VI of the Conference for the Codification of International Law held at The Hague, March and April 1930, to transmit to all Governments the report of the Secretary-General on the question of the nationality of women, including the report of the Committee of Representatives of Women's International Organisations, and the letter of the International Union of Leagues of Catholic Women of August 19th, 1931, together with the Minutes of the First Committee of the Assembly on this subject, and to request Governments to submit their observations on this subject (including their views regarding the Hague Nationality Convention) for reconsideration of the matter by the thirteenth Assembly, to which any observations which the abovementioned Committee thinks fit to present will be communicated."

M. PELLA (Roumania) said that the Roumanian delegation supported the proposal of the Drafting Committee. Roumania, whose law was now one of the most advanced as regards the nationality of women, recognised the important progress that had been made through the Hague Conference, and welcomed any international reform which, while safeguarding family unity, would improve the legal and moral situation of married women. The Roumanian delegation was even convinced that the provisions of the Roumanian law of February 23rd, 1924, might usefully be examined when the merits of the question came to be discussed.

Mr. BECKETT (British Empire), Rapporteur, said that the Drafting Committee had taken careful note of all the expressions of opinion advanced during the discussions in drawing up its resolution, which was a slightly amended version of the draft proposed by the United Kingdom delegation.

He desired to point out, as regards paragraph 2 of the preamble, that note was merely taken of the conclusions set forth in the report of the Women's Consultative Committee itself, and that the resolution in no way committed the Assembly to any expression of opinion on the merits of the question. Consequently, the paragraph referred to did not commit the Assembly to any view in regard to the Hague Nationality Convention.

In the last paragraph of the draft resolution three small changes had been made: First, the letter of the International Union of the Leagues of Catholic Women, which was transmitted to the present Assembly by a resolution of the Council, was added to the documents which were to be sent to Governments for consideration.

Secondly, it was provided that any further observations which the Women's Consultative Committee might think fit to present should be communicated to the Thirteenth Assembly. This implied a desire that the Women's Consultative Committee should keep itself in being, an implication which gave effect to the Chilian amendment to the resolution of the United Kingdom delegation. The Consultative Committee would make its own arrangements, and consequently no expense to the League would be involved.

Thirdly, the Hague Nationality Convention was expressly mentioned as a matter on which Governments were asked to state their views before the next Assembly.

Mr. HEARNE (Irish Free State), in supporting the resolution, reminded the Committee that the Irish delegation had been the first in 1930 to point out that the Hague Convention had not given the question of the nationality of women all the prominence it merited.

Dr. Ethel OSBORNE (Australia) was glad to note that in the draft resolution definite recognition was given to the continuation of the women's Standing Committee, whose observations would be communicated to the Thirteenth Assembly. That seemed to be the best procedure. She did not anticipate any trouble regarding precipitate legislation based on the articles of the Hague Convention. Countries in the past had not shown undue haste in dealing with questions in regard to the position of women. The fact that the whole question would be considered by the next Assembly left the way open for all suggestions and allowed the national committees represented on the International Consultative Committee to become active in their own countries for the purpose of promoting an educational campaign and developing public opinion. It afforded an opportunity for some quite definite information and conclusions, arrived at only after fresh research, to be brought forward to the next Assembly on these two important questions—*i.e.*, nationality of children and the unity of the family.

The Australian delegation supported the draft resolution. She would like to remind the Committee that Australia was one of the most recently settled countries in the world, and one where women had shared equally with the men in pioneering and bearing the burdens of the country. Hence they were looked upon as the co-partners and equals of men.

The recommendations of the Australian Government were in these terms:

> "The Commonwealth Government favours the principle of equality of the sexes in matters of nationality, provided that such principle finds general acceptance by other countries, and particularly by Great Britain and the Dominions."

Mme. VERGARA (Chile) pointed out that there was a difference between her request and the wording of the Committee's text referring thereto. As the text now stood, she was afraid misunderstandings might arise. She thought it was only just, as they were communicating the letter of the International Union of Catholic Women to the Governments, to send, as well, the letter from the Alliance of St. John and the Catholic League of Great Britain, which were not in agreement with the International Union.

The Women's Consultative Committee was not acting against the unity of the family and would have no difficulty in convincing the World Union of Young Women's Christian Associations that neither its convictions nor its principles were being attacked. It would be remembered that the World Union of Young Women's Christian Associations, which had been invited to sit on the Committee, had preferred not to send a representative, because it had never adopted any official attitude on the question under discussion. These Catholic organisations ought to have studied the question with a view to protesting at the time when the Committee was formed.

She did not think that this was the right time for any Catholic institution to define its views.

The draft resolution submitted by the Drafting Committee was adopted.

Mr. BECKETT *was appointed Rapporteur to the Assembly on the question* (for text of report see Annex 11).

16. Situation as regards the Entry into Force of the Protocol of September 14th, 1929, concerning the Revision of the Statute of the Permanent Court of International Justice: Note by the Secretary-General (Annex 12).

M. UNDÉN (Sweden) reminded the Committee that this question had been included on the agenda at the request of the Swedish delegation, supported by a number of other delegations. When, in the previous year, the Governments had received a circular letter from the Secretary-General informing them that the Cuban Government had accompanied its ratification of the revised Statute with a reservation referring mainly to Article 23 of the Statute, Sweden had not

given a final reply, but he had been instructed to inform the Assembly that the Swedish Government could not accept the reservation in question, because it affected a fundamental rule of the revised Statute.

The Swedish delegation still hoped that it would be possible finally to adopt the revised Statute and that the Governments which had not yet unconditionally ratified the Statute might reconsider the question in the light of the views expressed by the other Members of the League of Nations.

The Norwegian and Swedish delegations had submitted a draft resolution (Annex 13) which they asked the Commission to adopt and decide that the question would be re-examined by the thirteenth Assembly.

M. PILOTTI (Italy) referred to the terms of the Secretary-General's note (Annex 12) and noted that the first Cuban reservation mentioned on page 3 of that document had become superfluous, because the Protocol had not come into force on the date fixed. The Cuban Government had attached to its reservation a declaration in which it said that the coming into force of the Protocol should not affect the situation of judges already elected. That question had been settled in the previous year. They had decided to allow the Court to take a decision on the subject, if such a case arose.

The real reservation of Cuba was concerned with the non-acceptance of Article 23. In conformity with the request made to it, the Court had accepted, in substance if not in form, Article 23, by inserting in its rules provisions which were almost equivalent to the coming into force of Article 23, as was proved in the document prepared by the Secretariat containing the new articles of the Court rules, as approved by the Court itself at a date subsequent to the reservation of the Cuban Government.

In these circumstances, the reservation made by Cuba now appeared to be irrelevant. As his country was amongst those which declared they could not accept the reservation, M. Pilotti would agree to any draft resolution which expressed in any form whatever the hope that, in spite of the reservation made by Cuba, the Protocol would come into force.

In this respect, he felt that the draft resolution submitted by the Norwegian and Swedish delegations was inadequate—first, because it omitted all reference to the revised Rules of the Court, and, secondly, because it stated : " Considering that a reservation could only be made in the moment of ratification if all the other signatory States agree or if such a reservation has been provided for in the text of the Convention ". This sentence raised an abstract legal principle; but the only thing to observe was that Cuba had made a reservation and that several States had explicitly declared they could not accept it.

M. FERRARA (Cuba) thought the best answer he could give to the Italian delegate's observations was to read the telegram he had just received from his Government, which ran as follows :

> " If, as you report, Cuba has been asked to withdraw her reservation regarding the Convention concerning the new Statute of the Permanent Court, we request you to state that the Government, having regard to the position you mention, would be prepared to ask the Senate to withdraw the reservations, and that this attitude is not dictated by any change of opinion but by the desire to share wholeheartedly in the development of the League and its organs. When consulted, the President of the Foreign Affairs Committee of the Senate signified his agreement. "

M. Pilotti had let it be understood that the basis of Cuba's reservation was not altogether statutory—that is to say, it did not conform to the Protocol and the new Statute. That was perhaps true, because the Permanent Court had decided that the same system could be adopted under the 1920 Statute. Every State which did not agree to the reservation made by Cuba had committed the same error as Cuba, by investing Article 23 with an importance which the Court did not assign to it. In any case, the reservations made by Cuba might readily have been accepted, because, even with the reservation, the Court retained all its rights both under the new and the old Statutes.

Cuba's real reservation affected, not Article 23, but Article 4 of the Protocol, which provided for the possibility of implementing a Convention which had not been ratified by all the States. The Government of Cuba in this matter had not changed its opinion. As the principle involved had been accepted two years ago by the Council and the Assembly, he did not need to labour the point.

M. CASSIN (France) expressed his great satisfaction with the statement the delegate of Cuba had just made to the Committee. He proposed that the conclusion of the draft resolution submitted by the Norwegian and Swedish delegations should read as follows :

> " Decides that a report shall be forwarded to the thirteenth Session of the Assembly by the Secretary-General showing the progress made with regard to the coming into force of the new Statute."

This was a formal correction, in keeping with the Cuban delegate's statements, which removed any question of " measures to be taken ".

He did not share M. Pilotti's opinion as to the expediency of alluding to an abstract legal principle. It might, however, be advisable to mention that there had been an unaccepted reservation, in the event of the same legal principles having again to be applied to other questions.

It would be desirable for it to be known, when the Committee's proceedings were afterwards studied, that it had referred to a principle of international law.

M. UNDÉN (Sweden) said the Committee was unanimous in expressing its satisfaction to the delegate of Cuba at the important statement he had made. The draft resolution submitted by the Norwegian and Swedish delegations did not, therefore, meet the position any longer, and he accordingly suggested that the Committee should appoint a Rapporteur to draft a short resolution, taking into account the statement made by the Government of Cuba and expressing the hope that the question would be finally settled at the next Assembly.

M. RAESTAD (Norway) supported the Swedish proposal and suggested M. Max Huber as Rapporteur.

M. HUBER (Switzerland) said he could not accept the proposal, because he was still a judge in a case now before the Court.

On the proposal of M. UNDÉN (Sweden), M. PILOTTI *was appointed Rapporteur.*

17. Proposal by the Government of Finland to confer on the Permanent Court of International Justice Jurisdiction as a Tribunal of Appeal in relation to Arbitral Tribunals established by States (Continuation): **Report of the Sub-Committee.** (Annex 14).

M. RAESTAD (Norway), Rapporteur, mentioned two formal corrections in the wording of the report. He paid a tribute to the work accomplished in the previous year by the Committee of Five, on which the Sub-Committee had drawn very extensively. In many respects the latter's report contained differences that were more apparent than real.

The case that formed the subject of the proposal would certainly be serious if it occurred; but it would be, and must never be allowed to become other than, a quite exceptional occurrence.

It was serious in the sense that if, under existing international law, the validity of an arbitral award were disputed, the embryonic substantive rules of international law might be pleaded, without there being as yet any definite corresponding procedural rules. Such a dispute might therefore drag on for a considerable time without solution, embittering the relations between the parties.

Moreover, disputes as to the validity of an arbitral award were necessarily very uncommon on account of the nature of the tribunals; indeed it might even be said that they were extremely rare, and any alteration in the procedure must not have the effect of rendering disputes more frequent. The procedure adopted must not be allowed to degenerate into a type of ordinary procedure.

The Committee of Five had intimated that the procedure it suggested might be used as an alternative. The Sub-Committee had accepted that view, in the belief that all the possibilities of disputing the validity of an arbitral award should be, as far as possible, taken into account. It was just possible—though the point was by no means definitely decided—that jurisdiction in this matter already existed under the Optional Clause of the Court's Statute, but the Sub-Committee, like the Committee of Five, had refrained from discussing the question.

If such jurisdiction did already exist, it was a matter for congratulation. If it did not, a system must first be established to enable the parties to agree upon the procedure by means of an international act. The Sub-Committee accordingly adhered to the system of the Protocol. Nevertheless, where the parties were not bound, either by any previous clause or by a protocol, the Sub-Committee had thought that a resolution should be forwarded to the Council suggesting the procedure that appeared most suitable in the matter. The Committee was thus faced with a draft protocol on one hand and on the other a draft recommendation addressed to the Council by the Assembly.

Some members of the Sub-Committee attached a greater importance, from a practical point of view, to the protocol. Others considered the recommendation to be addressed to the Council by the Assembly to be the most important matter.

M. Raestad then gave a succinct account of the underlying ideas embodied in the proposed texts. He pointed out that the Sub-Committee had in both texts avoided any enumeration of the causes likely to involve the invalidity of an arbitral award. There was a risk of any such enumeration being incomplete and containing factors denoting degrees of invalidity. Degrees of invalidity were very difficult to determine. By avoiding any enumeration, the Sub-Committee, probably following the example of the Committee of Five, had tried, as far as this point of substantive law was concerned, to adhere to the present state of international law.

With regard to the protocol, the Committee was divided on the question of inserting a time-limit. Some thought that a time-limit would become necessary as soon as jurisdiction was established. Others felt that it would be very difficult to justify a time-limit. Compared with the report of the Committee of Five, one innovation had nevertheless been made—namely, it was laid down that the time-limit must be counted from the time of the discovery of a new fact. The new fact was not, of course, the one the Court Statute requires as a condition for revision; it was one which showed that the award was so vitiated by defect as to be invalid.

The Protocol contained a concept which was also a new one, and, although it was not to be found in the conclusions of the Committee of Five, its insertion appeared necessary. That concept was that, if the award had been found by the Court to be wholly or partially invalid and if the parties did not then undertake to conclude a special agreement with a view to the adoption of a new procedure, any party might submit the merits of the case to the Court by application,

in so far as the award had been declared invalid. The Sub-Committee considered that, unless some such system were introduced, the matter might be left where it stood—that was to say, without a positive solution of the difficulty—a state of affairs which it was desired to remedy.

Naturally, in cases where the parties were not already bound under a Convention, the recommendation provided for resort to the Council. If the parties were already bound, either by a protocol or by another conventional clause, they should conform thereto, and the part played by the Council would consist solely in reminding them, if necessary, of that duty. It was understood that, if the time-limit laid down in a conventional clause in force between the parties had already expired, the latter could not bring the question before the Council and thus reopen the dispute.

M. Raestad pointed out that the recommendation did not confer upon the Council any powers or jurisdiction which it did not already possess. Its sole effect was to provide for the application by the Council of a procedure which would take into account the parallel procedure introduced in the conventional system by the Protocol and also the importance of referring these purely legal questions to judicial organs.

The Sub-Committee proposed that the recommendation should be adopted and that the Protocol should be referred to the Governments for their observations. As an alternative, it also envisaged the reference of the two drafts to the Governments for their observations or their adoption by the Committee. After some hesitation it decided in favour of the first-mentioned solution.

Count Apponyi (Hungary) regretted that he could not agree with the Sub-Committee's conclusion in regard to one part of the report. He approved of the Protocol and of its reference to Governments for their opinion, as it was not possible to establish a new legal system without the consent of all the States Members of the League, and this new system consisted in the setting up of a judicial tribunal to examine whether an arbitral award was or was not invalid. But he could not agree to the part of the recommendation dealing with the procedure to be followed pending the institution of the new system. It was necessary to keep within the framework of the existing law, as laid down in Article 13, paragraph 4, of the Covenant; whereas it was recommended in the draft that " where the Council . . . . finds that the validity of the award is disputed by one of the parties, the Council will invite the parties to conclude a special agreement for the submission of this contention to the Permanent Court of International Justice, and, if unsuccessful in securing this result, will ask an advisory opinion from the Court ". Why was the Court to be asked for an opinion? Not for the purpose of a scientific discussion, but for the enforcement of the arbitral award according to that opinion. Under existing law, the Council had not been, and could not be, accorded that right; it could only take the necessary steps for the execution of the arbitral award. If there were any departure from this principle, that would be the end of the international magistrature. If the Council were granted, whether implicitly or directly, the right to revise an arbitral award—that is to say, the right to decide whether any defect existed in the award or not, the judicial authority would then be subordinate to the political authority. He had opposed and would continue to oppose any development in that direction, which was contrary to the fundamental principles of the League. According to those principles, judicial decisions were to be left to the courts, and the political authority could intervene only for the purpose of enforcing their decisions.

Whereas existing law required the Council to enforce the arbitral award, the recommendation would enable it to avoid doing so if it thought fit and would permit the Council to consult the Court of Justice. It could not be forced to do so, and, consequently, such action was only recommended to it; but the value of the distinction was doubtful. Still less could the Council be enjoined to carry out the Court's advisory opinion. This recommendation was therefore absolutely inadmissible, because it was contrary to the existing law as laid down in Article 13, paragraph 4, of the Covenant. There was no trace in the Covenant of any provision conferring upon the Council the right of post-revision—a right overruling that of the Courts. He would therefore urge the Committee not to take this extremely dangerous course, which would overthrow the international juridical edifice of the League, and asked that the last line of the Committee's recommendation should simply be deleted. If necessary, he could accept the following addition: " It is understood that if unsuccessful in securing this result the Council shall act in accordance with Article 13, paragraph 4 ".

M. Hoffinger (Austria) said that during the general discussion he had already expressed the Austrian Government's approval of the Finnish proposal and the scruples and misgivings which it felt in regard to the extension of that proposal by the Committee of Jurists. His fears had been confirmed by M. Politis, who had said that they were about to take the first step towards the establishment of an international judicial hierarchy and had proposed that an error in the application of the law should be accepted as a cause of appeal against an arbitral award.

His misgivings had not been allayed as a result of the examination of the question by the Sub-Committee of which he was a member, and they had even been aggravated by the fact that the grounds on which an appeal could be made that an award was invalid had not been established. Consequently, the field of application of the regulations on which the Committee was working was very much wider than that provided for in the Finnish proposal.

The Austrian delegation was nevertheless glad to note that the Sub-Committee had unanimously recognised that the cases in question were and should remain extremely rare and that the *bona-fide* execution of the award should continue to be the rule; appeals against it should be quite exceptional and would be justified only by circumstances of the highest gravity. But it considered that the report did not provide a sufficient guarantee against the risk to arbitration itself of an overwide interpretation, or the abuse or unscrupulous use of the possibilities afforded.

The Sub-Committee had proposed a recommendation and a draft protocol. As regards the protocol, the report of the Sub-Committee showed a slight preference for the procedure of referring the draft to Governments for an examination and reply. In his opinion, this consultation was absolutely essential.

The Austrian delegation considered that the protocol in its present form differed appreciably from the Finnish proposal and might have much more serious consequences. The Governments must, therefore, be given an opportunity of realising its possibilities, of taking advice as to its possible consequences and submitting suggestions on the matter.

If the new rules were to lead to a weakening of the principle of settlement by arbitration, the results would be deplorable. Arbitration was of the greatest importance for the settlement of international disputes and was a method of settlement which, within the meaning both of the Covenant and of the General Act, far from being a subordinate or preliminary procedure to judicial settlement, was linked up with it. The establishment of judicial procedure through the setting up of the Court had been a big step forward and constituted, perhaps, the greatest benefit which the League had conferred upon the nations. The confidence, respect and devotion of Austria for the Court were profound and unshakable; she had proved this on various occasions, and in particular by being one of the first States to sign the Optional Clause. But the Austrian delegation did not think that Governments should be influenced, even indirectly, and recommended to use judicial procedure rather than arbitration in cases where the choice was open. It would also be dangerous to do anything which might result, even involuntarily, in diminishing the value and prestige of arbitration or in undermining the nations' confidence in the possibilities of its practical application. There were some disputes in regard to which arbitration appeared to be preferable to judicial settlement. The Court itself had no desire whatever to have functions assigned to it which by their nature really came within the province of an arbitral tribunal. The study of a case at present before the Court would throw useful light on this matter. The Austrian delegation, therefore, considered that they should not lightly embark upon a course which might cause arbitration to be regarded as a preliminary to judicial procedure, as a waste of time and, consequently, as a method of settlement offering no practical advantages to States and without interest for the arbitrators. Among the methods provided for the settlement of disputes between nations—action by the League, arbitration, judicial settlement—arbitration should not play the part of Cinderella.

For these reasons he considered that a preliminary consultation of the Governments was essential, and his delegation might possibly be obliged to vote against the opening of the protocol for signature during the present Assembly.

As regards the draft recommendation submitted by the Sub-Committee, the Austrian delegation held substantially the same views as Count Apponyi. It was of opinion that in the interests of peace and justice the separation of the political and judicial authorities—which was a fundamental principle of the law of civilised nations—should be strictly maintained in the domain of international law. The relation between the two authorities was confined purely and simply to the obligation on the part of the political authority to assist the magistrature in carrying out the awards rendered by the latter. In accordance with the proposed recommendation, the Council, a political institution, would be called upon to play a part which exceeded those powers. It was true that the recommendation advocated arbitration or judicial settlement, but it nevertheless provided for the possibility in cases where all other means had been exhausted of the Council's taking a decision on a point of law. While recognising the practical value of the recommendation, the Austrian delegation, for the reason of principle mentioned above, could not accept this draft and would abstain from voting. Since the question was not urgent, it would prefer the two texts to be transmitted to the Governments. The protocol might quite well be amended in the light of the Governments' replies, so that it might also become necessary to reconstruct the recommendation. If the Committee were to take a final decision at this stage, it might do more harm than good.

M. Goeppert (Germany) agreed with the Hungarian delegate. Even those who were not willing to omit the last line should hesitate before accepting the proposal as it stood, because provision had to be made for the case in which the same party which had disputed the validity of an award simply refused to submit the matter to the Permanent Court or conclude any agreement to that effect. Would the Council, in such a case, ask the Court what it should do? Surely not. It would use the powers it possessed.

With regard to the draft Protocol he thought it would be better not to open it for signature forthwith, but to submit it beforehand to Governments for further consideration. If that were decided, the German Government reserved the right to give its opinion, not merely on the various articles, but also on the basic idea itself. It was very important to avoid anything which might weaken the principle of arbitration.

M. Limburg (Netherlands) asked whether all agreed with him that for States which had signed the Optional Clause the question whether an arbitral award was vitiated must necessarily be referred to the Permanent Court, because the wording of the recommendation seemed to cast a doubt on that view, inasmuch as, if it were adopted, some might argue that the procedure indicated therein was the only procedure that could be followed to determine whether an arbitral award was defective.

Count Apponyi had objected to the last words of the recommendation. Article 13, paragraph 4, of the Covenant, however, read as follows:

> "The Members of the League agree that they will carry out in full good faith any award . . . In the event of any failure to carry out such an award . . . the Council shall propose what steps should be taken to give effect thereto."

That was clear. But did the Covenant give the Council the right to consult the Court regarding the validity of an arbitral award? Article 14 of the Covenant stated:

> "The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly."

So that, even now, if the Council were in doubt, it could consult the Court. Why then object to words which might almost be said to be superfluous?

With regard to the Protocol, Article 1 referred to an invalidating defect, but Article 2 referred to a new fact. Legally, those might be two quite different matters. A new fact, in municipal law, might involve re-hearing, whereas defects which could invalidate involved either cassation, application for revision of judgment, or even appeal. There might conceivably be new facts which, strictly speaking, amounted to a defect invalidating an award—for instance, the discovery *a posteriori* of the falsification of a document which had figured in the arbitral procedure.

That certainly fell within the scope of Article 1. But if in Article 2 a general reference were made to the discovery of a new fact, that would not necessarily mean a material defect which invalidated, since the term referred also to new facts of another kind.

Article 3 read:

> "If within three months from the publication of the judgment, the parties have not agreed upon a submission to arbitration . . ."

What sort of submission? Only a request to refer back the whole matter to the same arbitrators? If the article meant that a new agreement concerning the whole case had to be concluded, it might be wondered why nullification was always made to apply to the first agreement, thus obliging the parties to begin the whole procedure over again.

With regard to Article 4, he asked, when the situation described in that article arose, was the State bound to refer the matter to the Court, or could it refuse its national's request to apply to the Court? Those were his main comments on the Protocol.

There was just one point of form in Article 2, which read: "Failing . . . notification, the period shall begin with the date of despatch of the award . . ." How long a period must elapse for non-receipt to be established?

Sir Brojendra MITTER (India) pointed out that lack of jurisdiction had been advanced as one of the main grounds of appeal. The draft Protocol, however, referred only to a defect invalidating an award. It would seem, therefore, that no action could be taken in respect of the proceedings, until the award had actually been given. But surely if lack of jurisdiction were a good ground for questioning the validity of an award, there was no reason why steps should not be taken long before the award was delivered. An early plea to the tribunal might save both time and money. It should be open to a party to plead lack of jurisdiction before the tribunal set to work, or at any stage before the award.

M. CASSIN (France) noted that neither the Sub-Committee nor the Rapporteur had mentioned reasons for excluding a recommendation to Governments regarding certain bilateral treaties (such as treaties setting up a claims commission) where a recommendation would be very useful. He shared the fears of those who thought that the Protocol might shake confidence in arbitration by creating the impression that appeals against abuse of power and other pleas for the invalidation of awards were the commonest thing in the world. Would it not be possible to introduce some check on frivolous pleas in the form of damages with interest?

Any extension of the grounds for appeal referred to in the Protocol would be a very serious matter. His Indian colleague seemed to regret that there was no mention of lack of jurisdiction. He assured him that lack of jurisdiction was there, and abuse of power and many other things as well, because the expression "defect rendering invalid" was very elastic.

He shared M. Limburg's apprehension regarding new facts. If the text meant only new facts revealing a cause of invalidity in the past, it should say so clearly, because in all procedural law throughout the world a new fact involved a re-hearing. It would be an extremely serious matter if, in political cases, either party could, as in Article 3, file an application bringing the substance of the case before the Court for decision. He was not sure that the Court would be particularly pleased at the possibility. He would not press the point, as the Protocol was only a draft at present.

He did not think that the Assembly could possibly submit to Governments a draft recommendation which it might or might not transmit to the Council. The recommendation itself was based on the premise that at present Members of the League were, as such, bound to settle problems by arbitration or by submission to the Permanent Court. That was not the case. A Member of the League, as such, was also entitled to lay its case before the Council. As things stood at present, only those States Members which had signed Article 36 or had acceded to the General Act of Arbitration were bound to submit to arbitration or the decision of the Court. In this connection also, the principle of damages with interest was important. Where a legal obligation existed, the Court might, under Article 36, allow damages against a State which failed in its legal obligation.

He shared Count Apponyi's fears regarding the mixing of politics and law in the Council, but there was no such mixing when the matter was one of obtaining the opinion of the Permanent Court. When something so nearly like an executive as the Council had the duty of enforcing an arbitral or judicial award, it was highly important that public opinion should not be disturbed by the legitimate complaints of the losing State. If a judge or arbitrator had scandalously exceeded his powers, would public opinion be likely to support the Council in enforcing a travesty of justice? In such cases the Council, being a political body, must have the possibility of referring to an impartial and purely legal body.

The recommendation could not alter existing international law. The important point was, could the Council ask an advisory opinion? In the present state of law could it do so without the consent of the parties and, in particular, without the consent of the State which had accused the arbitrator of an abuse of power? M. Rolin thought it could, but he (M. Cassin) was by no means certain. If it could not, the recommendation would be merely platonic, and a very difficult legal obstacle would stand in the way.

The French delegation did not think the Assembly could submit the draft to Governments and did not believe that it would be adopted by the Assembly in its present form.

Mr. Beckett (British Empire) said that the report of the Sub-Committee had appeared on the face of it to be a unanimous one, yet points of detail had already been criticised by some of its members. Speaking as one who was not a member of the Sub-Committee, he was bound to say that he really preferred things as they were, on the basis of the report of the Committee of Five.

There seemed to be two possible views as to the existing law on the question of the validity in all circumstances of arbitral awards; it was, of course, quite possible to reach agreement on a text providing for what should be done under the regime of a Convention without being necessarily in agreement as to what the existing law was. It was perhaps difficult, however, drawing in up a report, to avoid giving some impression as to the author's opinion regarding the existing state of the law.

The two alternative views of existing law seemed to be either, (1) that an arbitral award given under a treaty agreement between two States was and must be valid in practically all circumstances—there were no legal grounds on which a party could attack it or refuse to execute it—or, (2) that there were certain grounds upon which a party could object to the award and refuse to execute it.

The report of the Committee of Five seemed to be based on the first alternative, and the report of the Sub-Committee appeared to be based on the second. The latter report appeared to suggest that there were cases in which, at present, an arbitral award could be attacked and its execution refused.

As he himself shared what he conceived to be the view of the Committee of Five on the question of existing law, he was not comfortable about the implications which seemed to reside in the Sub-Committee's report. He feared that the report or its proposals would suggest that there were more grounds than people at present thought for attacking the validity of arbitral awards. That might not be the actual intention of the report, but it did seem to be the deduction to be drawn from the text.

There appeared to be fairly general agreement that no attempt should be made to open the draft Protocol for signature at the present Assembly. If that were so, and if the draft was to be sent to Governments for their observations, he would not waste the time of the Committee by criticising its provisions in the draft.

As regards the draft recommendation, he did not know why the Sub-Committee, in drawing up their draft had dealt only with the case as it would present itself if it were brought as a dispute before the Council. Surely it would have been better simply to have stated the general principle, that, if States disputed an arbitral award, they should submit it to the Permanent Court, without entering into the question as to what would happen when such a case came before the Council.

Then there was, of course, also the last sentence in the draft resolution, which had already given rise to so much discussion. Three members of the Sub-Committee desired that it should be eliminated, and between the other members of the Committee there was a difference of opinion as to its effect, because there was underlyng it the important unsettled and disputed question as to whether the Council could ask for the opinion of the Permanent Court of International Justice without the consent of the parties to the dispute.

M. Matine-Daftary (Persia) reserved the right to express an opinion on the merits of the question when he had learned the views of his Government, but desired to ascertain what would happen to the recommendation if the Protocol were ratified by all Governments. He agreed with the Vice-Chairman's observations, especially with regard to Article 2. If the matter were really one of a new fact not known by the tribunal when it judged the case, that would, under municipal law, lead to an application for revision of judgment and not to appeal to a higher tribunal. The last paragraph of Article 3 seemed to confuse the two ideas, when one party complained of the award, pleading lack of jurisdiction or incorrect application of the law. It was understandable, if the two parties did not agree on an arbitral settlement within three months, that the loser should refer the matter to the Permanent Court. In the case of a new fact, however, discovered after the award, it would be more logical that the original arbitral tribunal should have the matter laid before it once more.

M. Pilotti (Italy) hoped that, if the Committee decided that it was desirable to send the Protocol to Governments, it would also send the texts prepared by the Committee of Five, in order that the Governments might gradually arrive at the best text. M. Cassin had rightly pointed

out that useful provision was made in the first text of the Committee of Five for bilateral treaties, a question which had been carefully studied by that Committee. Provision could be made in a bilateral treaty for a higher tribunal in certain matters—for instance, those entrusted to special commissions like claims commissions. It would consequently be difficult to do so in a treaty which provided an arbitral tribunal for disputes of a political nature.

He agreed with the Vice-Chairman and M. Matine-Daftary that, if the concept of an application for revision of judgment on the grounds of the discovery of new facts were introduced at all, it would be more logical for the case to be referred back to the same tribunal. He knew that the admissibility of this procedure in international law was questioned, but, as the Assembly was engaged in making new law, it would be better to recognise its admissibility, rather than institute a procedure for appeal.

With regard to remedy based on lack of jurisdiction, the Indian delegate had proposed to allow a plea to the jurisdiction addressed to the arbitral tribunal itself having the effect of suspending the proceedings. He begged Sir Brojendra Mitter not to insist on that modification, the acceptance of which would greatly weaken the authority of arbitral tribunals. The fundamental rule of all procedure was that the judge to whom the case was referred decided as to his own jurisdiction. It would be useless to stay proceedings from the outset by pleading, to another court, the judge's lack of jurisdiction. Nullity could be invoked only when the award had been given.

He could agree either that the draft recommendation should be submitted to Governments or that it should be examined by the Committee first and adopted by the present Assembly. It could be improved a little by the incorporation of certain ideas contained in the Committee of Five's draft resolution. Henceforth, account must be taken of one new element—namely, the strengthening of the Permanent Court's jurisdiction through the acceptance by many States of the Optional Clause. Yet the phrase in the recommendation: " Recommends that in all cases where the Council . . . finds that the validity of the award is disputed by one of the parties, the Council will invite the parties to conclude a special agreement . . ." meant that the Permanent Court had no automatic jurisdiction. That might not be true, because a party which contested the validity of the award and thought that the matter was one for the Permanent Court, because both it and the other party had accepted the Optional Clause, would take the case direct to the Court, and the Court would decide. It would, therefore, be preferable to say " . . . recommends that in cases where the Council . . . finds that the validity of the award is disputed by one of the parties and that the award has not been referred to the Court under the compulsory jurisdiction clause . . . "

The words " . . . and, if unsuccessful in securing this result, will ask an advisory opinion from the Court " were needless, because the Council already possessed that right under an article of the Covenant. Furthermore, in case of non-acceptance of the Council's invitation, several other articles of the Covenant would come into force owing to the fact that States Members were in disagreement.

M. RUNDSTEIN (Poland) observed in connection with Article 1 of the draft Protocol that it would be dangerous to leave to case-law the determination of the grounds on which an award could be invalidated. Unless some exhaustive list were given, the number of applications would multiply. The list of causes of nullity prepared by the Secretariat on the basis of doctrine and the draft codification of international law comprised eleven causes.

The report very clearly stated that an application for annulment would be allowed only when a definite rule of substantive law had been infringed. If, however, it were not stated expressly that the wrongful application of a rule might entail nullity, they should at least expressly state that the violation of a definite rule of law might do so. He suggested that they should make lack of jurisdiction the only ground of nullity. Abuse of power was really only an abstract idea. There could be no abuse of power in the procedure of tribunals, but there could be absolute lack of jurisdiction or relative lack of jurisdiction.

He did not think it desirable to mention in Article 2 the ground for an application for revision which had been so defined that the discovery of new facts might justify resort to the procedure laid down in the Protocol. Agreements to submit to arbitration almost invariably laid down the procedure for revision. There could be no clearer definition of the procedure for revision than that contained in Article 83 of the 1907 Hague Convention, particularly in regard to the discovery of new facts

Finally, he supported M. Pilotti's proposal to communicate to the Governments the discussions of the Committee of Five together with the draft Protocol and the Minutes of the First Committee.

M. POLITIS (Greece) congratulated the Sub-Committee on its conscientious work. It was useless to comment on the draft Protocol, because it was merely a draft to be sent to Governments for further discussion.

The CHAIRMAN said that the draft Protocol could not be communicated to the Governments.

M. POLITIS did not share the Chairman's view. The draft Protocol was an extremely useful document and ought to be sent to the various Governments together with the discussions of the Committee of Five. Then, in the following year, in the light of the comments by Governments, the matter could be further discussed, so that possibly a unanimous conclusion might be reached. He would be prepared to accept the recommendation if it were adopted unanimously or by a large majority. It ought, however, to be redrafted on the lines indicated by M. Pilotti. The existence of bilateral agreements and the accession of a large number of countries to the Optional Clause could not be ignored.

He also thought that the last sentence of the recommendation should be omitted; otherwise, there might be some danger of transforming a purely legal question into a political one. If the Committee wished to adopt the recommendation that year, he proposed the addition to the second paragraph of the words: " and that the execution of this obligation is in fact facilitated by the numerous accessions to Article 36 of the Statute of the Permanent Court ".

In the following paragraph, after the words " will invite the parties ", he proposed the addition of the words " under the powers conferred upon it by Article 13, paragraph 4, of the Covenant ", and after the words " . . . validity of the award is disputed by one of the parties ", the words " if they are not bound by any agreement making resort to arbitral or judicial settlement compulsory ". The last sentence, from the words " if unsuccessful " to the end would be omitted. If the Committee could not agree to this amended text, it should at any rate decide that the ideas set out in the report should with the draft Protocol be communicated to the various Governments.

TENTH MEETING.

Held on Wednesday, September 23rd, 1931, at 3.30 p.m.

Chairman: M. SCIALOJA (Italy).

18. Note on the Financial Consequences of Certain Decisions of the First Committee (Annex 15).

The Committee decided to send immediately to the Secretariat the note regarding a request for credits to be submitted to the Fourth Committee.

19. Proposal of the Government of Finland to confer on the Permanent Court of International Justice Jurisdiction as a Tribunal of Appeal in respect of Arbitral Tribunals established by States (Continuation) (Annex 14).

M. HUBER (Switzerland), in reply to various criticisms regarding the work of the Sub-Committee, reminded the Committee that the general discussion had not thrown any light on a number of important questions. The draft Protocol was submitted, not as a definitive text, but rather as a basis for discussion. It differed considerably from the Protocol prepared by the Committee of Five.

The draft of the Committee of Five mentioned the quashing by the Permanent Court of an award the validity of which was disputed. There was reason to doubt the possibility of such a solution. The annulment of an award was conceivable only in the case of a hierarchy of tribunals. The Permanent Court was called upon to examine disputes between States. The dispute in question was based on the plea of a State regarding its obligation to execute an arbitral award. The Court, however, could not annul an award given by a tribunal independent of it. That difficulty had been settled by stating that the Court would decide regarding the validity of the plea. Under the Protocol—which was a convention—the parties recognised that, if the Court were of opinion that the award was vitiated by defect, it would no longer be binding; on the new basis the parties undertook to re-submit the merits of the case to the Court, unless they decided by special agreement to submit the matter to another arbitral tribunal.

It was right that Governments, in forming their views, should be aware of the essential differences between the systems contemplated in the respective draft Protocols.

The notion of a time-limit might give rise to false interpretations and create the impression that these measures formed part of ordinary law. The time-limit was also intended to apply to cases in which the defect justifying the plea against the validity of an award was discovered after the expiry of the time-limits granted, which necessarily were very short.

Mention of the discovery of a new fact might lead to the inference that the Sub-Committee had endeavoured to introduce a procedure of revision as outlined in the Hague Convention, as a possibility for which provision might be made in the special agreement. That had not been the Sub-Committee's intention. The only possible new fact would be a fact likely to justify a plea for the invalidation of the award, as was made quite clear in the formula proposed by the Rapporteur, M. Raestad—namely, the subsequent discovery of a fact affecting the validity of the award within the meaning of the Protocol.

The recommendation had been proposed with a view to ensuring as far as possible a solution on the lines of judicial procedure in cases in which no judicial settlement had been reached under the Protocol.

The Committee appeared to be entirely agreed as to the object in view. Count Apponyi would certainly observe that they all desired, no less than himself, to maintain the intangibility and independence of international justice. Opinions differed only as to the means by which the object could be attained. It should not be forgotten, however, that the question was one of ensuring the execution of arbitral awards in exceptional cases in which the validity of those awards was disputed.

The Sub-Committee had, he could assure Mr. Beckett, been at great pains to avoid anything that might affect the substantive law on which all the work undertaken by the Committee was founded. It had taken as its starting-point the idea that in all international legislative work, even though there might be differences of opinion as to the general formula for the conclusion of conventions, universal international customary law was absolutely excluded from discussion.

Count Apponyi had emphasised that Article 13, dealing with the execution of awards, and the Hague Convention of 1907, which laid down that an award is final and without appeal, seemed to indicate that no discussion of an arbitral award was possible. As Professor Rundstein had observed, however, the enquiries conducted in the course of the preparatory work showed that there existed a whole series of possible causes of nullity. In any case, doctrine, like diplomatic experience, proved that there were actual cases in which the validity of an award was contested by a State which regarded the award as invalid. The Committee was therefore taking its stand on facts. It might happen that awards were disputed, and therefore provision should be made to meet, as far as possible, the danger of an *impasse* in certain circumstances.

The normal and ideal solution would be that, owing to the existence of the compulsory jurisdiction of the Permanent Court, any question of law raised would be certain to be given a purely judicial settlement. That was the path to be followed. M. Pilotti had remarked that the recommendation, as drafted, might create an impression that Article 36, for instance, of the Court's Statutes would not be operative, because mention was made only of a special agreement. Excluding an error in drafting, the Sub-Committee had only had in view, in drafting the r commendation, those cases in which the normal and ideal solution of a compulsory jurisdiction of the Court was non-existent. He did not think anyone could object to including a reference to compulsory jurisdiction, as M. Pilotti proposed.

That was the first case which arose. When, however, there was no compulsory jurisdiction, the Council invited the parties to conclude a special agreement, thus supplying the omission due either to failure to ratify the Optional Clause or to some other cause.

The third case was when a dispute arose through a State refusing to accept fresh judicial or arbitral procedure. Here there were two possibilities. A State might refuse to execute the award and also refuse to submit to any fresh arbitral procedure. It might, again, demand the execution of the award, the validity of which was contested, and also refuse to submit to fresh arbitration. In that case the Council, if requested to enforce the award, might apply to the State a principle known in English law and say: " You cannot put forward two contradictory pleas; if you will not agree that the award be examined by a fresh arbitral tribunal, we shall enforce it ".

Count Apponyi seemed to think that, when a State refused to accept judicial or arbitral procedure, then execution ought to follow. But there was every reason to suppose that the case of a State categorically refusing to execute an award given against it and at the same time insisting on the execution of an award given against another State would, in practice, be very exceptional. At the request of the Council negotiations would probably be begun for a special agreement. Failing such an agreement it would be very difficult in many cases to say whose fault it was if the judicial decision were not carried out. To meet such an unsatisfactory situation, the Sub-Committee proposed that the Council should ask an advisory opinion of the Court. It would then have something very similar to a judicial solution, so that Count Apponyi's fears would be allayed; but as it was impossible, without an agreement between the parties, for the Council to lay the matter before the Court, the application—even if unilateral—would nevertheless have to be the outcome of an agreement. That was why the Sub-Committee proposed to invite the Council to apply direct for an advisory opinion.

There had never been any desire—nor did the text allow of such an interpretation—to invest the Council with the power to decide whether the plea concerning the validity of the judgment was justified or not. If the last sentence of the recommendation were omitted, very little substance would remain. It was important to make provision for a solution which, though not absolute, would come very near a final settlement in cases in which no agreement could be reached between the parties. Those were the reasons for which the Sub-Committee had put forward its proposals.

M. Erich (Finland) stated that he had been unable to agree on every point with the conclusions of the Sub-Committee; in certain respects, he preferred the system proposed by the Committee set up by the Council. He was not absolutely convinced of the advantage of refraining to indicate the special grounds for the appeal—namely, lack of jurisdiction and abuse of power. Attention had rightly been drawn to the vagueness of these concepts, which neither the Committee of Experts nor legal doctrine in general had been able—or would probably ever be able—to define satisfactorily; in the absence of a better solution, the report of the Committee of Experts recommended confidence in the Court in such cases. If, however, the problem of adequate grounds for appeal were left open, and if only a general distinction were drawn between valid and invalid awards, there would be no criterion, and it would be left to case-law (as was pointed out in the Sub-Committee's report) to decide the grounds on which an award might be invalidated. Could it really be said, then, that it was a much better solution ?

The Sub-Committee's preference had in part been determined by an idea that there might—though quite exceptionally—exist defects that would vitiate an award. He thought it was difficult to include in this general concept the notions of abuse of power or lack of jurisdiction, for instance. Bribery and corruption of an arbitrator or the fraudulent use of a falsified document had been quoted as examples. He doubted, however, whether such considerations were adequate to justify a total renunciation of all definition of grounds for appeal.

True, international law could not, as municipal law did, provide remedies and extraordinary channels of appeal. If, however, a State were guilty of such a crime, there could be little doubt that the revelation of the crime would engender moral pressure which would oblige the guilty State to make reparation. It seemed, therefore, hardly necessary to forgo, simply because certain very exceptional cases might occur, all specification of grounds for appeal and only draw

a distinction between valid and invalid awards. The Committee of Experts had shown a tendency, on the contrary, to allow the Permanent Court to annul, if necessary, an award held to be defective.

The Sub-Committee had acted on another principle. It did not wish the decision of the Court to effect an arbitral award, thus trespassing on the domain of arbitration. It proposed that the Court should merely note the existence of a defect, so that the parties would be bound, under their contractual obligation, to draw from the Court's opinion the conclusion that the award was null and void.

That was an ingenious solution, for which much could be said. The difference between the two systems proposed, however, was not very great. The matter was really one of principle. It had not even been possible to maintain intact the rule that the Court could only note the existence of a defect in an arbitral award, since the Court was authorised to suspend the execution of an award; that obviously interfered with the normal and regular effects of the award, without affecting the merits of the case.

It should be remembered that there were already in existence certain special treaties which conferred on the Court an appellate jurisdiction which had never been contested as incompatible with its general functions.

He noted with satisfaction the omission, in conformity with the original Finnish proposal, of the distinction between disputes of a legal nature—*i.e.*, disputes concerning a point of law, and disputes of a political nature.

Like the Committee of Experts, the Sub-Committee had rightly avoided considering in its report the possible influence of the Optional Clause on the question. Any deduction drawn from Article 36 of the Court's Statute on that point encountered an objection to which nobody had yet been able to give a satisfactory reply—namely, if the Court had jurisdiction to pronounce on the actual validity of an arbitral award, it was logically impossible to refuse the parties the right to appeal on the plea of a false interpretation of a rule in international law. If the provision of the Optional Clause were admitted, to the effect that the interpretation of a treaty or point of international law might be one of the grounds for appeal to the Permanent Court, it must also be admitted that any party dissatisfied with an arbitral award had the right to appeal to the Court on the ground of a false interpretation of a rule of law.

There were so many solutions to the problem that it might be discussed *ad infinitum*. He could not regard himself as bound by the Sub-Committee's draft, ingenious though it was, and must reserve his final opinion.

M. Rolin (Belgium), replying to various criticisms of the work of the Sub-Committee, noted, first, that all delegations shared Count Apponyi's desire to ensure in the best way, and as soon as possible, the independence of the judicial power from the political power. But it was also extremely important not to wander outside the domain of existing law and to avoid any confusion between desire and reality.

In the Sub-Committee's view, it was essential from the point of view of international law that it should be clearly realised that, in spite of the force of arbitral awards and in spite of the right of every arbitral tribunal to decide upon its own jurisdiction, there were, in international *droit commun*, cases of abuse of power and lack of jurisdiction for which there was no organic solution and which made it possible for States to avoid the execution of awards. On the other hand, it must be definitely stated as a necessary principle of law that any party desirous of avoiding the execution of an award was bound to propose, of its own accord, that the question be submitted to a fresh tribunal offering judicial guarantees at least equivalent to those provided by the former tribunal.

If it were agreed that such was the existing international law when the Covenant came into force, the point which arose was, to what extent had that law been modified by the Covenant? The Covenant said that it was the Council's duty to enforce, or consider measures for the enforcement of, arbitral awards. Did that mean that the Council was to be regarded as non-existent henceforth in all cases in which the validity of an award was disputed? Or was the situation unchanged, so that the Council's duty was still to ensure the execution of awards, provided they were properly given?

M. Politis had proposed as an amendment that, if one party disputed the validity of an award, the Council should propose the conclusion of a special agreement. That was not a solution, because the special agreement depended on the will of the two parties. Belgium had long ago signed the Optional Clause and the General Act. Suppose, however, a country had not signed either the Clause or the Act, the countries went to arbitration, and one of the arbitrators had been bribed, for instance. The Council might then be informed that one of the parties refused to execute so defective an award. The Council then recommended the conclusion of a special agreement, but the other party refused, or raised all sorts of difficulties in the drawing up of the agreement, so that no result was obtained. The Council would then say: no agreement has been reached; there is no arbitral or judicial decision, and therefore the award is final and must be executed. Was that an adequate solution?

There was surely no better way of strengthening the award than a clause to the effect that the Council would consult the Permanent Court as to the validity of the document submitted to it as a sort of *exequatur*, the Council acting as a constitutional body to ensure the proper working of the other organs of the League. If that was the meaning of the recommendation, the Belgian delegation would support it.

He had heard with surprise certain delegates, in particular Mr. Beckett, say that they much preferred the solutions of the Committee of Five, because the possible discussion of an arbitral award seemed to be admitted in the Protocol, whereas it ought, as a matter of principle, to be final. The very starting-point of the Committee's work, however, was the admission in international law of an appeal on the plea of abuse of power. From that point there would be no

possible difference between the work of the Committee of Five and that of the Sub-Committee. How had the Sub-Committee amended or improved the former results? By affording a better definition of the object to be achieved. They were faced with two difficulties: first, the determination of the cases in which the validity of an award might be disputed. According to M. Rundstein and other jurists, there were eleven such cases; according to others, there were only two. Did anyone propose that they should endeavour *in abstracto* to enumerate all these cases by a mere effort of imagination and mind?

The Belgian delegation thought that, as such occurrences would be rather rare and might assume very different forms, it would be better to leave the Court itself gradually to sort out these grounds in the light of general principles, so that a doctrine might finally emerge, perhaps even a convention defining grounds for nullity. It would be quite premature to begin codification on that point, and yet an attempt to limit the grounds on which an award could be invalidated would, in fact, be codification.

It was, however, reasonable to adhere to the procedure of judicial revision. He proposed, in accordance with the method so often followed by the League, to lay down a somewhat elastic procedure providing, in addition to appeal to the Permanent Court, for the solution of difficulties which the Committee of Five seemed rather to have neglected—namely, who was to settle the subject-matter of the dispute finally. Certain disputes might be concerned with technical points which it would be desirable to leave to bodies other than the Permanent Court. If the Court decided in some rare instances that an award was invalid, or rather that it ought not to be executed, the parties would find themselves before a blank wall. There would be an arbitral award the *exequatur* of which had been refused, and which would be practically without legal effect, although it had not been annulled as regards form. The parties might then endeavour to agree on some new procedure. Obviously, the same tribunal could not reconsider the question, because it would not be sufficiently independent. If no agreement could be reached at the end of three months, the parties would come back to the Court. After that, all further avenues would be closed, which seemed to the Belgian delegation a practical and reasonable solution.

M. Politis (Greece) thought that M. Rolin had not quite understood his remarks on the previous day. He did not mean that, when the Council proposed an agreement which one of the parties did not accept, the Council ought in every case to enforce the award. What he had really suggested was that the Council should propose an agreement, but, if it failed in its first endeavour, it should continue its efforts and might then apply to the Court. Care must be exercised, however, in providing such an appeal, to avoid encouraging resistance by the parties.

There had been a recent case where the award was obviously invalid. A large quantity of supplies had been ordered and it had been laid down that "reasonable" commission should be paid to the contractor. The latter having estimated his "reasonable" commission at 70 per cent, the debtor Government refused to pay it. The contract contained an agreement to submit to arbitration. The arbitrator consulted gave an extravagant award fixing the "reasonable" commission at 30 per cent. The debtor Government refused to comply with the award, which it regarded as defective, as being contrary to common sense. It proposed to the other Government concerned to conclude a new agreement and submit the same question to another arbitrator, adding that, failing an agreement, it would still not comply with the award but would itself lay the matter before the Council of the League. Fortunately, the two Governments finally reached an agreement to refer the matter to a second arbitrator, but, if there had been a refusal on the part of the successful party, the question would have been referred to the Council. The Council's duty would then have been to say to the parties: "There is obviously something wrong. Conclude a new agreement for further arbitration". It would be very unlikely that the other Government would have persisted in its attitude, but, if it had done so, ought the Council immediately to have referred the whole case to the Court, or ought it not rather to have redoubled its insistence that the parties should conclude an agreement?

His aim in proposing the omission of the last sentence was not to ensure execution in all cases, even when it would be contrary to common sense; what he had wished to avoid was that an official text should lay down that a party was entitled not to accept an award but to take the matter before the Court, with the possibility of thereupon coming before the Council armed with an advisory opinion—which would, of course, then be open to discussion. In that case political considerations might, as Count Apponyi had observed, influence the settlement of a judicial question.

Mr. Beckett (British Empire) said that he had also been misunderstood by M. Rolin on one point. Of the two possible views on the question, he considered that the view that arbitral awards could not, under existing law, be attacked, even on the ground of an abuse of power, was the right one. If one held this view, then the object of the proposal was to make it possible to refer to the Permanent Court of International Justice certain awards which were, in the present state of the law, unattackable.

One might consider that the existing law was unsatisfactory, and think it desirable to provide a machinery for the review of arbitral awards against which certain defined objections were made; but it was important that the possible grounds of objection should be clearly defined.

The Chairman proposed that the question should be adjourned until 1932, to allow time for adequate preparatory studies. The Committee was working in a domain in which experience was very limited and which was fraught with considerable difficulty. The difference of opinion showed that the question was not yet mature. Any false step in a problem affecting all nations would be very harmful.

The League was at present engaged in organising a system of international justice which centred around arbitration. Arbitration was a daily occurrence, a method whereby disputes

which were generally of no very great importance were settled. But arbitration also served to settle more important cases. If two countries disputed the possession of a territory, for instance, they would resort to the arbitration of a sovereign. If the latter knew that his award would be subject to appeal—because, if appeal were recognised, the parties would always be tempted to appeal, and would be almost bound to in certain political matters—he would probably not accept the function. Would that be favourable to the extension of arbitration?

Did that mean that no mention should be made of appeal? No. It was wise to provide for appeal in certain cases, but those very cases were not entirely without remedy at the present time. It would therefore be preferable to refrain from making a law, of the effects of which the League could not be quite certain, and to reflect further on the question.

In cases of technical arbitration, if the arbitrator thought there would be an ordinary means for requesting the annulment of his decision, he would not agree to arbitrate if he were a good arbitrator, but only if he were a bad arbitrator.

It would be well to distinguish between the various grounds for annulling an award, in order that the parties might decide themselves whether they admitted appeal or not. The main concern of the parties was to settle the dispute rapidly. They therefore chose as arbitrators persons in whom they had full confidence, and it was stated that the decision of those arbitrators would not be open to appeal. That happened daily in private law, and the practice might be incorporated in international law. It was not desirable to prolong a dispute and, therefore, there should be the possibility of barring an appeal. It would be a serious defect in the draft to give the impression that grounds for appeal were a matter of public interest which could not be abandoned.

The draft was therefore imperfect, as was only natural, because it was a first draft on a subject of great importance. It might be very disadvantageous to apply it immediately. Procedure for appeal had to be laid down, but at the same time appeal must be restricted and defined, and the various categories of cases in which abstention from appeal would be allowed and those in which it would not be allowed must be clearly specified—in fact, a complete structure must be built. That was why he proposed that the question should be adjourned.

M. RAESTAD (Norway) said this was the first general discussion on a question which had been under consideration for the past two years. It was perhaps natural, therefore, that the Sub-Committee's draft was so imperfect and also that so many criticisms of the draft had gone wide of the mark.

Whatever Mr. Beckett said, it was a fact that, on various occasions, States had believed they had a right to contest the validity of arbitral awards. When such a dispute arose again, it was not necessarily submitted to a tribunal which would give a final decision. They all agreed as to the inconvenience of such a situation, even if it were and had to remain exceptional.

The Sub-Committee proposed the setting up of a tribunal for the purpose, and also indicated a means of providing a definite way out of the *impasse*.

In reply to certain questions as to why the Sub-Committee had not adopted the proposal of the Committee of Five that clauses should be introduced in bilateral treaties, he agreed that the proposal might be combined with the two other alternatives, the protocol and the recommendation; but the Sub-Committee had thought that possibly it would not be of very much use. The protocol itself furnished a model. In bilateral treaties it would be rather a delicate matter to mention the cases of invalidity, so that States would probably content themselves with general clauses.

It had been said that the Sub-Committee had extended the field of application of the procedure regarding causes of invalidity. As M. Huber had replied, their intention was just the contrary. They had not desired to extend that procedure, for its extension would weaken all arbitral proceedings. They thought it would be dangerous to enumerate causes of invalidity, because the mere existence of a cause, even in a very small degree, might invalidate an award. In so doing, of course, they exposed themselves to the criticism that the door was left open to an indeterminate number of causes of invalidity.

He could not agree with the Chairman that, in a multilateral treaty, the causes of invalidity should be enumerated, for such causes differed very much—there were differences of degree. He admitted that the general formula must be limited; he therefore proposed the following addition to Article 1:

> "Without prejudice to the scope of the notion of invalidity within the meaning of the present protocol, it is understood that an award cannot be regarded as invalidated under the present protocol on the ground that it would really amount to a wrongful application of the law or a mistaken view of the facts.
>
> "The present protocol does not concern the procedure for revision on the grounds of the discovery of a new fact which, if it had been known to the Tribunal, would have exercised a decisive influence on the award."

He also wished to make a proposal with regard to Article 2—namely, in place of the phrase "discovery of a new fact" to say:

> " . . . the subsequent discovery of the fact affecting the validity of the award within the meaning of the present protocol."

The Committee of Five had made a fundamental distinction between juridical and non-juridical disputes. M. Cassin had objected to the elimination of that distinction, because the Sub-Committee had provided that each party could, by means of an application, lay the case before the Court if the parties could not arrive at a special agreement. M. Cassin had thought that this would cause great difficulty in the settlement of a political dispute. That was partly

true; but he would refer M. Cassin to the Italian-Swiss Treaty of 1924, Article 15 of which provided that "if, in the opinion of the Court, the case is not of a juridical nature, the Parties shall agree to its being settled *ex æquo et bono*". Such an interpretation of the case was essential, even if it was not expressed in the protocol. This point should be examined later.

It was conceivable that, in a non-legal dispute, failure to arrive at an arbitral agreement would necessarily involve the establishment of a new agreement by some body.

The text of the Sub-Committee's recommendation had been subjected to criticism; it had been said that the last sentence ought to be omitted. M. Huber and M. Rolin had replied to the criticisms, and he agreed with their remarks. It had been objected that the Council could not ask the Court's opinion unless the parties agreed. That might be a valid objection, without invalidating the motives that led to the drafting of the Committee's text, because the recommendation was, after all, only a recommendation, and if it was not capable of execution, so much the worse. But the fact that the Assembly—in other words, the totality of States—had adopted the recommendation would none the less be a point to be considered if the two parties to such a case were not agreed on the point of asking the advisory opinion of the Court.

The jurisdiction of the Council in the case provided for in Article 13, paragraph 4, does not affect the validity of the award except in so far as the question must be settled in order to enable the Council to do its duty under the terms of that paragraph. The Sub-Committee's task was to fix a limit, as clearly as possible, between the executive and the judiciary, by providing the Council with a procedure by which, in case of doubt, it could submit juridical questions to the Court.

M. Politis had referred to cases in which it would not perhaps be advisable for the Council to ask at once for the Court's opinion. There was no implication in the recommendation that the Council could not mediate, but such mediation would not be exercised under Article 13, paragraph 4. It would be a parallel action to that provided for in that paragraph. If such an occasion arose, the best course, both for the Council and for the parties, would be to consult the Court as soon as possible. Perhaps, however, the wording of the recommendation was a little too categorical.

As regards the procedure to be followed, the Sub-Committee itself suggested that the protocol should be sent for consideration to the Governments. If so, the previous suggestions and discussions should also be communicated to Governments, together with the draft recommendation. It would be well to send all these documents at once. M. Cassin had objected that such a course could not be followed in regard to the draft recommendation. The difference was rather a question of form. As regards the draft protocol, the Governments would comment on the various articles, whereas, in regard to the recommendation, they would merely express their general opinions.

Did the Chairman simply propose an adjournment, without asking the Governments' opinion on these points? It would doubtless be preferable to adjourn the decision to the next year, but it would also be advisable to send all the documents to the Governments immediately. If the Committee decided in that sense, he thought the Sub-Committee should be asked to complete and correct its report in the light of the statements made; otherwise, it would be very difficult for the Governments to express an opinion.

M. HOFFINGER (Austria) agreed with the Chairman and proposed the following draft resolution:

"The Assembly:

"Noting the report of the Committee set up by the Council to study the Finnish proposal to confer on the Permanent Court of International Justice jurisdiction as a tribunal of appeal in respect of arbitral tribunals established by States;

"Noting also the report of the Sub-Committee of the First Committee, and

"Thanking both Committees for their valuable work:

"Notes that thorough discussion of the question in the First Committee has shown that it presents many aspects on which sufficient light has not yet been thrown, and

"Decides to adjourn the question for examination at a later session."

The draft resolution was adopted.

The CHAIRMAN having pointed out that, if the documents were sent to the Governments, there would be a financial difficulty involved, M. RAESTAD (Norway) replied that he did not insist.

On the proposal of the CHAIRMAN, M. RAESTAD *was appointed Rapporteur.*

20. Situation as regards the Entry into Force of the Protocol of September 14th, 1929, concerning the Revision of the Statute of the Permanent Court of International Justice (continuation).

M. PILOTTI (Italy), Rapporteur, read the following draft resolution:

"The Assembly,

"Notes with satisfaction that the Protocol of September 14th, 1929, concerning the Revision of the Statute of the Permanent Court of International Justice has now obtained almost all the ratifications necessary to bring it into force;

"Notes, however, that the ratification of Cuba is subject to a reservation which other States that have ratified the Protocol have not felt able to accept;

"Considers that a reservation can only be made at the moment of ratification if all the other signatory States agree or if such a reservation has been provided for in the text of the Convention;

"Takes note that the Cuban Government has, through its first delegate, declared that it contemplates the withdrawal of the said reservation, and expresses its thanks to the Cuban Government for the spirit of conciliation which it has shown in the matter;

"Reaffirms the hope which it expressed at its last session that the States which have not so far ratified the Protocol will proceed to do so as soon as possible; and

"Instructs the Secretary-General to present to the Assembly, for consideration at its next session, a statement showing the ratifications received by the Protocol of September 14th, 1929."

M. GAJARDO (Chile) read the following declaration:

"The Chilean Government decided to await the results of discussions which were to take place at the Twelfth Assembly with regard to the reservations made by the Cuban Government when ratifying the 1929 Protocol, before expressing an opinion regarding its own ratification of that Act.

"The Chilean delegation notes with particular satisfaction the statement made in the First Committee by the chief delegate of Cuba, which justifies a hope that in the near future the Cuban Government will forgo its reservations, a fact which will facilitate the task of the Chilean Government."

M. PILOTTI (Italy), Rapporteur, said that, after mentioning the list of States that were ratifying the new Statute, he would refer to the declaration made by the Chilean delegate.

Agreed.

The draft resolution was adopted.

21. Progressive Codification of International Law (continuation): Draft Resolution proposed by the Sub-Committee. (Annex 16.)

M. GIANNINI (Italy), Rapporteur, pointed out the changes which had been introduced in the resolution. In the middle of No. 1, a provision was made that proposals should be sent to the Secretary-General before March 1st. That was introduced, because the Japanese delegate proposed the fixing of a time-limit of six instead of four months. There was a change in No. 2, where it said the Assembly would decide whether the subjects proposed appeared suitable for codification. In No. 3, it was provided that the Committee of Experts would be asked, "with the assistance of the Secretary-General of the League of Nations", to make the necessary enquiries and prepare a draft convention on the subject. In No. 5, it was provided that the Assembly would then decide whether any action should be taken and whether the draft should be submitted to a codification conference. On the other hand, the Sub-Committee had decided to omit the former paragraph 7.

Would it be desirable to include two recommendations made by the Hague Conference regarding the collaboration of international and national organisations in the work of codification, and regarding co-operation with the Pan-American Codification Conference? The difficulty was that, owing to the need of economy, the first recommendation would have to remain a mere recommendation in the report. The second recommendation was of importance, in view of the fact that the Pan-American Codification Committee would begin work in October.

M. RUNDSTEIN (Poland) suggested an addition to No. 3—namely, that a draft convention should be submitted "with a statement of reasons".

M. BASDEVANT (France) pointed out that it was provided that the draft would form the subject of a report to the Council, which report would fulfil all that was necessary.

M. ROLIN (Belgium) was in favour of inserting the words "with a statement of reasons".

M. GIANNINI (Italy), Rapporteur, said that, generally speaking, the report explained the spirit of the draft, but, if necessary, they could add "a report with a statement of reasons".

M. GAJARDO (Chile) approved the report and particularly the second paragraph of the draft resolution.

M. GIANNINI (Italy), Rapporteur, thanked the Chilean delegate for what he had said, particularly in view of the fact that their reconsideration of the question was due in great measure to a Chilean, M. de Alvarez, who had expressed his anxiety at a certain antagonism between the two codifications.

M. RUNDSTEIN (Poland) agreed with the Rapporteur's amendment.

M. CABALLERO (Paraguay) was glad that there would no longer be a fixed line of distinction between the codification work in America and that in Europe.

M. MATINE-DAFTARY (Persia) said he had hoped that that point and the next on the agenda would have been amalgamated in one resolution. He asked the Rapporteur whether it would not be possible to combine that question and the next one on the agenda—namely, the conclusion of conventions under the auspices of the League.

M. GIANNINI (Italy), Rapporteur, in reply to the Persian delegate, thought they had better defer a vote until the fate of the other question had been decided.

After discussion, *the draft resolution was adopted* in the following form :

" The Assembly recalls that the resolution of September 22nd, 1924, emphasised the progressive character of the codification of international law which should be undertaken, and, in view of the recommendations of the First Conference for the Codification of International Law held at The Hague in 1930, it decides to continue the work of codification with the object of drawing up conventions which will place the relations of States on a legal and secure basis without jeopardising the customary international law which should result progressively from the practice of States and the development of international jurisprudence. To this end, the Assembly decides to establish the following procedure for the future, except in so far as, in particular cases, special resolutions provide to the contrary.

" 1. Any State or group of States, whether Members of the League or not, may propose to the Assembly a subject or subjects with respect to which codification by international conventions should be undertaken. Such proposals, together with a memorandum containing the necessary explanatory matter, should be sent, before March 1st, to the Secretary-General, in order that he may communicate them to Governments and insert them in the agenda of the Assembly.

" 2. Any such proposals will be considered by the Assembly, which will decide whether the subjects proposed appear *prima facie* suitable for codification.

" 3. If the investigation of a proposed subject is approved by the Assembly, and if no existing organ of the League is competent to deal with it, the Assembly will request the Council to set up a committee of experts, which will be asked, to make with the assistance of the Secretary-General of the League of Nations, the necessary enquiries and to prepare a draft convention on the subject, to be reported to the Council with an explanatory statement.

" 4. The Council will transmit such report to the Assembly, which will then decide whether the subject is provisionally to be retained as a subject for codification. If this is decided affirmatively, the Assembly will ask the Secretary-General to transmit the said report to the Governments of the Members of the League and non-member States for their comments.

" 5. The committee of experts, if it considers it desirable to do so, will revise the draft in the light of the comments made by the Governments.

" If the committee of experts revises the draft, the revised draft will be submitted to the Governments for their comments and, together with the comments received, will be transmitted to the Assembly, which will then decide finally whether any further action should be taken in the matter and, if so, if the draft should be submitted to a codification conference.

" If the committee does not see any reason to revise the draft, it will be transmitted, together with the comments of the Governments, to the Assembly, which will then decide finally whether any further action should be taken and, if so, if the draft should be submitted to a codification conference.

" The Assembly recommends :

" (1) That, in relation with the further work in connection with the codification of international law, the international and national scientific institute should collaborate in the work undertaken by the League of Nations;

" (2) That the work of codification undertaken by the League of Nations should be carried on in concert with the conferences of the American States."

22. Preparatory Procedure to be followed in the Case of General Conventions to be negotiated under the Auspices of the League (continuation): Draft Resolution submitted by the Sub-Committee. (Annex 17.)

M. GIANNINI (Italy), Rapporteur, said that, with regard to the motion of the Persian delegation, the Sub-Committee had simply examined the questions connected with Article 4, the only questions referred to it by the Assembly.

The Sub-Committee had not been able to agree to the Swedish proposals. Reference was, however, made to these proposals in the report.

The Sub-Committee also considered that codification should proceed more slowly and carefully, and therefore thought that the two procedures outlined should not be entirely fused into one. As regards the Swedish proposal, the Committee thought that in regard to the first stage, the summoning of a Conference, there was no need to make a recommendation to the Assembly; but the opinion of the Assembly would be required when a draft was already prepared (see paragraph 4).

Various changes had been made in the resolution, the reasons for which M. Giannini explained. The changes were shown in the text in order to facilitate comparison.

The question had arisen whether paragraph 4 should be submitted alone, or the full text as it stood last year, but in the report the Sub-Committee decided to express a hope that the whole text of the resolution would be given, either as it stood in 1930 or the text of paragraph 4 as amended by the Sub-Committee.

The Committee adopted the following draft resolution :

" That, in the case of all general conventions to be negotiated under the auspices of the League of Nations, the following preparatory procedure should, in principle, be followed, except in the cases where previous conventions or arrangements have established a special procedure or where, owing to the nature of the questions to be treated or to special circumstances, the Assembly or the Council consider other methods to be more appropriate :

" 1. Where an organ of the League of Nations recommends the conclusion of a general convention on any matter, it shall prepare a memorandum explaining the objects which it is desired to achieve by the conclusion of the convention and the benefits which result therefrom. Such memorandum shall be submitted to the Council of the League of Nations.

" 2. If the Council approves the proposal in principle, a first draft convention shall be prepared and communicated, together with the explanatory memorandum, to Governments, with the request that, if they feel that the draft should be taken into consideration, they shall inform the Secretary-General of their views, both with regard to the main objects or the suggested means of attaining them, and also with regard to the draft convention. In some cases, it may be desirable to annex a specific questionnaire.

" 3. The draft convention and the observations of Governments (together with the answers to the questionnaire, if any) shall be communicated to the Assembly, and the Assembly shall then decide whether the subject appears *prima facie* suitable for the conclusion of a convention.

" 4. If the Assembly considers the subject *prima facie* suitable for the conclusion of a convention, the Council shall arrange for the preparation of a draft convention in the light of the replies received from Governments, and the new draft convention (together with the replies of other Governments) shall be transmitted to each Government with a request for their opinion on the provisions of the draft and any observations on the above-mentioned replies of the other Governments.

" 5. In the light of the results of this second consultation of the Governments, the Assembly shall decide whether a convention should be concluded and, if so, whether the draft should be submitted to a conference, the date of which it will request the Council to fix.

" 6. The Council, in fixing the date for the convocation of a conference, shall endeavour, as far as possible, to avoid two League of Nations conferences being held simultaneously, and to ensure the lapse of a reasonable interval between two conferences.

" 7. The procedure set out in the preceding paragraphs will be followed, as far as possible, in the case of draft conventions the desirability of which is recognised by a decision of the Assembly either on its own initiative or as the result of a proposal by a Government. In these cases, the Council will instruct either the Secretariat or some other organ of the League or specially selected experts to prepare the above-mentioned report, which shall subsequently be submitted to the Council."

ELEVENTH MEETING.

Held on Thursday, September 24th, at 3 p.m.

Chairman : M. SCIALOJA (Italy).

23. Amendment of the Covenant of the League of Nations in order to bring it into Harmony with the Pact of Paris (continuation): Examination of the Draft Report of the Committee to the Assembly. (Annex 18.)

M. ROLIN (Belgium), Rapporteur, gave an account of the discussions and decisions of the Sub-Committee appointed to draft the report. It would not be too much to say that the report amounted to a *procès-verbal de carence* or a mere motion for adjournment. The political divergencies that were apparent in the previous year's report prepared by M. Cassin had been partly overcome. The discussion in the present year, therefore, marked a distinct advance. The report explained the views of the majority and of the minority in order to make the present state of the problem clearer.

M. Rolin then explained various drafting changes made in the text.

M. ITO (Japan) reminded the Committee that he had made reservations concerning Articles 18 and 19, the wording of which did not satisfy the Japanese Government, particularly as regards the interpretation of Articles 15 and 16 of the present Covenant. He also proposed that the Committee should merely note the report of its Sub-Committee instead of approving the report—a solution which would take into account the reservations expressed by several delegations.

M. ROLIN (Belgium), Rapporteur, was prepared to accept any drafting change in the report concerning Article 18. With regard to Article 19, the report mentioned a point on which agreement appeared to have been reached, but he would endeavour to take into account any contrary opinions

expressed, if the delegations desired that these should be maintained. He strongly urged the Committee to approve, and not merely note, the Sub-Committee's report. The report would be much more authoritative, and the mysterious difficulties of a political nature which overshadowed the work would disappear, if the Committee expressed its agreement on certain elementary points. One of the Committee's duties was, in a way, to educate public opinion; it would fail in that duty if it showed itself quite unable to agree on certain points which already had been under discussion for several years.

M. HUBER (Switzerland) said that the Swiss Government hesitated to endorse entirely certain parts of the report which might be regarded as a commentary, not only on the future Covenant, but on the existing Covenant. It was afraid that the report might be regarded as an authentic interpretation of the Covenant.

Count APPONYI (Hungary) said that he personally approved the report, but was not yet in possession of his Government's views on the subject. His Government's opinion was therefore reserved.

M. RAESTAD (Norway) explained that the object of the report was to supply Governments with fresh data for consideration. It was accordingly of very little importance whether the Committee approved it or merely noted it.

M. MAJOURANITCH (Yugoslavia) observed that the insertion of a reservation to the protocol, such as that proposed by M. Huber, would place countries which acceded to that act without reservations in a situation of inferiority.

M. CASSIN (France) supported M. Raestad's observation and remarked that, if the Committee took no final decision on the drafting of the texts, its work nevertheless occupied a very definite place in the series of events leading to the amendment of the Covenant. The political difficulties which had been encountered in the previous year, when the Committee came to consider the Report of the Committee of Eleven, had been partly overcome. In the present year, the Committee had made an attempt to eliminate the remaining difficulties. It noted the progress achieved, while indicating the points still open to discussion. Failure to signify clear approval of the Sub-Committee's report would have a disastrous psychological effect on public opinion. The impression would be created that no progress had been made. With regard to sanctions, in particular, the report stated quite fairly the two opposed views. The Committee's approval would, therefore, not connote a preference for one or the other.

Mr. BECKETT (British Empire) thought that all misunderstanding should be dispelled regarding the effect of the opinion expressed by the Committee in its report. Some delegates had stated that, because they could not bind their Governments, they wanted to make reservations. The document before them was not, however, a Convention; it was merely a report prepared by the Committee, setting out the views of its members. The Committee's approval would not bind Governments, otherwise Mr. Beckett would himself, on behalf of his Government, have been obliged to make reservations.

The CHAIRMAN, replying to M. Huber's objection that the part of the report which was in the nature of an interpretation of the present Covenant might have some influence on the application of the Covenant, stated that, in view of the moral authority of the Committee, the expression of its opinion might exercise such an influence. The report, however, merely provided data to enable the various States to reach a decision. That could not be regarded as an authoritative interpretation of the Covenant.

M. ROLIN (Belgium), Rapporteur, shared the Chairman's opinion. The document did not constitute an authoritative interpretation which would bind the Governments. The Committee, however, should give due weight to a report which set out the results of its collective efforts, even if that expression of opinion had no force of law.

He proposed the following draft resolution :

"The Assembly,

"Taking note of the report approved by the First Committee :

"Reaffirms its intention of continuing the task of inserting in the Covenant of the League of Nations a general prohibition of recourse to war and the principle that the settlement of international disputes may only be sought by pacific methods;

"Decides to create a committee consisting of representatives of all the Members of the League of Nations, which may meet during the Conference for the Reduction of Armaments for the purpose of seeking unanimous agreement on the bases indicated in the report and of drawing up a final text which may be voted by the Assembly at its next session;

"Requests the Council to convene the Committee for the date which it considers appropriate;

"Requests the Secretary-General to transmit the present resolution and the report to the Members of the League of Nations, in order that, if they consider it necessary, they may send to the Council their views as to the lines on which they think agreement could be attained."

The draft resolution was adopted, and the report was adopted with various drafting amendments.

Official No. : A.11.1931.V.

ANNEX 1.

AMENDMENT OF THE COVENANT OF THE LEAGUE OF NATIONS IN ORDER TO BRING IT INTO HARMONY WITH THE PACT OF PARIS.

OBSERVATIONS SUBMITTED BY GOVERNMENTS.

Series No. 1.

Note by the Secretary-General.

In execution of a resolution adopted by the Assembly on October 4th, 1930, relating to the question of the amendment of the Covenant in order to bring it into harmony with the Pact of Paris, the Secretary-General, by a letter dated November 20th, 1930 (C.L.304.1930.V), submitted to the Members of the League the report of the Committee of Eleven and that of the First Committee of the Eleventh Assembly (both of which are reprinted in document C.623.M.245.1930.V), asking them to be so good as to formulate any observations they might desire to make thereon before June 1st, 1931, the date fixed by the Assembly for this purpose.

The present document contains the following replies from Governments which had been received by the above-mentioned date :

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Great Britain and Northern Ireland	79	Portugal	83
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Australia.

LETTER OF FEBRUARY 27TH, 1931.

The view of the Commonwealth Government is and always has been that the Covenant of the League should be brought into harmony with the Treaty for the Renunciation of War. Accordingly, after very careful consideration the Commonwealth Government decided, prior to the last Assembly, to accept the amendments proposed by the Committee of Eleven subject to certain minor modifications. They now consider that the texts submitted by the Sub-Committee of the First Committee of the Assembly are an improvement on the texts proposed by the Committee of Eleven, and they therefore propose to support the amendments in this form, and hope they will be adopted by the next Assembly. It must be understood that ratification of the amendments by the Commonwealth of Australia will be dependent upon the entry into force of a general treaty for the reduction and limitation of armaments.

Bulgaria.

[*Translation.*]

LETTER OF MAY 30TH, 1931.

In faithful pursuance of its peaceful policy, my Government is ready to accept any amendment of the Covenant which might be necessary in order to incorporate therein the general prohibition of recourse to war and the principle that the settlement of international disputes and conflicts may never be sought except by pacific means.

The idea of bringing the Covenant of the League of Nations into harmony with the Pact of Paris has, therefore, the full approval of the Bulgarian Government.

China.

LETTER OF MAY 14TH, 1931.

I am instructed by the Ministry of Foreign Affairs, Nanking, to inform you that the Chinese Government is in favour of the amendments proposed by the First Committee of the last Assembly, which, in its opinion, are more clearly worded and are also in their meaning in the text more in accordance with the aim of harmonising than those proposed by the Committee of Eleven, although there is no essential difference between the sense of the texts of the two Committees.

The Chinese Government further considers that in international disputes one nation has sometimes attempted to menace another by taking military action against it, and has thus in fact created a state of war, whilst avoiding any legal recognition of war. Such aggression in the international field is obviously opposed to the aims both of the Covenant of the League of Nations and of the Pact of Paris. The Chinese Government, therefore, thinks it would be advisable if some effective measures could also be provided for in the Covenant to prevent this danger.

Finland.

[*Translation.*]

LETTER OF MAY 30TH, 1931.

While maintaining in principle the observations which it made in its letter of February 7th, 1930,[1] and in the various Committees of the Eleventh Assembly on the subject of the contemplated amendments, the Finnish Government is anxious to contribute to a solution the provisions of which would really be of a nature to satisfy all the States concerned. Confining itself as far as possible to the texts drawn up respectively by the Committee of Eleven and the Sub-Committee of the First Committee, it ventures to raise for discussion the following points:

Article 12.

The Finnish Government has drawn attention to the risks involved in inserting the fundamental principles of the Pact of Paris in the Covenant of the League of Nations merely in the form of a simple prohibition of resort to war. It is necessary to prevent any interpretation capable of leading to the conclusion that it is only war which is contrary to the pacific methods through which the solution of international disputes ought to be sought. There are forms of recourse to armed force, measures of coercion, which, although not considered as amounting to war, must be regarded as in essence non-pacific methods. By combining in the same sentence the prohibition of recourse to war and the invitation to employ pacific methods, the draft adopted by the Sub-Committee in itself tends to remove the contradiction which in this connection is apparent in the text of the Committee of Eleven. The amendment annexed to the present letter constitutes a further improvement, although it certainly does not entirely satisfy the Finnish point of view. The amendment is also one which strictly follows the present text of the Covenant.

The new texts on which observations are invited are open to the criticism that, if taken literally, they appear to adjourn methods of pacific procedure in the strict sense (arbitration, judicial settlement, examination by the Council) until after other pacific methods have already proved ineffective. This is not the meaning of the Covenant, for by Article 12 of the Covenant the Members of the League agree that they will submit disputes likely to lead to a rupture to one or other of the methods of procedure indicated in the article.

The preceding observation is the more deserving of attention in that it may perhaps be necessary to reckon with views in favour of bringing, at least under certain conditions, coercive measures such as pacific blockade or armed occupation within the category of pacific methods. The principle which at present is dominant in the Covenant—namely, that of the pre-eminence of purely pacific methods—must therefore be maintained.

There is, moreover, a slip in the Sub-Committee's text in the phrase, "Si le différend n'a pu être réglé". Account has not been taken of the fact that the same expression: "Si le différend n'a pu se régler" is used in Article 15, paragraph 4, of the Covenant with reference to a different case.[2]

Article 13, *Paragraph* 4.

It appears desirable not to abandon the idea at present expressed by the words "will not resort to war against a Member of the League which complies therewith". Combination of this idea as expressed in the amended draft drawn up by the Committee of Eleven with the prohibition proposed by the Sub-Committee (" . . . in no way to support . . . ") would exactly express what the legal position ought to be.

Article 15, *Paragraphs* 6 *and* 7.

The Finnish Government urges that the proposals of the Committee of Eleven are to be preferred. It further ventures to draw attention to the alternative draft which it suggested in its letter of February 7th, 1930.[3] Careful examination of the Sub-Committee's text reveals

[1] See document A.8.1930.V (Legal, 1930.V.2), page 18.

[2] The words used in the English text of the Sub-Committee's proposal for Article 12 are: "If the dispute cannot be otherwise settled", and those employed in the English text of Article 15, paragraph 4, of the Covenant are: "If the dispute is not thus settled".

[3] "If a report by the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, and if the parties declare themselves ready to accept the report, the recommendations of the report shall have the same force and effect as an arbitral award. Should

a tautology the object of which is to conceal the absence of any real substance. Article 15, paragraph 4, already implies that a report adopted by the Council either unanimously or by a majority must recommend a solution appropriate to the circumstances. Why, then, proceed to a recommendation which is inherent in the recommendation already made?

Paragraphs 6 and 7 as they appear in the Sub-Committee's draft merely repeat in somewhat different language (paragraph 6: "the Council shall invite the parties to comply with the recommendations of the report"; paragraph 7: "it shall examine the procedure . . . and recommend it to the parties") the proposition that only a recommendation is in question. It all comes to the same thing and proves to be no more than a formula which evades the problem to be solved.

If one is determined neither to recognise the recommendations of the report as binding nor to compel the dissatisfied party to submit the dispute to some other procedure, one might nevertheless insist that the party which complies with the recommendations of the report may make this a ground for claiming a settlement of the dispute in accordance with the Council's recommendations. It is to be anticipated that a recommendation not unanimously adopted by the Council will not be accepted by the parties themselves. It is therefore desirable that the Council should in such case recommend to them some further procedure for reaching a solution of their dispute. The text could thus be drawn up in such a way as to bring out the different cases which may arise.

A draft which takes account of the above observations is annexed.

Annex.

TEXT PROPOSED BY THE GOVERNMENT OF FINLAND.

Preamble.

(Follows the amendment proposed by the Committee of Eleven.)

Article 12.

1. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council. They agree in no case to resort to war for the settlement of their disputes and to employ only pacific means to attain such settlement.

2. (Follows the proposal of the Sub-Committee.)

Article 13, *Paragraph* 4.

The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered and will in no way support a State in refusal to carry out such award or decision. It is understood that a Member of the League will not take any action against any Member which complies with such award or decision.

(The last paragraph is to follow the text of the Sub-Committee.)

Article 15, *Paragraphs* 6 *and* 7.

(If the guiding idea of the Sub-Committee is adopted, and accordingly the recommendations of the report are not recognised to have any obligatory force, the following text is proposed:)

6. If the report of the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the party which complies with the recommendations of the report may make this a ground for claiming a settlement of the dispute in accordance with the Council's recommendations. The Members of the League undertake in no way to support any party in a refusal to comply with such recommendations.

7. If the Council fails to reach unanimity as defined in the previous paragraph and the parties do not accept the recommendations made by the majority, the Council shall make recommendations as to the best procedure to be followed subsequently by the parties for the settlement of their dispute.

Article 16, *Paragraph* 1.

(The text proposed by the Sub-Committee.)

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the report not be accepted by all the parties, any party shall, at the request of any other party, be bound to submit the dispute either to proceedings for judicial or arbitral settlement or to a conciliation commission, of which the composition shall be determined by the Council acting by a majority vote of its members other than the parties to the dispute. In case the dispute should fail to be settled within a reasonable period after the Council has made its report, the Council shall resume examination of the case, on the understanding that any party which refuses to comply with a unanimous decision of the Council shall be regarded as menacing by its attitude the maintenance of peace and good understanding between nations.

"If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the recommendations of the report shall have the force of a recommendation capable of being taken into consideration by all the Members of the League and by any tribunal before which the dispute may be brought."

France.

[*Translation.*]

LETTER OF MAY 2ND, 1931.

In a letter of November 20th last you were good enough to draw my special attention to the proposed amendments to the Covenant of the League of Nations prepared by the Committee of Jurists in March 1930, and by the First Committee of the Assembly, with a view to bringing the Covenant into harmony with the Pact of Paris. You reminded me on that occasion of the desire expressed by the Assembly to receive by its next session the views of the Members of the League of Nations on these two documents.

At the outset of the work, the results of which are contained in the reports in question, I took the opportunity of explaining to the Council of the League of Nations my views as to the bringing into harmony of the two instruments. Expressing my agreement with the words just spoken by Mr. Henderson as to the necessity of this task, I indicated the spirit in which I considered it should be undertaken. I emphasised that it was not a question of transferring from one instrument to the other the principle of prohibiting recourse to war, a principle henceforth universally accepted, but of adapting this general principle to the positive, concrete and legal provisions of the organic regulations constituted by the Covenant, which binds together the Members of the League. "The members of the Committee", I said in this connection, "will again have not only to study methods by which war can be condemned in future, but also to consider means, other than words, for dealing with this terrible scourge".

I will not examine in detail to what extent the work of the Committee of Jurists and of the First Committee of the Assembly has fulfilled this promise, and to what extent the Covenant of the League of Nations, amended according to their proposals, would retain "that organic structure" which, as the German Government rightly pointed out, must, throughout its development, be safeguarded. Such as these amendments are, they were accepted by the French Government through their representative on the First Committee, on the ground that that Government should not prevent the attainment of unanimity in favour of the introduction into the Covenant of the League of Nations of the principle of prohibition of war, even if this principle were not for the moment to lead to such consequences as in the French Government's view logically follow from it.

My Government can therefore only note with regret that the unanimity in favour of which they had provisionally sacrificed certain of their views has not been obtained; but they have not been unduly surprised to observe a certain hesitation which, in their opinion, has its origin in the omissions in the system proposed.

The French representatives have often pointed out to the League of Nations that it would be very difficult to reach a final settlement of the question of sanctions, which is to some extent the frame of the edifice of security, if that edifice was not built upon solid foundations. If all disputes brought before the Council of the League of Nations were not assured of a final settlement, a way would be left open to wars which would break out without there being any objective evidence for determining the aggressor and would impose on each State the responsibility of deciding, on incomplete and in any case subjective evidence, the manner in which it should fulfil the imperative duty laid on it by Article 16 of the Covenant. I do not think I am misinterpreting the facts when I state that the fear that, owing to this uncertainty, there may be a renewal of wars similar in their character to the "private wars" known to history, was the chief cause of the difficulties which the Committee of Jurists encountered in attaining unanimity without reservations, and by which in its turn the First Committee was constantly impeded.

The French Government have no desire to disregard the risk involved by the insertion in the Covenant of a principle such as that of compulsory arbitration, if such principle were to be considered too far in advance of public opinion and if, after its adoption by the Assembly, it were not to receive the ratifications required by the Covenant for the coming into force of the amendments. It is in reality the opinions of Governments and public opinion in general that must be prepared for the idea of compulsory arbitration; for this purpose the League of Nations has created an instrument open to the free accession of Governments: the General Act of Arbitration. And since the situation of the problem before us in regard to the amendments to the Covenant is such at the present time that in no case could these amendments come into force before the completion of the work of the Disarmament Conference, the French Government wonder whether the delay imposed by circumstances on the League of Nations could not be profitably used by the League and by its Members in making a genuine effort for speeding up accessions to the General Act. The extension of the General Act of Arbitration would in itself involve the disappearance of the main difficulty encountered by the Committee of Jurists and the First Committee of the Assembly, a difficulty whose persistence prevents their work from being harmonious. It is quite clear that, if compulsory arbitration as a final means of the settlement of international disputes were accepted by a large number of States, the incorporation of such an obligation in Article 15 of the Covenant would then become merely a formal question.

On this subject the French Government desire to make a practical suggestion which in their opinion will help to co-ordinate the efforts now being pursued concurrently by the League of Nations. They do not intend to return to the arguments which led the Assembly, in drawing up the Act of Arbitration in 1928, to set aside deliberately any reference to proceedings under the Covenant in order to make this Act equally accessible to States non-members and to States Members of the League. But as regards the Members of the League of Nations whose ordinary organ for political disputes is the Council, a question of jurisdiction arises. Several Governments, and in particular the French Government, in acceding to the General Act, have emphasised by a

reservation that, in the case of political disputes, arbitration as provided for under that Act did not form a jurisdiction concurrent with that of the Council, but a subsidiary one, a tribunal so to speak of second degree, intended to fill up the gap in Article 15 (paragraph 7). It would seem that some formula reconciling the two procedures and based on the regulations outlined in the accessions of certain States might well be considered by the League of Nations and proposed to Member Governments. The French Government would see several advantages in this : accessions to the General Act would be made easier for States desirous that procedure before the Council should not be eliminated; the obligations of Members of the League of Nations under the General Act would be made clearer; and a solution would be given to a problem which, in its other aspect, the League of Nations will have to face when it has to take the Covenant as a point of departure and consider the methods of completing the procedures laid down in Article 15.

The above suggestions are not extensive; they do not form an outline for a perfect and final work, but a programme for gradual development, based on the lessons of experience and on respect for national opinion whose support is indispensable for the drafting of an organic charter of peace. The progress of the idea of compulsory arbitration, especially since last Assembly, gives grounds for hope that before the expiration of the period fixed for the coming into force of the amendments, the League of Nations may be in a position finally to adapt the Covenant to the legal situation created by the Pact of Paris.

United Kingdom of Great Britain and Northern Ireland.

Letter of February 17th, 1931.

1. His Majesty's Government in the United Kingdom continue to support wholeheartedly the principle involved in the proposal to bring the Covenant of the League into harmony with the Pact of Paris.

2. As the Members of the League are already aware, His Majesty's Government in the United Kingdom were in favour of the proposals made by the Committee of Eleven and were ready to accept them, subject to certain minor modifications, at the recent Assembly. They fully recognise, however, the value of the work done during the Assembly by the First Committee, and they are of opinion that the texts contained in the Report of the First Committee are an improvement on the original proposals of the Committee of Eleven. In particular, they are of opinion that the text proposed by the First Committee for Article 13, paragraph 4, while carrying out the intention of the Committee of Eleven; is free from certain ambiguities which existed in the text proposed by the latter and which might have rendered its acceptance difficult for certain Members of the League. Again, while they were themselves prepared to accept the text proposed by the Committee of Eleven for Article 15, paragraph 6, they consider that, in view of the discussions in the First Committee and of the provisions of other articles of the Covenant, the text proposed by the First Committee is preferable; and they are therefore ready to join with the other Members of the League in accepting it. His Majesty's Government in the United Kingdom are accordingly of opinion that the amendments proposed by the First Committee are best fitted to attain the object of incorporating in the Covenant the general prohibition of resort to war and the principle that the settlement of international disputes should never be sought except by pacific means, and they hope that the amendments in question will be adopted by the Assembly of 1931. They wish, however, to repeat that ratification of these amendments on behalf of the United Kingdom will be made dependent upon the entry into force of a general treaty for the reduction and limitation of armaments.

3. The attention of His Majesty's Government in the United Kingdom has been called to two minor points of form in the texts proposed by the First Committee, which might be considered when the amendments again come before the Assembly. In the first place it has been suggested that in Article 12, paragraph 2, the word "or" should be substituted for the word "and". Secondly, His Majesty's Government in the United Kingdom consider that in Article 13, paragraph 4, the word "judicial" should be inserted before the word "decision" wherever the latter word occurs.

India.

Letter of February 13th, 1931.

The Government of India state that they have no observations to offer.

Italy.

[*Translation.*]

Letter of April 16th, 1931.

Since the majority of the Members of the League of Nations have acceded to the Pact of Paris, the Italian Government considers, as a matter of principle, that it is desirable to embody in the Covenant of the League of Nations a clause forbidding resort to war. For this reason the Italian Government endorsed the proposal made by the British delegation to the 1929 Assembly with a view to bringing the Covenant and Pact into harmony.

The Italian Government considers, however, that the pursuit of this object should be abandoned unless it were likely to result in a real improvement in the working of the system established by the Covenant of the League of Nations for the pacific settlement of disputes. There is no objection to the application of both Covenant and Pact between the States which are bound by both of them; the mere fact that one of these agreements still admits the possibility of war in certain cases, while the other has eliminated this possibility, does not appear to create practical drawbacks sufficiently serious to call for the amendment of the Covenant, especially as there is no hope of really perfecting it.

The Italian Government considers that, as a whole, the proposals of the eleven jurists represented not only an adaptation of the Covenant of the League to the new principle introduced into international law by the Pact of Paris, but an effective improvement in the Covenant in that the Eleven were endeavouring to find more efficacious methods for the pacific settlement of disputes as a counterpart to the diminution of all possibility of resort to war.

For this reason the Italian Government is of opinion that the amendments proposed by the Eleven to Article 15 of the Covenant should be adopted in preference to those proposed by the Sub-Committee, which have a much more limited scope.

* * *

After this statement of principle, the Italian Government is prepared to admit that the texts proposed by the Sub-Committee for Articles 12 and 13 (the preamble proposed by the Eleven has been retained by the Sub-Committee) seem from the technical point of view to be drafted with more precision than the corresponding texts drawn up by the Eleven.

The negative undertaking in Article 13 of the Covenant, not to resort to war against any Member of the League which complies with an award or decision rendered, becomes in the text submitted by the Eleven a rather vague undertaking not to " take any action against any Member of the League which complies therewith ". On the other hand, the wording proposed by the Sub-Committee, by which the undertaking is in no way to support a State in refusal to carry out an award or decision, seems sufficiently clear to avoid ambiguity as to the acts prohibited.

As regards Article 15, the Italian Government has already stated that for general reasons it prefers the wording proposed by the Eleven. It wishes to add, however, that it is deeply appreciative of the effort made by the Eleven to lighten the Council's task of reaching a solution in any dispute by making compulsory all its recommendations if adopted unanimously, and by allowing it the right always to ask the Permanent Court of International Justice for an opinion, a unanimous vote to this effect not being necessary.

The objections which have been raised to these proposals do not seem sufficiently serious to justify their abandonment.

If all possibility of resort to arms is eliminated, it becomes increasingly necessary that disputes arising between States should not be allowed to continue unsettled. The Italian Government agrees with the Committee of Eleven that the accession of all the Members of the League to the General Act of Conciliation and Arbitration of 1928 is a logical corollary of the prohibition of war; Italy has decided to accede to the Act.

Meanwhile, all States should agree to the proposals drawn up by the Eleven with a view to strengthening the means for the pacific settlement of disputes.

It is worth while to add that the power, given to the Council to consult the Permanent Court by a majority decision only, in no way prejudices the working of the Covenant. However the general rule in Article 15, paragraph 1, of the Covenant may be applied in the different cases in which the last sentence of Article 14 may be operative, it is certain that the special scope of Article 15 is based on the urgent need to eliminate any dispute likely to lead to a rupture, if the parties concerned do not seek settlement of their difference by arbitration or legal means. The case is therefore sufficiently serious to authorise, on a majority vote only, the taking of steps, not to settle the question entirely, but merely to consult a non-political institution of the highest authority.

Lastly, as regards Article 16, the Italian Government accepts the amendment proposed by the Sub-Committee, which is purely consequential upon the amendments proposed to Articles 12, 13 and 15.

* * *

The Italian Government realises the difficulties with which the Committee of Eleven, and later the Sub-Committee, were faced in reconciling the need for amendment of the Covenant with the point of view of some States which were anxious not to find themselves in a situation more difficult than before if other States failed to discharge their obligations.

It recognises the force of the argument that the sanctions under Article 16 will be applied, as soon as resort to war is completely forbidden, in cases not formerly covered. The Italian Government considers that, if the Governments which have stated that they are unwilling to undertake wider obligations continue to maintain their attitude, this might be met by adopting the proposal submitted to the Sub-Committee, to insert after the first paragraph of Article 16 the following clause :

> " . . . Provided always that in the case dealt with in Article 16, paragraph 7, the Members of the League may make their action subject to the condition that the Council is unanimous either in proposing provisional measures intended to re-establish peace or in declaring which is the Covenant-breaking State."

Actually, any extension of the application of sanctions is only conceivable where the Council's decision on the crux of the question is not arrived at unanimously; in such a case, under the present terms of the Covenant, the Members of the League have the right to take such action as they shall consider necessary for the maintenance of right and justice. It is obvious, therefore, that in this case, unless the Council unanimously informs it which is the Covenant-breaking State and if the question has not been settled otherwise, a Member of the League can at least ask not to be forced to apply sanctions.

* * *

Another apprehension was expressed in the Sub-Committee which the Italian Government considers legitimate but easy to dispel.

Some Members of the League of Nations are not signatories of the Pact of Paris. It would not be in accordance with the mutual understanding which should exist between associated countries if such Members were indirectly forced to accept the said Pact in the form of an amendment to the Covenant of the League.

The Italian Government therefore endorses the proposal that the Pact of Paris should not be mentioned even in the title given to the amendments to the Covenant, in order that it may be perfectly clear that there is no legal connection between the two instruments, and that the object of the amendments is to voice in the Covenant the idea of forbidding resort to war, as a purely objective idea and without reference to any other text.

* * *

It has been pointed out that some States, when signing or acceding to the Pact of Paris, did so subject to special interpretations of its terms.

The Italian Government does not think it possible to take these declarations into consideration in an instrument such as the Covenant of the League of Nations, which could obviously not admit of reservations or limited accessions.

One of these interpretations, however—that which excepts from the prohibition a resort to war in self-defence—has been regarded as being based on a general legal principle.

In the opinion of the Italian Government it is not in the least necessary to include in the amendments a clause relating to self-defence, since it is obvious that a State which had disregarded the clause forbidding war could not demand that the State attacked by it should observe that clause.

If, in spite of the self-evidence of this principle, other Governments think it better to refer to the case in question, the Italian Government offers no objection. A sentence to that effect might be included in the Assembly resolution approving the amendments.

* * *

In conclusion, the Italian Government has the honour to submit the following proposals:

A. To adopt the text of the preamble drawn up by the Committee of Eleven Jurists and accepted by the Sub-Committee of the First Committee of the Assembly;

B. Article 12, paragraph 1: to adopt the text drafted by the Sub-Committee;

C. Article 13, paragraph 4: to adopt the text drafted by the Sub-Committee;

D. Article 15, paragraphs 6, 7 and 7*bis:* to adopt the texts drafted by the Committee of Eleven;

E. Article 16, paragraph 1: to adopt the text drafted by the Sub-Committee;

F. Article 16, to insert immediately after paragraph 1 the following paragraph:

> "Provided always that in the case dealt with in Article 16, paragraph 7, the Members of the League may make their action subject to the condition that the Council is unanimous either in proposing provisional measures intended to re-establish peace or in declaring which is the Covenant-breaking State."

New Zealand.

Letter of February 12th, 1931.

His Majesty's Government in New Zealand are prepared to accept the text of the proposed amendments to the Covenant suggested by the First Committee of the Assembly, subject to two minor amendments as follows:

(1) That in Article 12, paragraph 2, the word "or" should be substituted for the word "and", and

(2) That in Article 13, paragraph 4, the word "judicial" should be inserted before the word "decision" wherever the latter word occurs.

His Majesty's Government in New Zealand wish, however, to make it plain that their ratification of these amendments will be made dependent upon entry into force of a general treaty for the reduction and limitation of armaments.

Panama.

[*Translation.*]

LETTER OF JANUARY 7TH, 1931.

The Government of Panama has no observations or proposals to make in regard to the two reports in question; it considers that the report of the Committee of Eleven is better suited to attain the end in view.

Netherlands.

[*Translation.*]

LETTER OF MAY 15TH, 1931.

In its note dated February 14th, 1930, the Government of the Netherlands has already expressed its sympathy with the idea on which the amendments proposed by the British Delegation at the Tenth Assembly was based—that is to say, the bringing of the Covenant of the League of Nations into harmony with the Pact of Paris. The Government of the Netherlands is fully prepared to assist in devising amendments for the purpose of incorporating in the Covenant the general prohibition of resort to war and the principle that the settlement of international disputes should never be sought except by pacific means.

Although on certain points it would have preferred the wording which was proposed at a previous stage, Her Majesty's Government could accept the texts prepared by the First Committee of the Eleventh Assembly. The delegation of the Netherlands was not among those which drew the attention of that Committee to certain new political aspects of the question which would make further consideration desirable; the Government of the Netherlands therefore does not feel called upon to express any opinion on this matter. The Government takes the liberty of expressing its hope that those Members who find difficulty in accepting the amendments by reason of these new political considerations will be prepared to indicate more clearly the nature of the said difficulties.

In these circumstances, and pending further explanations that the Governments in question will, we trust, submit, the Government of the Netherlands will confine itself to these brief remarks.

Poland.

[*Translation.*]

LETTER OF MARCH 28TH, 1931.

The Polish Government have examined with the greatest care document C.623.M.245.1930.X, communicated to them by the Secretary-General of the League, and have reached the following conclusions:

1. The Polish Government maintain their favourable opinion of the whole of the proposals made by the Committee of Eleven, in accordance with their views which were explained at the last League Assembly by the Minister for Foreign Affairs. The Polish Government consider, however, that the discussions which took place at that Assembly preclude any hope that those proposals will prove acceptable to all the Members of the League. Therefore, they no longer consider it practicable to retain the texts submitted by the Committee of Eleven, although they regard those texts very favourably.

2. The Polish Government consider that it would be easier to obtain the accession of the Twelfth Assembly to the texts drawn up by the Sub-Committee of the First Committee of the Eleventh Assembly. The proposals of that Sub-Committee involve less radical changes in the League Covenant and will doubtless give rise to fewer objections than the proposals of the Committee of Eleven. Moreover, in the Polish Government's opinion, the amendments introduced by the Sub-Committee's text are sufficiently far-reaching to be regarded as meeting the wishes of the Tenth Assembly, which desired to eliminate from the League Covenant any provisions contrary to the letter of the Paris Pact.

3. It might therefore be advisable to take the proposals of the above-mentioned Sub-Committee as a basis for the discussion which will take place at the next Assembly. The Polish Government would be prepared, for their part, to accede in principle to the Sub-Committee's proposals, reserving, however, the right to propose to the Assembly any changes which they might consider expedient after the exchange of views in the First Committee. The Polish Government desire to point out here and now that they consider that it would be more in accordance with the spirit of the Paris Pact to define in the actual text of Articles 13, paragraph 4, and 15, paragraph 6 (Sub-Committee's text), that the obligation not to support in any way the resistance of a recalcitrant State would not apply in cases where such resistance was due to aggression on the part of the other State concerned.

4. Lastly, the Polish Government wish to emphasise that they still consider it necessary to bring the League Covenant into harmony with the Briand-Kellogg Pact, since the constitutional charter of the League should not contain provisions which lag behind the stipulations of another international instrument, likewise of universal scope. However, the Polish Government consider that, apart from the result of the work undertaken with a view to bringing the Covenant

and the Pact into harmony, the provisions of the League Covenant which sanction so-called "legitimate" warfare should be regarded by all Members of the League as inoperative, in view of the general prohibition of war laid down in the Paris Pact. If, contrary to all expectations, the League's work with a view to the bringing into harmony of the Covenant and the Pact should be unsuccessful, this would not, in the Polish Government's opinion, in any way weaken the Paris Pact, which would still constitute the fundamental basis of world peace.

Portugal.

[*Translation.*]

LETTER OF MAY 1ST, 1931.

The Government of the Republic are fully conscious of the merits of the work of the Committee of Jurists and of the First Committee, which have endeavoured so successfully to improve and supplement the methods of safeguarding peace. The Portuguese Government, while fully appreciating the report of the "Committee of Eleven", consider in any case that, generally speaking, the amendments of the First Committee are preferable, for they are more in accordance with the equilibrium to be maintained between legal and political considerations, in order that the Covenant may fulfil its purpose.

My Government hope that the decision of the next Assembly will be given on those lines, save for a few details. Amongst these is the expression "reasonable time" in paragraph 2 of Article 12, which might perhaps be replaced by another which would state the time, fixing a limit considered to be sufficient; for it does not seem correct to ask the Permanent Court of International Justice to give an opinion or an award "within a reasonable time".

The Portuguese Government see no advantage in the omission of paragraph 7*bis* of Article 15; for it may be desirable that, with a view to facilitating the settlement of a dispute, the Council should have the opinion of the Permanent Court of International Justice on points of law; moreover, the obtaining of the Court's opinion is provided for in several articles of the Covenant.

This answer will be further developed during the discussion at the next Assembly.

Union of South Africa.

LETTER OF APRIL 13TH, 1931.

The Union Government are of the opinion that the text contained in the Report of the First Committee is preferable to that contained in the Report of the Committee of Eleven and they are prepared to join with other Members of the League in accepting it. While expressing the hope that the proposed amendments will be adopted at the Assembly meeting of 1931, the Union Government desire to state that ratification of these amendments on behalf of the Union Government will be subject to the coming into force of a general treaty for the reduction and limitation of armaments.

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Estonia.

[*Translation.*]

LETTER OF JUNE 29TH, 1931.

The Estonian Government has carefully considered the proposals made by the Committee of Eleven and the Sub-Committee set up by the First Committee of the Eleventh Assembly, and has reached the conclusion that in certain respects the Sub-Committee's proposals are more satisfactory than those made by the Committee of Eleven. This applies particularly to Article 12, paragraphs 1 and 2; Article 13, paragraph 4; Article 15, paragraph 7, and Article 16, paragraph 1, first sentence. As regards these articles the Estonian Government is inclined to prefer the wording adopted by the *Sub-Committee*, on the understanding that Article 16 as amended includes all the cases provided for in Articles 13 and 15 and does not in any way lessen the effect of the sanctions.

While, as stated above, it is in favour of the amendment of Article 12 in the form proposed by the Sub-Committee, the Estonian Government nevertheless considers it desirable that attention should be given to the question whether the term "any dispute likely to lead to a rupture" is not more restricted in scope than Article 2 of the Pact of Paris. In the Estonian Government's opinion, it should be stated that the disputes in question are those which it has not been possible to settle through the ordinary diplomatic channel. Such an interpretation would be in accordance both with the resolution adopted by the Eleventh Assembly and with the antecedents of Article 12, since in the preliminary draft (of February 14th, 1919) the phrase, "disputes which cannot be adjusted by the ordinary process of diplomacy", was used instead of the present text. The Estonian Government accordingly considers that, with a view to bringing the League Covenant into harmony with the Pact of Paris, the possibility of embodying in Article 12 the text of Article 2 of the Pact of Paris should be considered. The following text (which does not claim to be complete) is therefore suggested for Article 12:

> "All the Members of the League agree that they will in no case have recourse to war for the settlement of disputes or conflicts of whatever nature or of whatever origin which may arise among them, and will only employ peaceful means for this purpose."

As regards Article 15, paragraph 6, the Estonian Government prefers the wording adopted by the *Committee of Eleven*, which gives an obligatory character to the Council's unanimous report. According to the Covenant, the Council will only draw up the report if the dispute is not settled despite its preliminary intervention. In these circumstances, would not the fact that the Council's report has an obligatory character induce the parties to accept its proposals? Certain members were even in favour of the recognition of the obligatory character of the Council's unanimous report when the League Covenant was first drafted (proposal by M. Hymans), and the matter was discussed by the Committee of Eleven, and in particular by the First Committee of the Eleventh Assembly, no objection being raised to the principle of the obligatory character of the report, which shows that the supporters of this principle are becoming more and more numerous. The Estonian Government is in favour of the amendment of Article 15, paragraph 6, in the manner proposed by the Committee of Eleven and of the addition to this article of paragraph *7bis*, as proposed by the Sub-Committee.

Japan.

[*Translation.*]

LETTER OF JUNE 6TH, 1931.

The Japanese Government is in principle in favour of the draft amendments contained in the report of the First Committee of the Eleventh Assembly, it being understood that these amendments in no way affect the exercise of the right of self-defence.

Latvia.

[*Translation.*]

LETTER OF JUNE 30TH, 1931.

The proposal to bring the Covenant into harmony with the Pact of Paris has the full approval of the Latvian Government, which is prepared to do its utmost to bring about the adoption of the amendments for the purpose of embodying in the League Covenant the prohibition to resort to war and the principle that the settlement of international disputes should be sought only by peaceful means.

It is understood, however, that the Latvian Government reserves the right to explain its views in regard to the details of either question when they are discussed at the next Assembly.

Norway.

[*Translation.*]

LETTER OF JUNE 18TH, 1931.

As is clear, both from the declaration of the Norwegian Government in the letter which it had the honour to send you on February 22nd, 1930 [1], and from the declaration of the Norwegian delegate in the course of the discussion of this question at the First Commission of the Eleventh Assembly of the League of Nations, the Norwegian Government considered that it could accept in principle the idea of bringing the Covenant of the League of Nations into harmony with the Pact of Paris. Nevertheless, the Norwegian Government has always been of opinion that the happiest solution, and the one most in harmony with the end in view, would be to incorporate the provisions of the Pact of Paris in the Covenant of the League of Nations without increasing the number of cases in which sanctions are applicable.

Since, however, various practical difficulties have been encountered in the efforts to achieve this result, and since certain countries attach particular importance to the incorporation, once

[1] See documents A.8.1930.V, page 22, or C.623.M.245.1930.V, page 28.

begun, being terminated as soon as possible, the Norwegian Government felt obliged to waive its request to leave the present provisions relating to sanctions as they stand.

Furthermore, as regards the most difficult eventuality—namely, the application of the sanctions if the Council fails to reach a report which is unanimously agreed to by all the members thereof, other than the representatives of one or more of the parties to the dispute, it will be necessary to find a formula making the application of the sanctions contingent on the unanimous decision of the Council—apart from the votes of the parties concerned—as to who is the aggressor.

The Norwegian Government is prepared to accept the new provisions relating to the authority of the Council which the Committee of Eleven has formulated in the new paragraphs 6 and 7*bis* of Article 15, although it does not see that these new provisions are an indispensable consequence of bringing the two instruments into harmony. It is also prepared to accept the proposals made on this subject by the Sub-Committee to the First Commission of the 1930 Assembly.

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Hungary.

LETTER OF AUGUST 4TH, 1931.

Having acceded to the Pact of Paris, Hungary considers that it is desirable that the Covenant of the League of Nations should be amended so as to establish complete harmony between its provisions and those of the Pact of Paris.

The Royal Hungarian Government greatly regrets to find that the texts contained in the report of the Assembly's First Committee restrict the revision of the Covenant to changes which appear to have a more restricted scope than the original proposal of the Committee of Eleven which the Council appointed under the Assembly's resolution of September 24th, 1929.

The Hungarian Government considers that, to secure complete elimination of war as an instrument of national policy, it is not sufficient to confine oneself entirely to amending those provisions of the Covenant which deal with the employment of international measures of a repressive nature; it would be necessary at the same time to extend, and define more clearly, the field of application of measures having rather a preventive character, which by their very nature may be considered as more effective for the maintenance of international peace than the first-mentioned measures. On this view, the adaptation of the clauses of the Covenant of the League of Nations to those of the Pact of Paris ought to deal with all those provisions of the first of these instruments which, as at present drafted, do not appear fully to favour political initiatives for the maintenance of international peace.

In this class falls the institution, in connection with paragraph 4 of Article 13 of the Covenant, of absolute guarantees to ensure the execution of the decisions given in arbitral or judicial proceedings. Such a guarantee does not seem to be achieved either by the proposals of the Committee of Eleven or by those contained in the report of the Assembly's First Committee. In the opinion of the Hungarian Government, it would be necessary with this object to carry further the amendments to be made in the Covenant in the sense that, in the cases envisaged, the Council should be capable of taking decisions by a simple majority and be thus able to fulfil its task, which is that of giving effect, absolutely and without any revision, to all the provisions of a decision given by an international judicial or arbitral authority.

The Royal Hungarian Government also feels that the conception of preventing conflicts absolutely demands for its realisation that the possibility contained in Article 19 of the Covenant of the League of Nations should not continue to be purely theoretical under the existing text.

Finally, the Hungarian Government cannot omit to emphasise the necessity for amending the articles of the Covenant of the League of Nations in such a way as to secure the maximum participation, in the solution of questions of a legal character, of the international judicial authorities which are called upon to collaborate with the League of Nations.

Irish Free State.

LETTER OF JULY 30TH, 1931.

With reference to the Acting Secretary-General's letter (Circular Letter 304.1930.V) of November 20th, 1930, the Irish Government have the honour to state that they have no objection in principle to the amendments of the Covenant proposed by the Sub-Committee of the First Committee of the Eleventh Assembly, and they consider that, in all the circumstances, those

amendments provide the most suitable means of incorporating in the Covenant the general prohibition of resort to war and the principle that the settlement of international disputes should never be sought except by pacific means.

While they are thus prepared to accept the amendments referred to in their present form, the Irish Government feel that there are certain respects in which the proposed texts might be improved from a drafting point of view. Thus, the formula in Article 12 (1), "likely to lead to a rupture", implying as it does a restriction of the general principle of pacific settlement to which it is sought to give effect in the proposed amendments, should, in the opinion of the Irish Government, be eliminated from the text of that article and, consequentially, from the text of Article 15 (1). The Irish Government also feel that some additional words are required in order to make clear the scope of this latter article, and for this reason they propose that Article 15 should open as follows: "If there should arise between Members of the League any dispute which cannot be otherwise settled and which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members . . ."

The Irish Government assume that an opportunity of discussing this, and such other changes in the proposed texts as may be suggested, will occur during the forthcoming Assembly.

Official No.: C.338.M.138.1930.V.

ANNEX 2.

PROPOSAL OF THE GOVERNMENT OF FINLAND TO CONFER ON THE PERMANENT COURT OF INTERNATIONAL JUSTICE JURISDICTION AS A TRIBUNAL OF APPEAL IN RESPECT OF ARBITRAL TRIBUNALS ESTABLISHED BY STATES.

REPORT OF THE COMMITTEE APPOINTED BY THE COUNCIL.

NOTE BY THE SECRETARY-GENERAL.

At its session of January 1930, the Council considered the Assembly's resolution of September 25th, 1929, by which the Assembly requested the Council "to submit to examination the question: What should be the most appropriate procedure to be followed by States to enable the Permanent Court of International Justice to assume in a general manner, as between them, the functions of a tribunal of appeal from international tribunals in all cases where it is contended that the arbitral tribunal was without jurisdiction or exceeded its jurisdiction?"

The Council invited the representatives of Germany, Finland, France, Italy and Poland to ask their legal advisers to form a very small committee to make a preliminary study of the question as formulated in the Assembly's resolution. The Committee was to report to the Council at one of its subsequent sessions.

In execution of the Council's decision, a Committee composed of M. GAUS (Germany), M. ERICH (Finland), M. BASDEVANT (France), M. PILOTTI (Italy) and M. RUNDSTEIN (Poland) met at Geneva under the presidency of M. Basdevant from May 19th to 22nd, 1930. It drew up the report reproduced below, which the Secretary-General has the honour to submit to the Council for consideration. The present document is communicated also to all the Members of the League of Nations and the non-member States signatories of the Protocol of Signature of the Statute of the Permanent Court of International Justice.

REPORT OF THE COMMITTEE.

The Committee's task was laid down in the resolution voted by the Assembly of the League of Nations on September 25th, 1929, in the following terms:

> "The Assembly invites the Council to submit to examination the question: What would be the most appropriate procedure to be followed by States desiring to enable the Permanent Court of International Justice to assume in a general manner, as between them, the functions of a tribunal of appeal from international arbitral tribunals in all cases where it is contended that the arbitral tribunal was without jurisdiction or exceeded its jurisdiction?"

The Committee has taken into consideration Article 81 of the Convention for the Pacific Settlement of International Conflicts signed at The Hague on October 18th, 1907, the terms of which are as follows:

> "The award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal."

On the other hand, it has considered the difficulties and controversies which may arise on the subject of the nullity of an arbitral award.

Finally, it has examined the possibilities of judicial settlement of those difficulties which may be furnished by Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice and by Article 41 of the General Act of Arbitration.

It was not the function of the Committee to determine to what extent those two articles do or do not permit the difficulties in question to be brought before the Permanent Court of International Justice after the award has been given. Its task was to investigate what procedure, apart from those two articles, would be most suitable for bringing disputes of the kind in question within the framework of the obligatory jurisdiction of the Court.

* * *

For the purpose of determining what this procedure should be, and of settling its details, the Committee was led to examine two kinds of question. It is necessary both to decide what procedure the Assembly might adopt for the introduction of the new system and to set out in what the system is to consist.

The first question involves considering whether the Assembly will recommend the conclusion of a general agreement, which it would decide to open to signature by the States, or whether it will recommend the conclusion of bilateral agreements, or whether, finally, it will devise some other procedure. In all three events the object will be to confer on the Permanent Court of International Justice compulsory jurisdiction over claims that an arbitral award is null.

In the course of examining this first question, the Committee was led to recognise that the actual circumstances in which arbitral awards are made differ to a considerable extent.

It sometimes happens that the arbitral tribunal has been set up to deal with a whole series of cases which are not specifically named in the instrument creating the tribunal. This has been the case as regards the "mixed arbitral tribunals" and as regards the "claims commissions" which have been established at different times between different Governments. Questions of jurisdiction are often raised before such tribunals. On the other hand, their composition makes it easy to accept the notion of a kind of hierarchic relation between them and the Permanent Court of International Justice. Accordingly, a recourse to the Court against decisions of such tribunals on the ground that the tribunal had no jurisdiction to deal with the matter, or exceeded its jurisdiction, or on the ground of a fault in the procedure, can be readily accepted. One might even, as regards such tribunals, conceive—but the subject is outside the terms of reference of the Committee—that recourse to the Court might be made possible on substantive questions of law, with a view to unifying the jurisprudence of the tribunals, particularly where a number of Governments, in connection with the same events, set up arbitral tribunals which exist side by side but are juridically independent.

The position is different where an arbitral tribunal is set up by a special agreement for the arbitration of a particular case. Before such tribunals questions of jurisdiction more rarely arise. The tribunal's task is ordinarily determined with greater precision than in the preceding case.

Finally, where arbitration has to deal with a political question, recourse against the decision will often be contrary to the intention of the Governments; they are prepared to accept the solution given by persons in whom they have confidence, and judicial proceedings upon some incident of the dispute do not present themselves as a very appropriate means of reaching a final settlement.

It is this divergency of cases and the desire not to compromise the authority of arbitral awards which make it difficult to determine the procedure which should be followed by States desirous of permitting recourse from arbitrators to the Permanent Court of International Justice.

* * *

Two methods of procedure at once occur to the mind, based upon the methods followed for the development of arbitration by the Ninth Assembly. The first would consist in recommending the insertion of suitable provisions in those arbitration treaties which may be subsequently concluded, or in agreements supplementary thereto, and in treaties which contain an arbitration clause. Such provisions could also, to the extent deemed appropriate, find their place in the special agreements by which particular questions are submitted to arbitration. The provisions would be drafted now and recommended to the Governments. The second method would be to embody the provisions giving jurisdiction to the Permanent Court of International Justice, and the rules of such jurisdiction, in a protocol which the Assembly would open to accession by the Members of the League of Nations and the non-member States.

The second method would have the advantages of simplicity and uniformity. It may, however, be asked whether it would not be somewhat excessive to propose the conclusion, under the auspices of the League of Nations, of a general agreement for the settlement of disputes as to the alleged nullity of some arbitral awards when such disputes are in practice very rare. Is there not a risk that the adoption of a procedure of a general character for the settlement of such disputes would tend to increase their number?

The method of bilateral agreements (appropriate clauses to be inserted in arbitration treaties or, possibly, in agreements for the arbitration of particular questions, according to a model which would be submitted and recommended) has the advantage of being more modest. Above all, it makes it easier to do justice to the different cases to which attention is called above. On the other hand, it may be asked whether a recommendation of this kind would have practical consequences, particularly as regards treaties already in force.

Both the above methods, which, moreover, might be adopted simultaneously, would seek to establish for the future a rule of law obliging a State which contested the validity of an arbitral

award to submit its claim to the Permanent Court of International Justice. Perhaps, however, it may be desired to resort to a method which would legally be less rigid but might nevertheless in practice be equally effective.

The third method would be for the Assembly, basing itself upon the progress which has been made by the notions of arbitration and international justice, to declare that a State, which disputes the obligatory character of an arbitral award on the ground that the tribunal had no jurisdiction or exceeded its jurisdiction or that there was a fault in the procedure, has the *duty* to propose to the State against which it makes such claim the conclusion of a special agreement submitting the decision of the question to the Permanent Court of International Justice. The bases of such agreement would be set out in appropriate provisions. There is obviously implied a corresponding duty of the other party to accept such proposal.

The practical effectiveness of such a declaration would flow from its connection with the provisions of the Covenant regarding the settlement of disputes and the part which the Council has to play for the purpose of ensuring the execution of arbitral awards. In proceedings of this kind, the position of a State which had failed in the duty of proposing the conclusion of the special agreement, or which had refused to give effect to such proposal, would be extremely difficult.

It will perhaps be objected that the guarantees for the efficacity of this method are sought in the political field rather than in the field of law. The method, however, appears to a greater extent than the other two methods to take account of the exceptional character of disputes as to the validity of arbitral awards.

The Committee has not felt it to be its duty to pronounce between the three methods which it has contemplated. Under the terms of the Assembly's resolution, the results of its work are to be communicated to the Governments; it has felt that their opinion will be a decisive factor in the choice between the three methods.

Accordingly, the Committee has given to the results of its work the form not of a single draft but of three drafts, each of which corresponds to one of the methods above described, namely :

I. A draft recommendation in favour of the insertion in arbitration treaties, arbitration clauses and special arbitration agreements of provisions of which a model is set out;

II. A draft resolution inviting States and Members of the League of Nations to sign a protocol which is annexed to the resolution;

III. A draft resolution declaring it to be the duty of a State, contesting the validity of an arbitral award, to propose the conclusion of a special submission to arbitration, which would be drawn up on certain stated bases and have the object of submitting such claim to decision by the Permanent Court of International Justice.

In thus presenting three drafts, the Committee does not fear that it has unduly complicated its report. The provisions which accompany the drafts and relate to determination of the Court's jurisdiction, the method by which the case is referred to the Court and the function of the Court, are in all three cases very similar and for the most part identical.

* * *

The provisions just referred to would establish in what the new system is to consist. The Committee has contemplated that the basis of the system should be as follows :

In the first place, the tribunal competent to hear and determine disputes as to the validity of arbitral awards would be the Permanent Court of International Justice. This is already settled in the Assembly's resolution which fixed the Committee's terms of reference. Under the first two drafts, the case would be one of obligatory jurisdiction; under the third, the Court's jurisdiction would be founded on a special submission, concluded after the dispute arose, in execution of the duty which the Assembly had declared to exist.

The recourse which is contemplated does not, however, apply to all arbitral awards. The Committee has felt that it is desirable in principle to deal only with awards in disputes with regard to which the parties are in conflict as to their respective rights. It would seem more difficult to make a general recommendation in favour of recourse to a judicial body against arbitral awards dealing with conflicts of interests. It is from this point of view that the method of bilateral agreements is more supple than that of establishment of uniform rules. The Committee proposes, however, that the possibility of extending or restricting by special agreement the application of the principle as to what are the awards against which the recourse exists should be reserved. This may make it possible to satisfy both those who would desire to extend the procedure to awards dealing with conflicts of interests and those who would feel some hesitation in admitting recourse to the Court where the arbitral award has been made under special agreement for the arbitration of a particular case.

The Assembly's resolution did not contemplate that arbitral awards might be brought before the Permanent Court of International Justice on any legal point whatsoever. It favours such recourse only as regards claims that the tribunal had no jurisdiction or exceeded its jurisdiction. The Committee has felt able to add the case of a fundamental fault in the procedure. It has not, on the other hand, felt it should define what is meant by a tribunal having no jurisdiction or exceeding its jurisdiction or by a fundamental fault in the procedure. It has thought it best to rely upon the Court, whose decisions will establish, with the necessary precision, the meaning of these conceptions.

On the other hand, the Committee had not to deal with awards in which an arbitral tribunal declares itself not to have jurisdiction, and it has not been felt that the difficulties which may arise in this connection are sufficiently grave to justify establishing provisions with regard to them.

An arbitral award is in principle deemed to be regular and binding. A State which disputes its validity introduces a new factor into the case. It is therefore for it to take the initiative and to bear the consequences resulting therefrom. It follows that such State ought to submit its claim to the Court. Procedure by application to the Court is the appropriate method of bringing the matter before it, if the case has to be considered as a case of compulsory jurisdiction. A complication, however, arises if the system is adopted under which the State contesting the validity of the award would merely have the duty to propose to the other party the conclusion of a special agreement for bringing the matter to the Court. It has seemed desirable to state that, notwithstanding that this is the form in which proceedings are started, the State contesting the validity of the award shall be considered as the plaintiff. This involves certain particularities of procedure which are provided for in Article 3 of draft III.

Whatever be the method of starting the proceedings, it appears indispensable to allow the recourse to the Court during only a very brief period. Nothing, on the other hand, has been said regarding the possibility of considering execution of an award as an acceptance of the award which would render irreceivable any subsequent claim to dispute its validity. It has been felt that this point should be left to the appreciation of the Court, which will take account of the circumstances of the case.

As international arbitral proceedings are sometimes open to individuals, it appears desirable to call attention to the provisions of the Court's Statute (Article 34), under which only States or Members of the League of Nations can be parties in cases before the Court.

The function of the Court will consist in declaring the arbitral award to be null if it recognises that the claim of nullity is well founded. The Committee has considered whether in such case the Court should have the task of giving judgment upon the merits. It has not thought that a general rule could be established which would thus transfer the dispute from the field of arbitration to that of international jurisdiction by a permanent tribunal; a provision of this kind could, however, be inserted in a particular treaty dealing with a single dispute or a well-determined class of dispute. In a provision of a general character, it is impossible to go beyond the conception that, if the Court pronounces an arbitral award to be null, the parties will be replaced in the legal position in which they found themselves before the commencement of the proceedings which have led to the award. If, for example, they were bound under an arbitration treaty to arbitrate the dispute by way of conclusion of a special agreement submitting it to arbitration, they would be obliged to conclude a new special agreement for this purpose, their obligation not having been entirely executed by the signature of the old agreement, since this has led only to an award having no legal validity.

Although the Court has thus only to pronounce upon the validity of the award, and not upon the merits of the case, it nevertheless appears necessary to empower it to order appropriate provisional measures.

The Court's judgment will be binding upon the parties. It seems desirable to add that they must accept the judgment as the basis of any further arbitral proceedings which may be taken for the settlement of the case in the same manner as if the substance of the judgment were set out in a submission to arbitration. The new arbitrator will thus be bound by the Court's judgment and be unable to disregard it without exceeding his jurisdiction.

I. Draft Recommendation.

The Assembly,

With a view to rendering more complete the provisions in force for the settlement of international disputes by arbitration or judicial settlement, and to ensure the solution by legal means of certain difficulties which may arise exceptionally on the subject of the validity of arbitral awards:

Recommends the Members of the League of Nations:

1. To recognise as between themselves a compulsory jurisdiction of the Permanent Court of International Justice to annul arbitral awards which are vitiated by absence of jurisdiction in the tribunal, the fact that the tribunal has exceeded its jurisdiction, or a fundamental fault in the procedure;

2. To insert in their arbitration treaties, arbitration clauses or agreements supplementary thereto, and, where appropriate, in special agreements for the arbitration of particular questions, subject to any modifications which they may deem suited to the special circumstances of the agreement, the following provisions, namely:

Article 1.

Without prejudice to any agreements allowing recourse to the Permanent Court of International Justice in cases not provided for by the present provisions, the High Contracting Parties recognise the Permanent Court of International Justice as having compulsory jurisdiction, under the conditions hereafter laid down, to annul awards given by an arbitral tribunal.

Article 2.

The present provisions apply to awards in disputes with regard to which the parties were in conflict as to their respective rights.

The High Contracting Parties may, by special agreements to that effect, either extend the application of the present provisions to other arbitral awards or exclude particular awards from the application thereof.

Article 3.

A High Contracting Party who disputes the obligatory character of an arbitral award on the ground that the award is null because the tribunal had no jurisdiction, or exceeded its jurisdiction, or on the ground of a fundamental fault in the procedure, shall be bound to submit such claim to the Permanent Court of International Justice.

The application to the Permanent Court of International Justice must be lodged with the Registrar within sixty days from the notification of the award or, if notification is not obligatory, from its publication.

Even where it has been possible for individuals to be parties to the previous proceedings, such application cannot be made except by a State or a Member of the League of Nations.

Article 4.

The Permanent Court of International Justice shall declare the award which is impeached to be null, in whole or part, if it recognises the application to be well founded. By such annulment the parties to the dispute shall be replaced in the legal position in which they stood before the commencement of the proceedings which gave rise to the award which has been impeached.

At the same time as it annuls the award, the Court may order appropriate provisional measures.

Article 5.

The decision of the Permanent Court of International Justice shall be binding upon the parties. By the present provisions, those parties agree that such decision shall operate, in the same manner as a special agreement for arbitration, as a basis for any arbitration proceedings which may eventually be taken for the settlement of the case.

II. Draft Resolution.

The Assembly,

With a view to rendering more complete the provisions in force for the settlement of international disputes by arbitration or judicial settlement, and to ensure the solution by legal means of certain difficulties which may arise exceptionally on the subject of the validity of arbitral awards:

1. Recommends the Members of the League of Nations to recognise as between themselves a compulsory jurisdiction of the Permanent Court of International Justice to annul arbitral awards which are vitiated by absence of jurisdiction in the tribunal, the fact that the tribunal has exceeded its jurisdiction, or by a fundamental fault in the procedure;

2. Invites all States, whether Members of the League of Nations or not, in so far as the agreements which they have already concluded are not already sufficient, to accept obligations giving effect to the purposes above mentioned by becoming parties to the Protocol annexed hereto;

3. Decides to communicate the annexed Protocol to all the Members of the League of Nations and to such States not members of the League as shall be indicated by the Council.

Appendix.

Protocol.

Article 1.

Without prejudice to any agreements allowing recourse to the Permanent Court of International Justice in cases not provided for by the present provisions, the High Contracting Parties recognise the Permanent Court of International Justice as having compulsory jurisdiction, under the conditions hereafter laid down, to annul awards given by an arbitral tribunal.

Article 2.

The present provisions apply to awards in disputes with regard to which the parties were in conflict as to their respective rights.

The High Contracting Parties may, by special agreements to that effect, either extend the application of the present provisions to other arbitral awards or exclude particular awards from the application thereof.

Article 3.

A High Contracting Party who disputes the obligatory character of an arbitral award on the ground that the award is null because the tribunal had no jurisdiction, or exceeded its jurisdiction, or on the ground of a fundamental fault in the procedure, shall be bound to submit such claim to the Permanent Court of International Justice.

The application to the Permanent Court of International Justice must be lodged with the Registrar within sixty days from the notification of the award or, if notification is not obligatory, from its publication.

Even where it has been possible for individuals to be parties to the previous proceedings, such application cannot be made except by a State or a Member of the League of Nations.

Article 4.

The Permanent Court of International Justice shall declare the award which is impeached to be null, in whole or part, if it recognises the application to be well founded. By such annulment, the parties to the dispute shall be replaced in the legal position in which they stood before the commencement of the proceedings which gave rise to the award which has been impeached.

At the same time as it annuls the award, the Court may order appropriate provisional measures.

Article 5.

The decision of the Permanent Court of International Justice shall be binding upon the parties. By the present provisions, those parties agree that such decision shall operate, in the same manner as a special agreement for arbitration, as a basis for any arbitration proceedings which may eventually be taken for the settlement of the case.

Article 6.

The present Protocol, of which the French and English texts shall both be authoritative, shall bear the date of .....

Article 7.

The present Protocol shall be open to accession by all heads of States or other competent authorities of the Members of the League of Nations and the non-member States to which the Council of the League of Nations has communicated a copy for this purpose.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States referred to in the preceding paragraph.

Article 8.

The present Protocol shall enter into force on the ninetieth day following receipt by the Secretary-General of the League of Nations of the accession of not less than two contracting parties.

Accessions received after the entry into force of the present Protocol, in accordance with the previous paragraph, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

Article 9.

The present Protocol shall be concluded for a period of five years, dating from its entry into force.

It shall remain in force for further successive periods of five years in the case of contracting parties who do not denounce it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall notify all the Members of the League and the non-member States referred to in Article 7.

Notwithstanding denunciation by one of the contracting parties, recourse may be had to the Permanent Court of International Justice, within the period provided in Article 3, against any award given before the date at which a party's obligations under the present Protocol expire.

Article 10.

A copy of the present Protocol, signed by the President of the Assembly and by the Secretary-General of the League of Nations, shall be deposited in the archives of the Secretariat; a certified true copy shall be delivered by the Secretary-General to all the Members of the League of Nations and to the non-member States indicated by the Council of the League of Nations.

Article 11.

The present Protocol shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

III. Draft Resolution.

The Assembly,

With a view to rendering more complete the provisions in force for the settlement of international disputes by arbitration or judicial settlement, and to ensure the solution by legal means of certain difficulties which may arise exceptionally on the subject of the validity of arbitral awards:

Declares that any Member of the League of Nations which disputes the obligatory character of an arbitral award on the ground that the award is null because the tribunal had no jurisdiction, or exceeded its jurisdiction, or on the ground of a fundamental fault in the procedure, has the duty to propose to the other party the conclusion of a special agreement for the submission of this question to the Permanent Court of International Justice, within the framework of the following provisions:

Article 1.

Without prejudice to any agreements allowing recourse to the Permanent Court of International Justice in cases not provided for by the present provisions, the parties shall, under the conditions hereafter laid down, give the Permanent Court of International Justice jurisdiction to annul the arbitral award.

Article 2.

The present provisions apply to awards in disputes with regard to which the parties were in conflict as to their respective rights.

The parties may, by special agreements to that effect, either extend the application of the present provisions to other arbitral awards or exclude particular awards from the application thereof.

Article 3.

The party which disputes the obligatory character of the arbitral award on the ground that the award is null because the tribunal had no jurisdiction, or exceeded its jurisdiction, or on the ground of a fundamental fault in the procedure, shall be bound to make the proposal for the conclusion of the special agreement within sixty days from the notification of the award or, if notification is not obligatory, from its publication. The special agreement, when duly concluded, shall be validly notified to the Court by whichever party first takes this action.

Even where it has been possible for individuals to be parties to the previous proceedings, the special agreement may not be concluded except by States or Members of the League of Nations.

Notwithstanding that the proceedings before the Court must be commenced by way of a special agreement for submission of the matter to the Court, the party contesting the validity of the arbitral award shall be deemed to be the plaintiff and, in consequence, the order in which the documents comprised in the written proceedings are to be presented shall be determined in the same manner as in proceedings commenced by a written application (Article 39 of the Rules of Court); and the same principle shall be followed in determining the order in which agents, advocates or counsel of the parties shall be called on to speak.

Article 4.

The Permanent Court of International Justice shall declare the award which is impeached to be null, in whole or part, if it recognises the claim for annulment to be well founded. By such annulment, the parties to the dispute shall be replaced in the legal position in which they stood before the commencement of the proceedings which gave rise to the award which has been impeached.

At the same time as it annuls the award, the Court may order appropriate provisional measures.

Article 5.

The decision of the Permanent Court of International Justice shall be binding upon the parties. By the conclusion of the special agreement, those parties agree that such decision shall operate, in the same manner as a special agreement for arbitration, as a basis for any arbitration proceedings which may eventually be taken for the settlement of the case.

ANNEX 3.

AMENDMENT OF THE COVENANT OF THE LEAGUE OF NATIONS IN ORDER TO BRING IT INTO HARMONY WITH THE PACT OF PARIS.

PRÉCIS OF THE OBSERVATIONS SUBMITTED BY THE GOVERNMENTS SINCE THE ASSEMBLY OF 1930.[1]

Twenty Governments sent their observations:

Australia	France	Italy	Norway
Bulgaria	Great Britain	Japan	Panama
China	Hungary	Latvia	Poland
Estonia	India	Netherlands	Portugal
Finland	Irish Free State	New Zealand	Union of South Africa

Thirty-four Governments have not sent observations:

Abyssinia	Cuba	Liberia	Siam
Albania	Czechoslovakia	Lithuania	Spain
Argentine	Denmark	Luxemburg	Sweden
Austria	Dominican Republic	Nicaragua	Switzerland
Belgium	Germany	Paraguay	Uruguay
Bolivia	Greece	Persia	Venezuela
Canada	Guatemala	Peru	Yugoslavia (Kingdom of)
Chile	Haiti	Roumania	
Colombia	Honduras	Salvador	

[1] The present summary is only intended to give a general view. It does not undertake to reproduce the many nuances to be found in the observations of the Governments.

GENERAL TENDENCY OF THE GOVERNMENTS' OBSERVATIONS.

1. Fourteen Governments accept in principle the texts drawn up by the Sub-Committee of the First Committee, namely :[1]

Australia	Great Britain	New Zealand	Poland
China	Ireland	Norway	Portugal
Estonia	Japan	Panama	Union of South Africa
France	Netherlands		

This acceptance is, however, in the case of certain Governments, accompanied by reservations and conditions.

2. Two Governments raise objections of principle to the texts of the Sub-Committee, namely :

Hungary Italy

3. Three Governments confine themselves to approving the principle of amending the Covenant, namely :

Bulgaria Finland Latvia

4. One Government states that it has no observation to present :

India.

ATTITUDE OF THE GOVERNMENTS IN REGARD TO EACH ARTICLE OF THE COVENANT WHICH IT IS PROPOSED TO AMEND.

Preamble.

Present Text of the Covenant.

"In order to promote international co-operation and to achieve international peace and security by the acceptance of obligations not to resort to war, . . . "

Text of the Committee of Eleven.

"In order to promote international co-operation and to achieve international peace and security by accepting the obligation not to resort to war, . . . "

Text of the Sub-Committee.

"In order to promote international co-operation and to achieve international peace and security by accepting the obligation not to resort to war, . . . "

These two texts are the same and have not given rise to observations.

Article 12.

Present Text of the Covenant.

"1. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the judicial decision or the report by the Council.

"2. In any case under this article the award of the arbitrators or the judicial decision shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute."

Text of the Committee of Eleven.

"1. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will only employ pacific means for its settlement. If the disagreement continues, the dispute shall be submitted either to arbitration or judicial settlement, or to enquiry by the Council. The Members of the League agree that they will in no case resort to war for the solution of their dispute."

2. (No change proposed.)

Text of the Sub-Committee.

"1. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will in no case have recourse to war for the settlement of the dispute and will only employ pacific means for this purpose. If the dispute cannot be otherwise settled, it shall be submitted either to arbitration or judicial settlement or to enquiry by the Council.

"2. The award of the arbitrators or the judicial decision shall be given and the report of the Council shall be made within a reasonable period."

Various observations deal with this article or may be connected with it.

1. *China* would desire that precaution should be taken against the danger of a country in fact creating a state of war while avoiding official recognition of the existence of war.

[1] While accepting the texts drawn up by the Sub-Committee of the First Committee, three Governments indicate their preference for the proposals of the Committee of Eleven—namely, France, Netherlands, Poland.

Finland calls attention to the same danger of recourse to violent methods which would not amount to war in the strict sense (pacific blockade, armed occupation). It proposes the following text:

"1. The Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or judicial settlement or to enquiry by the Council. They agree in no case to resort to war for the settlement of their disputes and to employ only pacific means to attain such settlement."

2. At the same time *Finland* observes:

"There is, moreover, a slip in the Sub-Committee's text in the phrase, 'Si le différend n'a pu être réglé'. Account has not been taken of the fact that the same expression: 'Si le différend n'a pu se régler', is used in Article 15, paragraph 4, of the Covenant with reference to a different case." [1]

3. *Ireland* would desire the suppression in Article 12, paragraph 1, of the words "likely to lead to a rupture".

Estonia, with the same object, proposes the following draft:

"All the Members of the League agree that they will in no case have recourse to war for the settlement of disputes or conflicts of whatever nature or of whatever origin which may arise among them, and will only employ peaceful means for this purpose."

As regards the second paragraph:

1. *Portugal* proposes to fix a period instead of using the expression "within a reasonable period".

2. *Great Britain* and *New Zealand* propose to replace the word "and" by the word "or" in the English text.

Article 13.

Paragraph 4.

Present Text of the Covenant.

"4. The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto."

Text of the Committee of Eleven.	*Text of the Sub-Committee.*
"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not take any action against any Member of the League which complies therewith. "In the event of any failure to carry out such award or decision, the Council shall propose what measures of all kinds should be taken to give effect thereto; the votes of the representatives of the parties shall not be counted."	"The Members of the League agree that they will carry out in full good faith the award or decision rendered in a dispute to which they have been parties. They further undertake in no way to support a State in refusal to carry out an award or decision. In the event of any failure to carry out such an award or decision, the Council shall propose what measures of all kinds should be taken to give effect thereto; the votes of the representatives of the parties shall not be counted."

1. Of the fourteen Governments which give general approval to the texts of the Sub-Committee, eleven do not express any reservation. Three propose changes in the Sub-Committee's text, namely: Great Britain, Poland and New Zealand.

Poland would like to see it clearly stated in the text of Article 13, paragraph 4, that the undertaking in no way to support a State in refusal to carry out an award or decision would not be applicable where such refusal was provoked by an aggression on the part of the other State concerned.

Great Britain and *New Zealand* propose to insert the word "judicial" before the word "decision" wherever the latter word appears in the English text of the texts of the Sub-Committee.

2. Three of the six Governments which have not given general approval to the texts of the Sub-Committee express an opinion on Article 13, paragraph 4:

Italy accepts the text of the Sub-Committee.

Finland proposes to amend the first passage to read as follows:

"The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered and will in no way support a State in refusal to carry out such award or decision. It is understood that a Member of the League will not take any action against any Member which complies with such award or decision."

Hungary would desire that the Council of the League of Nations should be able to take its decisions by a majority vote.

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[1] The words used in the English text of the Sub-Committee's proposal for Article 12 are: "If the dispute cannot be otherwise settled", and those employed in the English text of Article 15, paragraph 4, of the Covenant are: "If the dispute is not thus settled".

Article 15.

General Proposal.

France asks that an effort should be made to accelerate accessions to the General Act of Arbitration, in order that incorporation of compulsory arbitration in Article 15 may ultimately be contemplated.

France also asks that the question of concording arbitration and the procedure of enquiry by the Council should be studied.

Paragraph 1.

Present Text of the Covenant.

"1. If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary-General, who will make all necessary arrangements for a full investigation and consideration thereof."

The Committee of Eleven and the Sub-Committee did not contemplate an amendment in this paragraph.

Ireland wishes to see the words "likely to lead to a rupture" struck out in Article 15, paragraph 1.

This would be consequential on the suppression of those words proposed by Ireland in Article 12.

Further, in order to render paragraph 1 of Article 15 more clear, Ireland proposes the following draft:

"If there should arise between Members of the League any dispute which cannot be otherwise settled and which is not submitted to arbitration or judicial settlement in accordance with Article 13, the Members . . ."

Paragraph 6.

Present Text of the Covenant.

"6. If a report by the Council is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report."

Text of the Committee of Eleven.

"If the report by the Council is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League agree that they will comply with the recommendations of the report. If the Council's recommendation is not carried out, the Council shall propose suitable measures to give it effect."

Text of the Sub-Committee.

"If the report by the Council is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Council shall invite the parties to comply with the recommendations of the report. The Members of the League undertake in no way to support any party in refusal to comply with such recommendations."

1. Of the fourteen Governments which have given a general acceptance to the proposals of the Sub-Committee, eleven make no reservations. Three present observations:

Estonia prefers the text of the Committee of Eleven.

Norway is able to accept the proposals of the Committee of Eleven, although not considering them to be a necessary consequence of bringing the Covenant into accordance with the Pact of Paris.

Poland would wish to have it made clear that the undertaking in no way to support a State in refusal to comply with a recommendation would not apply in case such refusal was provoked by aggression on the part of the other State concerned.

2. Of the six Governments which have not given general acceptance to the texts of the Sub-Committee, two express their opinion on this paragraph:

Italy prefers the text of the Committee of Eleven.

Finland prefers the proposals of the Committee of Eleven.

Should, nevertheless, the principle embodied in the text of the Sub-Committee be adopted, Finland proposes to replace the Sub-Committee's draft by the following draft:

"6. If the report of the Council is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the party which complies with the recommendations of the report may make this a ground for claiming a settlement of the dispute in accordance with the Council's recommendations. The Members of the League undertake in no way to support any party in a refusal to comply with such recommendations."

Paragraph 7.

Present Text of the Covenant.

"7. If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice."

Text of the Committee of Eleven.

"If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, it shall examine the procedure best suited to meet the case and recommend it to the parties."

Text of the Sub-Committee.

"If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, it shall examine the procedure best suited to meet the case and recommend it to the parties."

Finland proposes to substitute for the Sub-Committee's draft the following draft:

"7. If the Council fails to reach unanimity as defined in the previous paragraph and the parties do not accept the recommendations made by the majority, the Council shall make recommendations as to the best procedure to be followed subsequently by the parties for the settlement of their dispute."

Paragraph 7bis.

There is no corresponding provision in the Covenant.

Text of the Committee of Eleven.
(New paragraph.)

"At any stage of the examination, the Council may, either at the request of one of the parties or on its own initiative, ask the Permanent Court of International Justice for an advisory opinion on points of law relating to the dispute. Such application shall not require a unanimous vote by the Council."

Text of the Sub-Committee.

(Suppressed.)

1. Of the fourteen Governments which have given general acceptance to the texts of the Sub-Committee, eleven make no reservation. Three present observations:

Estonia and *Portugal* prefer the text of the Committee of Eleven.

Norway may accept the proposals of the Committee of Eleven although not considering them as a necessary consequence of bringing the Covenant into concordance with the Pact of Paris.

2. Of the six Governments which have not given general acceptance to the texts of the Sub-Committee, *Italy* proposes to adopt the paragraph *7bis* drawn up by the Committee of Eleven.

Hungary emphasises the necessity of securing for the solution of questions of a legal character as full as possible a participation of international judicial authorities which are called upon to collaborate with the League of Nations.

Article 16.

Paragraph 1, First Sentence.

Present Text of the Covenant.

"1. Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall, *ipso facto*, be deemed to have committed an act of war against all other Members of the League."

Text of the Committee of Eleven.

(No change proposed.)

Text of the Sub-Committee.

"1. Should any Member of the League resort to war in disregard of its covenants under Article 12, it shall, *ipso facto*, be deemed to have committed an act of war against all other Members of the League."

1. Of the fourteen Governments which have given general acceptance to the texts of the Sub-Committee, thirteen make no reservation.

Norway declares it necessary to find a formula to the effect that the application of sanctions is subject to the Council deciding unanimously, save for the votes of the parties, which State is the aggressor.

2. Of the six Governments which have not accepted the texts of the Sub-Committee, *Italy* declares that she can accept the text of the Sub-Committee.

Italy, however, with a view to giving satisfaction to certain States, would agree to inserting after the first paragraph of Article 16 the following provision :

> " . . . Provided always that in the case dealt with in Article 15, paragraph 7, the Members of the League may make their action subject to the condition that the Council is unanimous either in proposing provisional measures intended to re-establish peace or in declaring which is the Covenant-breaking State."

Appendix.

PACT OF PARIS.

(Position on September 10th, 1931.)

The Pact of Paris entered into force on July 25th, 1929.

I. STATES BOUND BY THE PACT OF PARIS.

1. *Members of the League of Nations :*

Abyssinia, Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Great Britain, Greece, Guatemala, Haiti, Honduras, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Peru, Poland, Portugal, Roumania, Siam, South Africa, Spain, Sweden, Switzerland, Venezuela, Yugoslavia..... 50

2. *Non-members of the League of Nations :*

Afghanistan, Costa Rica, Free City of Danzig, Egypt, Iceland, Mexico, Turkey, Union of Soviet Socialist Republics, United States of America..... 9

Total... 59

II. STATES NOT BOUND BY THE PACT OF PARIS.

1. *Members of the League of Nations :*

Argentine, Bolivia, Salvador, Uruguay..... 4

2. *Non-members of the League of Nations invited to accede to the Pact :*

Brazil, Ecuador..... 2

Total... 6

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ANNEX 4.

PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW.

OBSERVATIONS BY THE GOVERNMENTS.

Series No 1.

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I. NOTE BY THE SECRETARY-GENERAL.

At the Assembly's session of 1930, the First Committee proposed to the Assembly the following resolution which was adopted by it on October 3rd, 1930 :

> " The Assembly has taken note of the work of the Conference which was held at The Hague in March and April 1930, as a result of the initiative taken by the Assembly by its resolution of September 22nd, 1924, regarding the progressive codification of international law :
>
> " It reaffirms the great interest taken by the League in the development of international law, *inter alia*, by codification, and considers it to be one of the most important tasks of the League to further such development by all the means in its power;
>
> " The recommendations made by the Conference contain suggestions of the highest value, and must be taken into account in examining what would be the best methods of continuing the work which has been begun;
>
> " The Assembly accordingly decides to adjourn the question to its next session;
>
> " Requests the Council, in the meanwhile, to invite the Members of the League of Nations and the non-member States to communicate to it, if they so desire, their observations on these suggestions, in order that these observations may be taken into consideration by the Assembly."

The First Committee further expressed the opinion that the various draft resolutions on the subject of progressive codification which had been submitted to it might be discussed at the Assembly's next session.

The Recommendations of the Hague Conference and the draft Resolutions submitted to the First Committee of the Assembly in 1930 were in the following terms :

1. Recommendations of the Hague Conference.

I.

The Conference :

With a view to facilitating the progressive codification of international law :

Recommends that, in the future, States should be guided, as far as possible, by the provisions of the Acts of the First Conference for the Codification of International Law in any special conventions which they may conclude among themselves.

II.

The Conference :

Highly appreciating the scientific work which has been done for codification in general and in regard to the subjects on its agenda in particular :

Cordially thanks the authors of such work and considers it desirable that subsequent Conferences for the codification of international law should also have fresh scientific work at their disposal and that, with this object, international and national Institutions should undertake at a sufficiently early date the study of the fundamental questions of international law, particularly the principles and rules and their application, with special reference to the points which are placed on the agenda of such Conferences.

III.

The Conference :

Considering it to be desirable that there should be as wide as possible a co-ordination of all the efforts made for the codification of international law :

Recommends that the work undertaken with this object under the auspices of the League of Nations and that undertaken by the Conferences of American States may be carried on in the most complete harmony with one another.

IV.

The Conference :

Calls the attention of the League of Nations to the necessity of preparing the work of the next Conference for the Codification of International Law a sufficient time in advance to enable the discussion to be carried on with the necessary rapidity and in the light of the information which is essential.

For this purpose the Conference would consider it desirable that the preparatory work should be organised on the following basis :

> 1. The Committee entrusted with the task of selecting a certain number of subjects suitable for codification by convention might draw up a report indicating briefly and clearly the reasons why it appears possible and desirable to conclude international agreements on the subjects selected. This report should be sent to the Governments for their opinion. The Council of the League of Nations might then draw up the list of the subjects to be studied, having regard to the opinions expressed by the Governments.

2. An appropriate body might be given the task of drawing up, in the light of all the data furnished by legal science and actual practice, a draft convention upon each question selected for study.

3. The draft conventions should be communicated to the Governments with a request for their observations upon the essential points. The Council would endeavour to obtain replies from as large a number of Governments as possible.

4. The replies so received should be communicated to all the Governments with a request both for their opinion as to the desirability of placing such draft conventions on the agenda of a Conference and also for any fresh observations which might be suggested to them by the replies of the other Governments upon the drafts.

5. The Council might then place on the programme of the Conference such subjects as were formally approved by a very large majority of the Powers which would take part therein.

2. Draft Resolutions submitted to the First Committee in 1930.

I. Draft Resolution submitted by M. Orestes Ferrara (Cuba).

Whereas the Conference of the Codification of International Law, held at The Hague in 1930, adopted a Convention on Nationality, and some States represented at the Conference did not accept it in its entirety, or submitted reservations in respect of certain articles thereof, and, further, no State has hitherto ratified this Convention;

Whereas the same Conference, after approving the Convention on Nationality, adopted a resolution recommending the States to study the possibility of introducing into their respective legislations the principle of the equality of the sexes in matters of nationality;

Whereas the First Commission is instructed by the Assembly to consider Item 19 of the agenda regarding the Progressive Codification of International Law:

The Cuban delegation proposes to the Commission to submit to the Assembly, among the other points dealt with in its decisions on Codification, the following resolution:

"The Assembly begs the Council to examine whether it would be desirable to take up again, with a view to the next Conference for the Codification of International Law, the question of the nationality of women."

II. Draft Resolution submitted by the Irish Delegation.

The Assembly:

Expressing appreciation of the work done by the first Conference for the Codification of International Law;

Affirming its determination to make an ever-increasing contribution towards the progressive codification of international law;

Desiring that the important work already accomplished, and the efforts to be made in the future for such codification, should be continued and directed in a manner most likely to produce the best possible results;

And, noting, in this connection, the recommendations of the first Codification Conference as to future action in regard to the progressive codification of international law:

Requests the Council to appoint a Committee to examine those recommendations, and to suggest such further or other measures as may appear most likely to facilitate and encourage such codification, and to prepare a report in sufficient time for submission to the twelfth ordinary session of the Assembly.

III. Draft Resolution submitted by the British, French, German, Greek and Italian Delegations.

The Assembly:

Having considered the work of the Conference which was held at The Hague in March and April 1930, as a result of the initiative taken by the Assembly by its resolution of September 22nd, 1924, regarding the progressive codification of international law:

Reaffirms the great interest taken by the League of Nations in the development of international law, and considers it to be one of the most important tasks of the League to further such development by all the means in its power.

The Assembly considers that the experience which has been acquired in the process of preparing for the above-mentioned Conference, and as a result of the meeting of the Conference, renders it desirable to recognise a distinction between the gradual formulation and development of customary international law, which should result progressively from the practice of States and the development of international jurisprudence, and the formulation in international Conventions, freely accepted by the States, of precise rules, whether derived from customary international law or entirely new in character, to govern particular relations between States the regulation of which by general agreement is found to be of immediate practical importance.

The Assembly considers that the term "codification" as applied to the work for the development of international law undertaken by the League of Nations should be understood as an activity of the last-mentioned character, and that, in present circumstances, as was shown by the experience of the Conference at The Hague, it is not for the League or the Conferences convened by it to endeavour to formulate the rules which are binding upon States as part of the customary law of nations.

The Assembly notes that, as already recognised in its resolution of September 22nd, 1924, the work of the Conferences convened as the result of the activities of the existing technical organisations of the League constitutes a work of codification in the above-mentioned sense.

The Assembly welcomes the recommendations made by the Conference of The Hague in its Final Act as giving suggestions of the highest value regarding the preparation to be made by the League for future international conferences;

And, being desirous that the eventual development of the organisation of the League, for the realisation of the policy set out in the present resolution, should be considered after full opportunity has been allowed to all the Members of the League to examine the results of the experience already acquired, it decides to consider at an early session in what conditions and by what methods of procedure the work of codification can most usefully be pursued.

IV. Draft Resolution submitted by the Norwegian and Swedish Delegations.

The Assembly:

Having considered the work of the Conference which met at The Hague in March and April 1930, as a result of the Assembly resolution of September 22nd, 1924, concerning the progressive codification of international law:

Reaffirms the high importance which the League attaches to the development of international law, and expresses the opinion that one of the most important duties of the League is to encourage such development by every means in its power.

The Assembly is of opinion that the term "codification", applied to the work of developing international law undertaken by the League of Nations, should be interpreted as meaning the embodiment in a series of international conventions, freely accepted by States, of definite rules, either based on customary international law or being entirely new law, to govern such forms of private interstate relations as it may seem immediately practical and important to regulate by general agreement.

The Assembly recognises that the recommendations submitted by the Hague Conference in its Final Act contain most valuable suggestions for the preparation by the League of future international Conferences.

Requests the Council to institute an enquiry with a view to determining, in the light of past experience, how the work of codification may best be continued, and decides to include this question in the agenda of its next session.

V. Proposal by M. Rolin (Belgium).

Replace paragraphs 2, 3 and 4 of the proposal of the British, French, German, Greek and Italian delegations by the following:

"Expresses the opinion:

"That it is of the essence of any undertaking in the field of codification of international law that it should deal with matters which are wholly or partly governed by international law or by particular conventions;

"But that it has been shown by the experience already acquired in this field by the League of Nations that it is hardly practicable to assign as the object of codification conventions the determination of the existing customary law, since new elements must necessarily be introduced in any endeavour of the kind in question;

"That, moreover, attempts imprudently undertaken in such a sense involve the risk of enfeebling law which is already in process of formation and of which the consolidation and development may be expected from the progress of international practice and jurisprudence;

"That, accordingly, while it is advantageous that documentation regarding international practice and jurisprudence should be brought together for the purposes of the preparation for codification Conferences, it will be desirable that henceforth the discussion should be to a greater degree directed towards examination of the value of the rules which it is contemplated to adopt for the future."

VI. Draft Resolution submitted by the Italian Delegation.

The Assembly:

Considering that the First Conference for the Codification of International Law constitutes the starting-point in the work of codification and that this work should be continued;

Considering that the suggestions and recommendations made by the Conference, and the results of the Conference, are deserving of most careful examination and consideration with a view to ascertaining the best methods of pursuing the work which has been commenced:

Decides to adjourn the question to its next session.

* * *

On January 19th, 1931, the Council instructed the Secretary-General to invite the Members of the League, and the non-member States which were invited to the Hague Conference, to present observations on the question of the progressive codification of international law and to examine in this connection the recommendations of the Hague Conference and the draft resolutions presented to the First Committee of the Assembly in 1930. It further suggested that the consideration of the question by the Assembly would be greatly facilitated if "it were able to approach its task, having before it positive suggestions as to the organisation to be adopted and the procedure to be followed in the future work of codification".

II. OBSERVATIONS SUBMITTED BY GOVERNMENTS.

Cuba.

[*Translation.*]

(*Letter of May 9th*, 1931.)

In your letter now under reply you ask the opinion of our Government concerning the four recommendations quoted above : these impressed us as being eminently satisfactory and acceptable —this without prejudice to the comments made below on the subject matter of Recommendation IV. No. 1.

Two methods can be adopted in the progressive codification of public international law. One of them consists in the selection of those questions which are of topical interest and usually of greatest difficulty—because the different States are not agreed about them—with a view to drafting uniform laws to deal with these, which laws would be submitted for the consideration of the nations and discussed later at a codification Conference. The little practical success obtained by the Conference held at The Hague a year ago and by others which might be mentioned, proves that this method does not yield the most immediate and positive results. The other method consists in preparing a kind of synoptic table of all matters susceptible of international agreement in public international law and in choosing from among these, first, all those presenting no substantial difficulty; secondly, those open to doubt on account of differences in practice or in standpoint; and thirdly, those involving serious disagreements in doctrine, in practice and in diplomatic spheres. The codification of the first-mentioned would be comparatively simple and would in turn assist the preparation of the others, until finally a code of public international law was arrived at which would be acceptable to the great majority of States.

This is the comment on Recommendation IV. No. 1 of the Hague Conference of 1930 to which we referred at the beginning. Once this general scheme had been prepared and submitted for examination to the various nations concerned, so that they might make any additions they deemed desirable and at the same time indicate the order in which they would prefer the questions to be dealt with, it would be very easy for a permanent organisation to give definite form to the drafts, so that later these might be subjected to the procedure fixed in Nos. 2, 3, 4 and 5 of the said Recommendation IV of the Conference of 1930.

The word "codification" should be understood as implying not a mere recapitulation of existing practices, but a genuine legislative operation prepared by States in these codification Commissions through the competent organs, and then submitted to what might be described as a referendum, pending definitive and individual acceptance by each of the countries concerned. This last may demand some active propaganda on the part of the competent organs of the League of Nations, which should be directed, not to seeking points by which the will of each nation should be influenced, but to making direct request for international action by the aforesaid supreme organs.

I have pleasure in communicating this to you for your information and especially for that of the competent Technical Committee of the Secretariat.

Great Britain and Northern Ireland.

(*Letter of April 28th*, 1931.)

Preliminary Observations.

1. The resolution on the subject of the Progressive Codification of International Law, adopted by the Eleventh Assembly of the League of Nations on October 3rd, 1930, after taking note of the work of the Conference held at The Hague in March and April 1930, and reaffirming the great interest taken by the League of Nations in the development of International Law, called attention to certain suggestions made by the Conference in question and invited Members of the League of Nations and the non-member States to communicate to it their observations on these suggestions. His Majesty's Government in the United Kingdom desire accordingly to lay certain observations on the subject of the codification of international law before the States referred to in the above resolution. In so doing they assume that it was not the intention of the Assembly that any observations which States might desire to make should necessarily be confined to the specific recommendations made by the Hague Conference.

2. His Majesty's Government in the United Kingdom desire to preface their observations by reaffirming their view that the development of international law constitutes one of the most important tasks which fall within the activities of the League of Nations. In their view, relations between the Members of the community of nations will only be truly satisfactory in so far as they are based upon the firm foundation of recognised and binding law, and they therefore desire to promote the authority, to extend the scope, and to increase the precision of the system of international law. It is because they hold this view that they are anxious that the future action of the League in this connection should proceed upon lines which are calculated to produce the most satisfactory results. The observations which follow are based, not on any intention to disparage the value of the work which has already been done, but on a desire to make suggestions as to the methods by which this task can most usefully be pursued in future.

Methods of developing International Law.

3. There are three processes by which the development of international law can be forwarded. The first is the gradual establishment of rules of international law by the crystallisation of principles resulting from the general practice of nations and by the development of the jurisprudence resulting from the decisions of international tribunals, in particular the Permanent Court of International Justice. This process is a continuing one and is independent of any action taken by the League; in it the work of professors of international law and of the authors of treaties on the subjects can play a valuable part.

4. The second process consists in the free acceptance, by means of law-making conventions, of certain rules by which the parties to such conventions agree to abide in their mutual relations. Such rules may be identical with principles which have already resulted from the operation of the first process, or they may be new, but in either case the purport of the convention is not to lay down what international law already is, but to prescribe certain rules by which the parties to the convention agree thereafter to be bound.[1]

5. The third process consists in the ascertainment and establishment in precise and accurate legal phraseology of rules of international law which have already come into existence by the operation of the first and second processes. In existing conditions this can only be done by adopting the form of an international convention, but such a convention does not, strictly, have the effect of making new law. Such conventions differ from those made under the second process in that they do not prescribe rules by which the parties agree to be bound in future, but state rules which the parties recognise as already binding upon them. The function of a conference convened for the purpose of drawing up conventions of this character should be confined to ascertaining the precise scope and effect of the rules in question and clothing them in appropriate language.

6. The distinction between the second and third processes given above must not be pressed too far. The present state of international law is such that there are few subjects where there is not room for minor differences of opinion as to the existing state of the law, and it may well be that such differences can only be resolved by means of negotiations and agreement at a Conference. But the broad distinction between the two processes is clear.

7. The word "codification" can be and has been employed to describe both the second and the third processes. The second process would be accurately described as "legislative codification" and the third as "consolidatory codification". In view, however, of the importance of making clear the distinction between them, it is convenient to employ a separate short title for each, and in the observations which follow "codification" will be used to denote the second process and "consolidation" to describe the third.

Results of the Hague Conference.

8. His Majesty's Government in the United Kingdom are of opinion that much valuable work was done at the recent Hague Conference and that the experience which has been gained should be most valuable for the future development of international law. They think it, however, very important that the situation resulting from the Conference should be carefully examined.

9. It seems clear that the careful preliminary work which led up to that Conference proceeded on the basis that the task of the Conference was that of consolidation and not codification; and the three subjects assigned to the Conference were chosen, after most careful examination, on the ground that they were generally considered to be those most "ripe" for consolidation. But it can hardly be disputed that on the whole the Conference itself proceeded on the basis that its work was that of codification; and the attitude of many delegates made it clear that, in their view, their task was not so much to assist in the establishment in precise language of already existing principles of international law, as to state and defend certain rules by which their country was prepared to be bound.

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[1] In international law, a treaty or convention is the form which has to be adopted both for the purpose of legislating (*i.e.*, of laying down general rules of conduct) and for the purpose of making a contract about a particular case (*i.e.*, the grant of a privilege or the settlement of a dispute). Consequently, treaties or conventions may fall either into the class of international legislation or into the class of particular contracts, and in some cases one and the same convention may contain some provisions which fall into the one class and others which fall into the other. This distinction between law-making or legislative provisions and particular contracts has to be borne in mind when such provisions are being studied in relation to the development of international law.

10. On the subject of nationality, a convention and three protocols were drawn up and signed at the Conference. While far from covering the whole of the subject, these instruments, if generally accepted, will no doubt prove of great utility. But the point to which it is desired to draw special attention is that these instruments constitute almost entirely an example, not of consolidation, but of codification. It is true that the earlier articles in Chapter I of the Convention may be regarded as statements of existing international law. But the great bulk of the instruments in question consists quite plainly of new rules by which the signatories agree for international purposes to be bound; to a large extent they constitute an undertaking by the parties to ensure that their municipal nationality laws contain certain provisions, and this, though it is a valuable procedure, is not laying down existing rules of international law. So far, therefore, as concerns this question, the value of the Conference is not that it has consolidated already existing international law, but that it has laid down certain rules which, if generally accepted, would ameliorate a situation for which existing international law provides no remedy.

11. The articles dealing with the Legal Status of the Territorial Sea drawn up by the Conference may be regarded to a large extent as constituting consolidation. But it is to be observed that, even as regards these provisions, the Conference was not able, possibly owing to lack of time, to reach the stage of signature; the provisions in question were only "drawn up and provisionally approved with a view to their possible incorporation in a general convention on the territorial sea". Moreover, the provisions in question cover only a part of the subject with which the Conference was intended to deal; as regards some most important parts of the subject, the proceedings of the Conference showed that no general agreement existed as to the present state of international law. It is plain, therefore, that, except within the limits indicated above, the Conference failed to effect a consolidation of international law on the subject.

12. The proceedings of the Conference in relation to the Responsibility of States are the most striking of all. It had appeared before the Conference to His Majesty's Government in the United Kingdom that, if there was one subject of international law which was ready for consolidation, in the sense that a mass of material existed, in the shape of the decisions of international tribunals and the works of textbook writers, from which it should not be difficult to extract a large number of generally accepted rules, that subject was the Responsibility of States. But the Conference failed to reach agreement even on the most fundamental points. It is useless to disguise the fact that a great part of the proceedings of the Conference in relation to this subject consisted of diplomatic negotiations, ultimately unsuccessful, with the object of finding a common factor on which, as the result of mutual concessions, agreement might be possible.

13. If the Conference had been proceeding on the basis that its work was of the nature of consolidation, such a failure to reach agreement would have been, in the opinion of His Majesty's Government in the United Kingdom, not only undesirable in itself but harmful to the gradual development of international law by the process of judicial decisions. Since international tribunals can only proceed on the basis of existing international law, they may, if the result of a Conference is to throw doubt on rules which had hitherto been believed to command general acceptance and of which the consolidation and development might be expected from the progress of international practice and jurisprudence, be deprived of the power to apply those rules to the circumstances which come before them.

14. The result of the Conference was, therefore, that, although the three subjects were selected as being most suitable for consolidation, such a result was only partially effected in the case of one of them. It is probable that more useful work might have been done if it had been recognised from the outset that what was required in the case of all three subjects was not consolidation but codification.

15. The recommendations made by the Conference are consistent with, and even appear to be based on, such a view. It is, moreover, plain that the effect of the recommendations under Head IV would be so far as possible to ensure that no Conference would be summoned until it had been ascertained by careful preliminary enquiry that a sufficient agreement existed to render progress possible. It may be added that the recommendations in question (with which His Majesty's Government in the United Kingdom fully agree) are to a large extent identical with the existing practice of the League in relation to such Conferences.

Conclusions.

16. In the light of the above considerations, it seems possible to draw certain conclusions as to the methods to be adopted in future. The process of codification—*i.e.*, the development of international law by means of law-making conventions—is being actively pursued under the auspices of the League, and, while such development must necessarily be dependent on the extent to which conventions of this nature command general acceptance, His Majesty's Government in the United Kingdom are inclined to regard this method as being the one by which progress can best be realised in existing circumstances. The various organs of the League are actively engaged in work of this nature, especially in economic and technical matters, and it would seem perfectly feasible somewhat to extend the scope of their operations with a view to including in them matters of a legal character which have not yet formed the subject of conventions, but in relation to which progress may, as the result of careful preliminary enquiry, seem possible. It may be hoped that the general acceptance of conventions of this nature will be facilitated by the resolutions adopted by the Eleventh Assembly on the Ratification of International Conventions concluded under the Auspices of the League of Nations. His Majesty's Government in the

United Kingdom believe that the full application of these resolutions, both in the letter and in the spirit, by all the Members of the League would greatly increase the efficacy of the method of codification above discussed, and would thus be in itself an effective means of promoting the development of international law which is desired.

17. Consolidation, on the other hand, should be reserved for subjects as to which it can be shown that so large a measure of agreement as to the present state of the law exists that the work of consolidation can usefully be undertaken. It is for the League to decide whether, and if so by what means, the search for such subjects should be pursued; but His Majesty's Government in the United Kingdom are themselves disposed, in the light of the experience which has now been gained, to doubt the likelihood of important branches of international law being found to which the application of this method would at present be useful.

18. The above statement is the result of long and careful consideration, and is based upon the experience of the six years' work in the domain of codification which the League of Nations has already done. His Majesty's Government in the United Kingdom are hopeful that it may be followed by statements, equally full and frank, of the views held by other Members of the League. They believe that such statements would greatly facilitate the deliberations of the Assembly on the subject, and might well assist in securing a common understanding and a general agreement concerning this most important matter.

For their part, they are satisfied that it is on the lines above discussed, coupled, of course, with the continuous operation of the first process mentioned above, that a steady and fruitful development of international law seems most likely to be attained; and they would, therefore, suggest that it is to the possibility of progress in this direction that the attention of the League, and of the non-member States concerned, should primarily be directed.

They desire to conclude these observations by reaffirming once more their belief that, if the other Members of the League are in agreement in the general views above put forward, a great work for the development of international law can be accomplished through the instrumentality of the League.

India.

(*Letter of May 11th*, 1931.)

While the Government of India have no detailed observations to offer, they consider it doubtful, in the light of the results achieved by the First Conference on this subject held at The Hague last year, whether further attempts at codification in the near future would yield any practical results. In their view it would be preferable for the present that international law should be left to develop by the existing methods, such as the adoption of conventions through the machinery of the technical organs of the League, the decisions of the Permanent Court of International Justice and of International Arbitral Tribunals, and the agreements which are entered into by limited groups of States.

The Government of India consider it prudent therefore that the codification method should not be further employed until conditions would appear to be more favourable, and the prospects of its successful employment in particular cases is more assured.

Lithuania.

[*Translation.*]

(*Letter of April 7th*, 1931.)

The Lithuanian Government has no objection to the work for the progressive codification of international law being continued on the lines of the recommendations of the First Codification Conference, held at The Hague in March and April 1930.

Poland.

[*Translation.*]

(*Letter of May 27th*, 1931.)

In reply to Circular Letter 21.1931.V from the Secretary-General of the League of Nations, dated February 27th, 1931, the Polish delegation has the honour to inform him that the Polish Government agrees that it is expedient to continue the work for the progressive codification of international law.

Further, the Polish Government thinks it would be well to convene a special Committee of Legal Experts to prepare for further work in this field, in accordance with the proposal submitted to the last Assembly by the Government of the Irish Free State.

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Albania.

[*Translation.*]

(*Letter of June 17th*, 1931.)

The Albanian Government has no observations to make on the question of the progressive codification of international law, to which it gives its wholehearted support.

Australia.

(*Letter of July 14th*, 1931.)

His Majesty's Government in the Commonwealth of Australia associates itself whith the views expressed in the memorandum forwarded by the British Foreign Office.[1]

Estonia.

[*Translation.*]

(*Letter of June 19th*, 1931.)

I have the honour to inform you that the competent Estonian authorities have not yet been able to complete their examination of the report of the work of the First Conference for the Codification of International Law, together with the proposals of the Assembly and the Council and the draft resolutions proposed by various delegations in the First Committee of the Assembly; the question is an important and far-reaching one and calls for very careful and thorough consideration. The Estonian Government does not, therefore, yet feel prepared to formulate its observations on the subject. Nevertheless, as regards the recommendations adopted by the First Conference for the Codification of International Law, the Estonian Government entirely agrees with these recommendations and expresses the hope that the future work for the codification of international law may be inspired by the suggestions they contain. Moreover, my Government greatly appreciates the recommendations of the Conference concerning the preparation by the League of Nations of future international conferences.

As regards the organisation which might be adopted and the procedure which might be followed, I regret that I cannot at present transmit to you any definite suggestions on this subject, but I hope that the Estonian delegation to the twelfth Assembly will return to the question either in the plenary meetings or at the competent Assembly Committee.

United States of America.

(*Letter of June 23rd*, 1931.)

The Government of the United States considers that the steps looking to the codification of international law, initiated by the Assembly of the League on September 22nd, 1924, and resulting in the Conference held at The Hague in March and April of last year, should be continued, and that it is important that very careful preparation on the subjects deemed to be ripe for codification should be made well in advance of the calling of an international conference. On the basis of the experience at the Hague Conference in 1930, the Secretary of State would suggest that any conference called in the future should be limited to the codification of one or not more than two subjects. It is also felt that greater progress would be made toward codification if subjects were chosen for the first few conferences which are less controversial than some of the more complicated subjects.

[1] See document A.12.1931.V : V. Legal. 1931.V.4. page 6.

As to the mode of procedure to be followed, it is believed that the procedure suggested in the recommendations made by the Hague Conference would be likely to attain satisfactory results. It is suggested, however, that, after observations have been received from the various Governments on the draft Conventions referred to in paragraph 3 of those recommendations, a revised draft or drafts might be prepared and circularised with the comments of the Governments on the first draft, and that these new drafts, together with the comments by the Governments, should be communicated to the various Governments sufficiently well in advance of the conference as to enable the Governments to study the drafts and comments and to formulate their views thereon.

It is noted from the draft resolutions submitted by certain delegations, incorporated in the report of the First Committee (document A.82.1930.V), that distinctions are drawn between customary international law and new rules designed to govern relations between States, and that the view has been expressed that the term " codification " as applied to the work for the development of international law undertaken by the League of Nations should be understood as relating to the latter. It is believed that conventions adopted should be declaratory of existing customary law on the subjects dealt with, supplemented by such enlargements as are demanded by modern conditions.

The Secretary of State takes pleasure in recognising the value of the work done at the Hague Conference of 1930. The Government of the United States signed, on December 31st, 1930, the Protocol relating to Military Obligations in Certain Cases of Double Nationality. It is regretted that, because of the unsatisfactory provisions on two important points—expatriation and the nationality of married women—the Government of the United States was unable to sign the Convention on Nationality, the principal agreement concluded at that Conference.

France.

[*Translation.*]

(*Letter of July 23rd*, 1931.)

Since the League of Nations first undertook work for the progressive codification of international law, the method contemplated has been the conclusion of international conventions on selected subjects. This method of conventions signed and ratified by the Governments was followed at the Conference which met at The Hague in March-April 1930, and is the method contemplated in the recommendations of the Conference.

It is necessary to bear in mind that to attempt to negotiate and conclude conventions with the object of setting out the rules of customary law in the form of written law would involve a danger of creating unnecessary difficulties and, *inter alia*, of throwing doubt upon the existence of particular rules which an international judge, as, for example, the Permanent Court of International Justice, would have been in a position to recognise. It appears, therefore, that codification by way of conventions ought not to be directed towards the laying down of rules which would be declared to be already part of existing international law.

The method of conventions signed and ratified by the Governments, or open to their accession, is, on the other hand, appropriate for the establishment of rules which are to be accepted by the Governments as henceforward applicable in their mutual relations without prejudging what may be the rules which the common law of nations applies as regards the matters dealt with in the conventions. In drawing up conventions of this character, account will naturally be taken of the common law of nations, with a view to reaffirming it or with a view to advancing beyond it; but the two aspects of international law would remain distinct. The question whether the law which will thus be laid down in conventions may have operated to modify the customary law will remain to be examined in each case by legal science or to be settled by judicial decisions.

The above distinction appears to be of great importance as regards continuation of the work of codification.

A good method for selecting subjects, and for preliminary study of the subjects selected, is necessary. On this point the Hague Conference made suggestions of the highest value. The suggestion that the draft conventions should be drawn up in the light of all the data of science might be reinforced by contemplating the possibility of consulting the principal institutions devoted to the study of international law. To do so might make the preparatory work slower, but this disadvantage does not seem very serious. On the other hand, it will in general be wise not to submit to the same conference too many or too desperate questions. Concentration of attention seems likely to increase the chances of success.

It seems desirable that the drafts and the conventions should contain only really essential provisions, to the exclusion of rules on points of detail or of a secondary character. The conclusion of the conventions would thereby be facilitated and their permanence better assured. In this connection, account must be taken of the development of international tribunals whose proper function it will be to apply in particular cases the principles on which agreement has been obtained.

Finally, all the preparatory work, the importance of which has been pointed out by the Hague Conference, should, from the very outset, be supported by a very copious documentation as to the data of science and practice.

It is evident that the League, while assuming the initiative and ensuring co-ordination, must, as it has always done, seek the co-operation of non-member States in the progressive codification of international law.

Irish Free State.

(*Letter of July 20th*, 1931.)

1. With reference to the Secretary-General's Circular Letter 21.1931.V, of February 27th last, with enclosures, on the subject of the codification of international law, the Irish Government have the honour to submit the following observations for communication to the Assembly at its forthcoming session. In formulating these observations, the Irish Government have had before them the observations of the Cuban, British, Indian, Lithuanian and Polish Governments contained in document A.12.1931.V, Series I.

2. The Irish Government would emphasise the fundamental importance of developing the rule of law in the relations between States. They believe that it is essential to the progress of justice and the maintenance of peace to define, improve and develop international law, and that justice and peace can best be promoted and maintained by a system of law which is in form precise and clear and which is general and equal in its application. The development and the maintenance of a comprehensive and effective body of international law is, therefore, one of the most important tasks confronting the States of the world.

3. The existing position of international law is, in the opinion of the Irish Government, susceptible of improvement in two directions.

4. In the first place, the creation of new rules of international law to meet new situations and circumstances in international life, and the alteration of existing rules of international law to meet the changed situation of affairs, are tasks which all the States of the world should undertake in concert and pursue consciously and deliberately as an essential part of the work of the progressive organisation of world peace. The extent of the work of this nature which has been completed, or undertaken, by the League of Nations and other agencies is well known. But this work covers only a relatively small portion of the field of international relationships. The rules of international law developed before the war of nations were the result of a spontaneous and instinctive growth from sources such as custom, the practice of States, the decisions of international tribunals and treaties of high authority—a growth more or less independent of the control of the general body of States and their Governments—and not the result of the purposive pursuit of an international order based upon just and general legal rules. Serious doubt may be entertained as to the extent to which rules of law, derived from the sources just enumerated and developed at a time when no organisation existed which had as its object the conscious promotion and maintenance of universal peace, can continue to command authority in an age in which the co-operation of States for common ends—by treaties and otherwise—has become the accepted instrument of the progress of the world. Undue delay, moreover, in bringing the rules of international law into conformity with the new facts and relationships of international life may impair the organisation of peace and imperil its objects.

5. In the second place, the existing system of international law is open to serious criticism on the ground of its form. The form of law, and particularly of international law, is of paramount importance. If the rules of law are not clear or if they are not readily accessible to those who seek them, the law itself cannot influence conduct. If the prescriptions of the law are ambiguous or uncertain, conflicts as to legal rights are more likely to arise, and greater difficulty is likely to be encountered in bringing them to a satisfactory settlement. It is of considerable importance therefore that the rules of international law, both those already in existence and those being created and to be created hereafter by international legislation, should, so far as possible, be framed in a simple, accessible and unequivocal form.

6. In the opinion of the Irish Government, the progressive improvement of the existing body of international law in the two directions indicated is pre-eminently a task for the League of Nations. The League would, of course, invite the States non-members of the League to participate in its work in this connection.

7. The Irish Government consider that the question of the methods, organisation, etc., to be adopted by the League in the pursuit of this task were best entrusted to the consideration of a technical committee, in conformity with the proposal made by the Irish delegation at the First Committee of the Eleventh Assembly. They feel, however, that it may be useful if they indicate at this stage their views as to the lines upon which the future activity of the League in this field should be organised.

8. Before doing so, however, it may be well to refer to the difficulties which have arisen in connection with the employment of the term "codification" to describe the activity hitherto pursued by the League in connection with the development of international law. The Irish Government realise the confusion which has been occasioned by the undifferentiated use of the term "codification" to describe both the process of reducing the existing law to a clear and definite form, and the process of stating in a clear and definite form those new rules by which the States may agree to be bound. The confusion which has arisen in the past in connection with the use of the term "codification" has made it necessary to draw a distinction between the two processes just described, but the Irish Government nevertheless feel that it is possible to exaggerate the practical importance of maintaining this distinction in the organisation of the future work of the League in connection with the development of international law. The aim and object of that work should, in the opinion of the Irish Government, be to produce simple and unequivocal statements of the law to which States find it possible to give their express agreement. It may

be anticipated that in many cases these statements would simply amount to statements of the law as it already exists : in other cases, they will contain new principles or amendments of existing rules. But in either case an important and valuable work will have been achieved if there are produced clear and unequivocal statements of rules by which States expressly agree to be mutually bound and which they recognise as clearly defining their mutual rights and obligations with regard to the subject-matter concerned.

9. The Irish Government suggest that the future organisation to be adopted by the League in pursuit of the objects defined in the preceding paragraphs might be as follows :

(a) A committee should be set up, similar to the Preparatory Commission for the Disarmament Conference or the Committee of Arbitration and Security—*i.e.*, it should consist of representatives of Governments who would possess the necessary technical qualifications. Steps should be taken to ensure that the different civilisations and legal systems would be represented on the committee, which should also include representatives of the principal States non-members of the League.

(b) It would be the function of this committee to make proposals to the Assembly at its annual session with regard to the subjects on which general acts or conventions might be prepared. The choice of those subjects would be made by the committee with special regard to the likelihood of a successful codification of law in relation to them by the method now proposed. Such proposals should be accompanied by explanatory memoranda, and should be in the hands of the various Governments in sufficient time before the opening of the Assembly to enable them to give definite instructions to their delegates, both with regard to the desirability of preparing general acts or conventions with regard to the subject-matters proposed and with regard to the principles or rules which any general acts or conventions dealing with these matters should embody. The proposals of the committee should be considered by the First Committee of the Assembly.

(c) If the First Committee and the Assembly approved the proposals, the committee should be instructed to prepare, for submission to the Assembly at a future session, general acts or conventions dealing with the proposed subject-matters.

(d) The committee should then proceed to the preparation of draft general acts or conventions dealing with the approved subject-matters. It would be for the committee to decide whether specific questionnaires should be addressed to the various Governments before the committee proceeds to draw up the texts of the draft general acts or conventions.

(e) The texts of the draft general acts or conventions prepared by the committee (together with the answers to the questionnaires, if any) should be communicated to the Governments in sufficient time to enable them to give definite instructions to their delegates on the First Committee of the Assembly with regard to the draft general acts or conventions.

(f) The draft general acts or conventions drawn up by the committee should then be considered by the First Committee. As a result of this consideration, the First Committee may decide to refer back these instruments for reconsideration by the committee in the light of the views expressed by the delegates of Governments at the First Committee; or it may decide to ask the Assembly to approve these instruments and to recommend their definite acceptance by the Governments.

If the Assembly approves the instruments, they should at once be thrown open for acceptance by States. Acceptance of the general acts or conventions approved by the Assembly would be by means of accession, as in the case of the General Act of 1928 for the Pacific Settlement of International Disputes. Their provisions would be expressed to apply only as between the parties to them. They would contain saving clauses relating to the existing principles and rules of international law, similar to those inserted in the instruments concluded at the First Codification Conference held at The Hague in March-April 1930, and they would also contain provision for their periodical revision.

Italy.

[*Translation.*]

(*Letter of June 8th*, 1931.)

The Italian Government doubts whether the work of codifying international law can be resumed by the League of Nations in the near future. The attention of the Members of the League has already been drawn to numerous urgent questions, so that a full programme of work lies before the League for a considerable period, during which obvious reasons of expediency suggest that no other tasks of a general nature should be undertaken unless they are shown to be of immediate urgency.

The Italian Government recognises, however, the advantages of following the suggestions contained in the recommendations adopted by the Hague Conference of 1930 as soon as it appears possible to continue the work of codification.

The Italian Government would point out that the method indicated in the text of Recommendation IV for the preparation of future conferences on codification has been given a more general character, and greater precision by paragraph IV of the first resolution adopted by the Assembly of the League of Nations on October 3rd, 1930, concerning the ratification of conventions concluded under the auspices of the League, a resolution to which the Italian Government subscribed.

The Italian Government therefore considers that it is rather in accordance with this resolution that the preparatory work for future codification conferences should be carried on, as also that for any other conference summoned to conclude a general convention.

But it desires to express its full agreement with the last suggestion in the above-mentioned Recommendation IV, which is not expressly reproduced in the resolution concerning ratification. According to this suggestion, the Council would place on the agenda of the conference such subjects as had been approved by the great majority of the Powers called upon to take part. It seems likely that this procedure would provide a sufficient guarantee that only questions genuinely ripe for codification would be submitted to the conference.

Lastly, the Italian Government is of opinion that future conferences should not deal with several questions at a time. The practical difficulties involved by dealing at the same time with questions of an entirely different character, from the point of view both of the composition of the delegations and of the organisation of the conference, greatly outweigh the advantage represented by a certain saving of time.

Japan.

[*Translation.*]

(*Letter of June 16th*, 1931.)

The Japanese Government is, in principle, in favour of the adoption of Recommendation IV passed by the Hague Conference on the procedure to be followed regarding the future Conference on the Progressive Codification of International Law. The Japanese Government would, nevertheless, point out that:

1. Judging by the experience of the last Hague Conference, the Japanese Government considers that it would be well, in order to facilitate the success of the future Conference, to frame the preliminary draft Convention in the way suggested in Recommendation IV, paragraph 2;

2. The question of setting up a committee or commission to prepare the preliminary draft is of great importance. The body in question might well be composed of members representing the principal legal systems of the world, in accordance with the rules adopted for the election of members of the Permanent Court of International Justice (cf. Article 9 of the Statute of the Court);

3. Contrary to what happened at The Hague, the body which prepares the preliminary draft Convention should avail itself more freely of opportunities to support its preliminary draft at the future Conference;

4. In establishing this preliminary draft, the body concerned might with advantage consult the authorities on legal science in all countries dealing with wage problems.

Latvia.

[*Translation.*]

(*Letter received on July 4th*, 1931.)

The Latvian Government has no special observation to make in regard to the progressive codification of international law, but recognises the expediency of continuing the investigations in accordance with the recommendations made by the First Conference held at The Hague in March and April 1930.

The Netherlands.

[*Translation.*]

(*Letter of June 22nd*, 1931.)

The Netherlands Government agrees unreservedly with the view expressed in the eleventh Assembly's resolution regarding the great importance for the League of Nations of the development of international law by codification. The League should, in its opinion, expedite this progress by every means in its power.

The recommendations drawn up by the 1930 Codification Conference, as well as the draft resolutions proposed by different delegations in the eleventh Assembly's First Committee—recommendations and draft resolutions which the Governments are invited to consider—deal with two main points:

(1) What is understood by the term "codification" as applied to the work for the development of international law undertaken by the League of Nations?

(2) Under what conditions and by what methods can this work of codification be best carried out?

1. As regards the League's task in connection with codification, the Netherlands Government agrees with the idea expressed in the draft resolutions submitted by several delegations to the First Committee of the eleventh Assembly. The task should consist in the embodiment, in international conventions, of definite rules, either based on customary international law or being entirely new law, to govern such forms of inter-State relations as it may seem immediately practical

and important to regulate by general agreement. The Hague Conference has proved that it is better not to try to distinguish between matters involving the conversion of well-defined customary law into conventional rules and matters for which more or less new rules are being drawn up. The distinction between these two forms of codification would not, in practice, always be clear. The same codification might be considered by certain States as the creation of new law, and by others, for which the rules in question were already customary, as a consolidation of customary into conventional law. As is stated in the Belgian proposal, new elements are often necessarily introduced in any endeavour to determine existing customary law. While recognising customary law as an important source for the work of codification, it must, however, be admitted—as the resolutions submitted by the Belgian delegation and by the British, French, German, Greek and Italian delegations have already done—that it is not within the province of the organs dealing with codification to state that any particular rule of international law should be considered as customary law. The task of determining customary law is one for science and the courts.

2. As regards the procedure to be followed where codification is concerned, the Netherlands Government agrees with the resolution adopted by the eleventh Assembly that the recommendations made by the 1930 Conference contain suggestions of the highest value and should be taken into account in examining what would be the best methods for continuing the work which has been begun. The following observations are suggested by Recommendation IV, which deals, in particular, with the procedure to be followed in preparing the work of codification.

The resolution provides for a committee entrusted with the task of selecting a certain number of subjects suitable for codification by convention. It would seem desirable that an organ within the League of Nations, responsible for considering whether it would be advisable to undertake codification in those spheres of international life for which the League has created no special organ and which thus run the risk of being somewhat neglected, should exist alongside the technical organisations which—each in its own domain—prepare conventions and are thus constantly working for codification. Nevertheless, Her Majesty's Government is doubtful whether a special committee is necessary for this purpose, and whether it would not be better to leave the task to the First Committee of the Assembly. It must be remembered that few questions in the sphere envisaged are at the moment ripe for international regulation. A special committee set up for this purpose might, moreover, be forced by circumstances to draw up proposals with no immediate prospect of realisation. There is a certain danger in this. Either the efforts will be doomed to failure or will result in international conventions containing a minimum of rules and constituting a step backward rather than an advance, from the point of view of international law.

The First Committee may be considered as being especially well qualified to carry out the task to which the resolution refers—namely, the selection of subjects codification of which seems *prima facie* not only possible but desirable from the practical point of view. If this item were placed on the agenda of each year's session of the Committee—which might set up a sub-committee for the purpose—the question of the development of codification would, without fail, be given due consideration every year, while certain drawbacks involved in the creation of a permanent committee would, on the other hand, be avoided.

The First Committee's report, after adoption by the Assembly, should be communicated to the Governments for their opinion, in accordance with the procedure suggested in the resolution, and the Council, with these opinions in mind, would decide whether the study of the proposed question should be continued. A special *ad hoc* committee, with a very small number of members, might be set up to consider each question approved; it would be entrusted with the task of preparing a preliminary draft convention based on scientific and practical experience. The preliminary draft convention, in conformity with paragraph 3 of the resolution, would be communicated to the Governments with a request for their observations on the essential points. The Governments' replies could first be communicated to the special committee, which would, if necessary, give its opinion as to whether they should be included on the agenda. The committee's suggestions would be communicated to the Governments, together with the replies referred to in paragraph 4.

The Netherlands Government considers the procedure proposed in paragraph 4—that, after submitting the draft convention to the Governments, the desirability of laying it before a conference shall be examined afresh—as an improvement on the procedure followed up till now. The Government feels that the unsatisfactory results of the 1930 Conference were perhaps in part due to the fact that the Preparatory Committee, after receiving the Governments' replies regarding the bases of discussion, was not competent to give an opinion on this question of the desirability of a conference, and that no other organ of the League of Nations gave the matter serious consideration.

The proposed procedure would mean that the Governments would be consulted more than once and would thus have every opportunity of expressing their opinion as to the desirability of a conference. The Netherlands Government hopes that Governments, in replying, will fully realise their responsibility, and that each reply will represent, not the opinion of a single lawyer or high official, but the Government's own point of view, established after consulting the competent organs and administrative services.

The Netherlands Government considers that the stipulation in paragraph 5, that only such subjects as are formally approved by a very large majority of the Powers taking part in the conference shall form part of its programme, should be interpreted as meaning that the Council would be quite free to convene a conference in which all the Members of the League of Nations would not necessarily take part. Although any accentuation of existing divergencies should be avoided, it might be desirable, if necessary, to convene a conference composed only of those Members of the League who had given their consent to a preliminary draft, in order to attain

partial or regional codification. The Conferences on Bills of Exchange and Cheques have proved the advantages of such codification.

The Council, when deciding on the conference's programme, could at the same time take the necessary steps for the preparation of a draft convention, revised on the basis of the replies received. This new draft, which might be drawn up by the special committee, should be circulated to the Governments.

The Netherlands Government prefers to leave aside for the moment the question whether consideration of the three subjects dealt with at the 1930 Conference should be undertaken afresh. In conclusion, it would point out that no method of procedure for the preparation of conferences can guarantee success in the matter of codification. The essential thing is, as always, the co-operation of the Governments in that spirit of international goodwill which is a necessary means to the end. If the Governments' chief desire is to maintain their national points of view as typified by their own legislation, if they are not prepared to make concessions in order to bring about common regulations, codification will be doomed to failure, and every improvement in the method of preparation will but act as a further bar to success.

Sweden.

[*Translation.*]

(*Letter of July 6th*, 1931.)

The Royal Government considers it most important that the League of Nations should continue the work already begun on the codification of international law. The results of the First Codification Conference were, it is true, of little practical value. The Swedish Government is, however, of opinion that, instead of discouraging Governments from going forward with the work in hand, this fact should rather induce them to ensure that the questions to be dealt with by a general conference are more adequately prepared. The Royal Government, therefore, endorses the suggestions embodied in the recommendations of the Hague Conference, No. IV of which outlines a valuable preparatory procedure.

When this question was discussed by the eleventh Assembly, certain delegations supported the view that, for the future, the League of Nations should limit its work of codification to matters requiring the establishment of rules of law entirely new in character to govern such forms of private inter-State relations as it might seem immediately practical and important to regulate by general agreement. These delegations were of opinion that the League of Nations should make no further attempt at the determination and codification of existing customary law.

The Swedish Government is not convinced that it is wise to begin by excluding certain important subjects from the preliminary investigations in view of a new codification conference. The customary law of nations is a singularly vague conception, and several of the principles of law which it is made to include are so general that courts of law find it difficult to use them as the basis of decisions, while in other instances they give rise to differences of opinion involving considerable practical inconvenience. It is also conceivable that the principles of the customary law of a previous age no longer meet the needs of our time, and consequently require revising by means of international legislation taking the form of a general convention.

The Swedish Government, however, considers that it is not to a codification conference that one should assign the task of defining the scope and effect of existing customary law. This task, in its opinion, belongs rather to the international courts and to writers on doctrine. A codification conference should adopt such principles as it deems necessary and valuable without deciding whether their adoption constitutes a consecration or a revision of existing customary law. It is to this extent only that the Swedish Government supports the view that a future codification conference should not concern itself with the determination of customary international law.

The Royal Government is, therefore, of opinion that the committee entrusted with the preliminary work of deciding what questions are suitable for codification should also be left free to examine matters in respect of which rules of customary law are thought already to exist, if it considers that codification of the law relating to them would be advantageous from a practical point of view—whether because the existing rules are not generally recognised, are too vague for courts of law to use them as the basis of decisions, or stand in need of revision.

Turkey.

[*Translation.*]

(*Letter of June 11th*, 1931.)

The Government of the Republic is following with great interest the work of the League of Nations on this subject; its policy has been guided by the results already achieved in this domain. It is prepared to co-operate in any action which may be undertaken under the auspices of the League of Nations with a view to the progressive codification of international law.

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Finland.

[*Translation.*]

(*Letter of August 24th*, 1931.)

The Finnish Government is thoroughly convinced of the importance of widening the sphere of international law by means of codification, and is therefore very favourably disposed towards all measures aiming at a progressive codification of international law.

With regard to the recommendations formulated by the first Codification Conference which met at The Hague, and the resolutions of the last Assembly bearing on the same question, my Government approves in substance of the ideas therein expressed, but desires to emphasise and develop certain points which were embodied in these resolutions.

When preparations for future codification work are made, the Finnish Government thinks it advisable to avoid all work likely to lead to duplication, so that the codification conferences and their preparatory organisations should not be called upon to deal with questions which have already been referred to other international organisations and institutions for consideration. The codification conferences should, in the first instance, be entrusted with the task of attempting to unify the existing rules or to formulate new uniform rules in the legal sphere affecting the mutual relations of Governments.

When the time comes to determine, within this range, the questions which ought to be considered, the Finnish Government believes that attention should be paid chiefly to the practical aspect of these questions, and that, accordingly, the problems to be approached in the first instance are those in relation to which it is established that the unification of existing rules or the formulation of new rules would fulfil an actual and wide-felt need. Further, a fact, which appears to have been borne out by experience, must not be lost sight of—namely, that it is easier to formulate more or less new rules bearing on treaty law than to agree upon what is to be regarded, at any given moment, as a general rule of unwritten international law. My Government considers, however, that, in the work of codification, unwritten international law should not necessarily be entirely neglected. As far as the definition and interpretation of the conception of "codification" is concerned, the Finnish Government adopts as a starting-point the formula suggested by the Swedish and Norwegian delegations at the last session of the Assembly.

The organisation responsible for the preparation of a codification conference must be in close contact with the organisations and authorities which, in practice, are responsible for the questions selected, particularly with the competent Sections of the Secretariat of the League and its various Committees. As soon as the subjects for discussion have thus been chosen, regard being had to the practical aspects, the most thorough preparatory work will have to be undertaken: in addition to the continual assistance of the aforementioned special authorities and technical bodies, recourse should be had to scientific preparation, which might be carried out by well-known international associations or smaller scientific societies, and even by the individual experts in different countries. In this connection, the Finnish Government considers that, in order to co-ordinate the preparatory work for the codification of international law, it would be worth while to arrange for closer co-operation than hitherto between the Committee of Experts for the progressive codification of international law and the Institute of International Law. This Committee's work would thus be facilitated.

In the course of this preparation, the opinion of the Governments concerned may, as far as necessary, be requested from time to time on the questions selected, so that, when the conference is summoned, there will be broad agreement upon the draft resolution used as the basis of discussion.

The question whether it will be necessary, in order to apply the procedure outlined above, to appoint fresh committees of experts or to consider the possibility of another division of the existing committee into sections to which might perhaps be attached technical experts of the League according to the question to be examined is one which at the present stage of the codification drafts it would probably be premature to go into.

Portugal.

[*Translation.*]

(*Letter of August 28th*, 1931.)

The Portuguese Government is in agreement with the recommendations of the Hague Conference. It is of opinion that the work of codification should be continued without interruption, and that the preparatory work should be begun immediately, seeing that the success of future conferences largely depends on this preparatory work. The Portuguese Government desires to add that, to enable this preparatory work to be brought to a successful conclusion, steps should

be taken to ensure the active co-operation of institutes, academies and associations of international law. The work of such institutions, which is always of great value, would, in the present case, be of real practical worth by reason of its being purposely directed to a definite end. It would lead, moreover, to a more general discussion in the legal Press, and the effects of such a discussion might yield certain advantages.

From among the various draft resolutions submitted to the First Committee of the Assembly in 1930, the one put forward by the German, British, French, Greek and Italian delegations should be singled out as of particular importance. In accordance with this resolution, the term "codification", as applied to the work of development of international law undertaken by the League of Nations, should be taken as implying the fixing, in international conventions freely accepted by States, of precise rules based on international law, whether customary or of an entirely new character, and not the establishment and progressive development of customary international law as the gradual outcome of the practice of States and of the progress of international jurisprudence. Two other draft resolutions were submitted on these lines—that of the Swedish and Norwegian delegations and that of the Belgian delegate, M. Rolin.

The Portuguese Government sees no advantage in this form of prior limitation of the work of codification of international law. In its opinion, everything should be subordinated to questions and circumstances as they arise. Consequently, it thinks that no restrictions of whatever nature should be introduced at present. On the contrary, a very wide view of the problem of the codification of international law should be taken. In order to achieve and to expedite this codification, it is desirable that the greatest efforts, duly concerted, and conceived in the broadest spirit, should be put forth without interruption; that all possible means should be utilised as circumstances demand; and that an endeavour should be made to produce a result corersponding in practice to the needs of intellectual life and the requirements of justice, yet resting on a strictly scientific basis.

Switzerland.

[*Translation.*]

(*Letter of August 21st*, 1931.)

We have the honour to inform you that Switzerland has always shown the keenest interest in the progressive codification of international law, which she considers to be closely related to the cause of international arbitration, and therefore of peace. Her attitude to this problem is still the same, and she desires to take every opportunity of indicating the importance which she attaches to the consolidation, through codification, of the bases of international law. It is, therefore, with the closest attention that the Federal Council has followed the attempts to bring the work of codification to a successful conclusion.

The problem has at present two different aspects. In the first place, an appropriate procedure must be sought for the organisation of future codification conferences and, in the second place, there must be an absolutely clear understanding as to the object which it is desired to attain. These two aspects of the problem were considered at the Hague Conference; as far as time allowed, they were also examined by the First Committee of the Assembly.

In regard to the first point, relating to the procedure which should be followed in the preparation of conferences, the Federal Council, like the First Committee of the Assembly, fully recognises the great value of the suggestions put forward at The Hague. In its opinion, the most important point is to ensure that the procedure finally adopted is likely to guarantee to future conferences the fullest measure of success. Advantage should be taken of the experience gained at the first Hague Conference. No new conferences should be summoned unless tangible results are almost certain. From this point of view, the method suggested by the Hague Conference is satisfactory; for, after the threefold consultation of the Governments recommended in the resolution adopted at The Hague, there will be little doubt as to the expediency or inexpediency of drawing up, at a given time, uniform rules on a specified question.

It might be desirable, however, having regard to the last Assembly's investigations on the "preparatory procedure" to be followed in the negotiation of conventions in general, to consider whether the method recommended at The Hague could not be improved by allowing the Assembly, in the same way as the Council, to express an opinion on the choice of subjects for codification. The recommendation of the Hague Conference rules out any action on the part of the Assembly. Section IV of the resolution on the ratification of international conventions concluded under the auspices of the League of Nations provides, however, that, when a draft convention has been prepared at the request of the Council, and the comments of the Governments have been obtained, the Assembly "shall decide whether to *propose* to the Council to convoke the contemplated conference". The Assembly's powers would obviously not be excessive. It would have nothing more than the right of proposal.

A revision along these lines of the general plan outlined by the first Codification Conference would offer no serious difficulties. Instead of merely providing, as in Section 5 of the Hague recommendation, that "the Council might then place on the programme of the conference such subjects as were formally approved by a very large majority of the Powers which would take part therein", it should be specified that the Council should only take action following a proposal by the Assembly. This method of procedure would appear to be more in keeping with the general practice in regard to international conventions. As far as we are aware, indeed, the Council has never summoned a world conference except at the formal request of the Assembly. In view of the numerous difficulties invariably encountered when any attempt is made to achieve progress in the sphere of normative law, it would appear desirable—in this matter even more than in

others—that each step forward should be taken with authority of an organ, such as the Assembly, representing all the competing interests and all the conceptions which will be met with at every codification conference.

The second aspect of the problem, that relating to the object of codification, had been considered by the Federal Council even before the first Codification Conference at The Hague. The question to be decided is as follows: Will the codification conventions drawn up at The Hague be declaratory or enactory? Will they merely state the law as it exists or will they create new law? Will their object be to convert customary law into written law? Or, while leaving customary law intact, will they attempt, in respect of a given subject, to enact a number of rules intended, on the one hand, to define the scope of a customary law which is not always as clear or reliable as it might be and, on the other hand, to introduce certain new principles in an existing law the deficiencies of which no one would deny? In other words, does the conventional law elaborated at The Hague supplant customary law or supplement it?

The Federal Council is of opinion that such new law cannot have the effect of merely supplanting the old. The old law, which is derived from international practice or the decisions of international tribunals, or from both combined, remains in force in its entirety. Otherwise, we should be forced to the conclusion that States not bound by the new conventions are free from all obligations. International law would be shaken to its very foundations, and codification accepted in this sense would cause irreparable harm.

It is not the task of codification conferences to register existing international law, but to lay down rules which it would appear desirable to introduce into international relations in regard to the subjects dealt with. Their work should, therefore, mark an advance on the present state of international law. In certain cases, indeed, it would be extremely difficult to say what the existing law really is, as it is not clearly known or is a matter of controversy. It would be most unfortunate if the attempt to discover an adequate solution of an important problem were abandoned on the ground that no such solution is to be found in the existing positive law. One of the fundamental tasks of codification conferences should be to choose between disputed rules and, within the limits of their agenda, to fill up the gaps in a law whose deficiencies and obscurities are obvious.

The experience gained at The Hague has, moreover, shown clearly that, if a conference were empowered—supposing this to be possible—to state the existing rules of international law, the results might be disastrous. It has been proved that the conception of existing international law current in the various States or groups of States is very different. In some of them it may be extremely liberal, in others much less so. It is therefore beyond question that, on a number of subjects, unanimous agreement would be unattainable without mutual concessions. But, if existing law is to be enunciated in conventions at the cost of concessions which, in fact, would mark a retrograde movement, the law which would emerge from such bargaining would no longer represent what the friends of legal progress could rightly regard as the existing law; it would be a compromise law, a law impaired and weakened. To accept this law as the expression of the only law in force would amount for many to a disavowal of progress. The only reasonable course is to accept such compromise law as a second best, as a kind of supplementary law in no way affecting those rules of customary law which are not incompatible with the new rules. That conventional law and customary law should thus exist side by side would undoubtedly complicate international jurisprudence, but such a state of affairs is inevitable. Customary law is stable; that is one of its virtues. But, if its stability degenerated into immutability, the virtue would become a defect. The law would become petrified, and we should be apt to forget the principle of evolution which is the guiding rule of life. This disadvantage, however, can be remedied by means of conventional law, which, by definition and by nature, is open to revision. The possibility of excessive rigidity in the one will be corrected by the suppleness of the other, and the latter's tendency to variability will be held in check by the comparative stability of the former. A kind of balance will thus be struck between the two kinds of law. The Federal Council is therefore of opinion that the Assembly should abide by the sound principle which forms the basis of one of the draft resolutions submitted at its last session—namely, that the law laid down in codification conferences must not impair the force of customary law, " which should result progressively from the practice of States and the development of international jurisprudence ".

ANNEX 5.

PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW.

DRAFT RESOLUTION PROPOSED BY THE DELEGATIONS OF BELGIUM, DENMARK, FINLAND, JAPAN, THE NETHERLANDS, NORWAY, SWEDEN AND SWITZERLAND.

The Assembly recalls that the resolution of September 22nd, 1924, emphasised the progressive character of the codification of international law which should be undertaken, and, in view of the recommendations of the First Conference on the Codification of International Law held at The Hague in 1930, it decides to continue the work of codification with the object of drawing up conventions which will place the relations of States on a legal and secure basis without jeopar-

dising the customary international law which should result progressively from the practice of States and the development of international jurisprudence. To this end, the Assembly decides to establish the following procedure for the future :

(1) Any State or group of States, whether members of the League or not, may propose to the Assembly a subject or subjects with respect to which codification by international conventions should be undertaken. Such proposals should be sent to the Secretary-General in time to allow of their being inserted in the agenda of the Assembly circulated four months before the opening of the session.

(2) Any such proposals will be considered by the Assembly, which will decide whether the subject proposed is one in respect of which an attempt at codification is likely to be useful.

(3) If the investigation of the proposed subject is approved by the Assembly and if no existing organ of the League is competent to deal with it, the Assembly will ask the Council to set up a committe of experts, who will be asked to prepare a draft convention on the subject, to be reported to the Council.

(4) The Council will transmit such report to the Assembly, which will then determine whether the subject is provisionally to be retained as a subject for codification, and if this is determined affirmatively the Assembly will ask the Council to transmit the said report to the Governments of the Members of the League and non-member States for their comments; opportunity will be given to the committee of experts to revise the draft in the light of such comments.

(5) If the committee does not see any reason to revise the draft, it will be transmitted, together with the comments of the Governments, to the Assembly, which will then determine finally whether a Codification Conference should be held to deal with the subject.

(6) If the committee of experts revises the draft, such revised draft will then be submitted to the Governments for their comments and, together with the comments received, it will be transmitted to the Assembly, which will then determine finally whether a codification conference should be held to deal with the subject.

(7) States not members of the League of Nations will be invited to participate in the work of the competent committee of the Assembly dealing with the subject in accordance with this procedure.

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ANNEX 6.

PREPARATORY PROCEDURE TO BE FOLLOWED IN THE CASE OF GENERAL CONVENTIONS TO BE NEGOTIATED UNDER THE AUSPICES OF THE LEAGUE.

OBSERVATIONS BY THE GOVERNMENTS AND THE TECHNICAL ORGANISATIONS.

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I. NOTE BY THE SECRETARY-GENERAL.

On October 3rd, 1930, the Assembly, having considered the question of the ratification of international conventions concluded under the auspices of the League, adopted a resolution which contained, *inter alia*, the following provisions :

. . . . . .

IV.

"That, in the case of all general conventions to be negotiated under the auspices of the League of Nations, the following preparatory procedure should, in principle, be followed, exception made of the cases where previous conventions or arrangements have established a special procedure or where, owing to the nature of the questions to be treated or to special circumstances, the Assembly or the Council consider other methods to be more appropriate:

"1. Where an organ of the League of Nations recommends the conclusion of a general convention on any matter, it shall prepare a memorandum explaining the objects which it is desired to achieve by the conclusion of the convention and the benefits which result therefrom. Such memorandum shall be submitted to the Council of the League of Nations.

"2. If the Council approves the proposal in principle, a first draft convention shall be prepared and communicated, together with the explanatory memorandum, to Governments, with the request that, if they feel that the draft should be taken into consideration, they shall inform the Secretary-General of their views, both with regard to the main objects or the suggested means of attaining them, and also with regard to the draft convention. In some cases, it may be desirable to annex a specific questionnaire.

"3. The draft convention and the observations of Governments (together with the answers to the questionnaire, if any) shall be communicated to the Assembly, and the Assembly shall then decide whether to propose to the Council to convoke the contemplated conference.

"4. If the Assembly recommends that a conference should be convoked, the Council shall arrange for the preparation of a draft convention in the light of the replies received from Governments, and the new draft convention (together with the replies of other Governments) shall be transmitted to each Government with a request for their opinion on the provisions of the draft and any observations on the above-mentioned replies of the other Governments.

"5. In the light of the results of this second consultation of the Governments, the Council shall decide whether the conference should be convoked and fix the date.

"6. The Council, in fixing the date for the convocation of a conference, shall endeavour, as far as possible, to avoid two League of Nations conferences being held simultaneously, and to ensure the lapse of a reasonable interval between two conferences.

"7. The procedure set out in the preceding paragraphs will be followed as far as possible in the case of draft conventions, the desirability of which is recognised by a decision of the Assembly or as the result of a proposal by a Government.

"The above rules shall be communicated to the technical organisations of the League of Nations, and to the Governments, for the purpose of enabling the Assembly at its next session to consider whether changes should be made therein as a result of any suggestions which may be made."

The Secretary-General has the honour to communicate to the Assembly the results of the consultation of the Governments and the Technical Organisations which has been carried out in pursuance of the last paragraph of the above-quoted provisions. In accordance with that paragraph, the subject has been placed on the Assembly's agenda for the present year.

II. OBSERVATIONS OF THE GOVERNMENTS.

The following Governments approve the procedure laid down in the resolution and make no comment thereon:

Albania	Irish Free State
China	Panama
Colombia	Poland [1]
Dominican Republic	Siam
Greece	Union of South Africa
Hungary	

The following Governments, while approving in general the procedure laid down in the resolution, have submitted observations on certain points of detail.

Italy. [2]

[*Translation.*]

The rules proposed for the preparatory procedure in regard to general conventions to be concluded under the auspices of the League of Nations appear to the Royal Government appropriate for obtaining the intended object—namely, that the conferences shall deal with drafts which

[1] Poland expressly reserves the right to submit observations during the discussion at the Assembly.

[2] The Italian Government at the same time expresses its agreement with other provisions of the Assembly's decision—namely, the approval of the preparation of tabular statements showing the position in regard to signature and ratification of conventions, the draft protocol of signature approved for adoption by conferences with a view to facilitating the entry into force of conventions, and the suggestion that, in some cases, it may be possible for conventions to be given the form of agreements which are not subject to ratification.

all the Governments have had time to examine thoroughly and in which account has already been taken of the point of view expressed by the various Governments. No change or amplification of the rules appears necessary. The Royal Government considers, however, that it should emphasise that it is desirable that the Council of the League of Nations should, in accordance with Rule 6, endeavour to avoid the holding of two conferences simultaneously or at a brief interval from one another.

Netherlands.

[*Translation.*]

The Netherlands Government considers advisable the insertion, between paragraphs 2 and 3, of a rule stating that the observations of Governments would first be forwarded to the organ mentioned in paragraph 1, which would, if necessary, give an opinion as to the advisability of continuing the work in hand. This organ's opinion would be annexed to the draft convention and the observations of Governments.

The Netherlands Government has certain doubts as to whether the best procedure to be followed is the submission of the documents in question to the Assembly and not, as in the proposed codification procedure [1], to the Governments. The Assembly will have to give a decision, for budgetary reasons, upon the convening of the proposed conference, but the wording of Rule 4 gives the impression that the Council's final decision will, in the main, be based on that of the Assembly, which would thus replace the replies of the Governments as to the desirability of a conference which are provided for in paragraph 4 of the rules on codification.

If it is decided to consult the Governments at thise arly stage, the last part of Rule 4—according to which the Governments are to be requested to submit their observations in writing on the revised draft—might well be struck out. The preparatory procedure should be decided upon after the establishment of the revised draft convention. Though fully aware of the value of effective preparation, Her Majesty's Government considers that it should be borne in mind that over-long preparation is liable to destroy all initiative in this matter.

In conclusion, the Netherlands Government wishes to draw attention to the desirability of drawing up the rules regarding preparatory procedure in the matter of conventions in general, and the rules concerning the codification of international law, so far as possible on the same lines.

Sweden.

[*Translation.*]

The aim of the measures recommended in the resolution of the Eleventh Assembly is admirable and their application would undoubtedly lead to a more thorough preparation of the draft conventions in question, thus increasing the chances of success of international conferences meeting under the auspices of the League of Nations. The necessary flexibility would also be fully maintained, as the Assembly and Council are left free to adopt an alternative procedure whenever necessary. The Royal Government nevertheless desires to make the following brief remarks on the proposed rules:

1. Paragraph 1 deals with conventions to be concluded on the initiative of the organs of the League of Nations and paragraph 7 with the cases in which the initiative is taken either by the Assembly or by an individual Government. By the terms of the resolution, the organs mentioned in the first paragraph will be required to present a report *explaining the objects which it is desired to achieve by the conclusion of the Convention and the benefits which result therefrom,* but it is nowhere stated by whom this report should be drawn up in cases where the initiative is taken by the Assembly or by a Government. Nor, surely, should a report be presented on the proposals of individual Governments unless accepted in principle by the Assembly or Council. I consider therefore that it would be desirable to combine paragraphs 1 and 7 and to add to the present text of paragraph 1 some such phrase as the following:

> "If the Assembly of the League of Nations decides in favour of the conclusion of a convention, the Council shall instruct either the Secretariat or some other organ of the League or specially selected experts, to prepare the above-mentioned report, which shall subsequently be submitted to the Council."

2. Paragraph 2 contains no rule for cases in which the Council does not in principle accept the proposal. It would therefore be advisable to add the following phrase to the present text:

> "If it thinks that the proposal should not be taken into consideration, the Council shall transmit the report to the Assembly, which may, if it thinks fit, request the Council to consult the Governments."

3. Paragraph 3 refers to the convocation "of the contemplated conference", but, in the preceding passage, no mention is made of any conference. It is moreover conceivable that, in certain circumstances, the conclusion of an international convention would not necessitate the convocation of a special conference. I venture therefore to suggest the following amendment to the text:

> ". . . whether to propose to the Council the convocation of a special conference or to refer the question to a future Assembly with a view to the possible adoption of a convention."

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[1] See document A.12.1931.V.

4. The proposed amendment to paragraph 3 would logically require the addition to paragraph 4 of some such phrase as the following:

"The same procedure shall be followed if the Assembly has postponed the question to a later session with a view to the adoption of a convention."

5. Similarly, paragraph 5 should provide for an alternative procedure in accordance with which the Council would transmit the proposal and the Governments' replies to the Assembly.

* * *

The following Governments state that they have no observations to offer:

India Denmark[1] New Zealand

* * *

In its reply to the Secretary-General's request for its observations, the Government of **Chile** makes no objection to the procedure contemplated for the preparatory work for conferences, but it raises a question of principle in regard to the whole series of decisions adopted by the Assembly on the subject of the ratification of conventions. The text of the Chilian Government's letter will be found in the document A.30.1931.V.

III. OBSERVATIONS OF THE TECHNICAL ORGANISATIONS.

Economic Committee.

The Economic Committee was asked for its observations on the procedure recommended in No. IV of a series of resolutions adopted by the Eleventh Assembly relating more particularly to the preparations for conferences convened to conclude universal conventions.

The Committee desires to point out in the first place that, according to the actual terms of this resolution, the rules proposed allow of modifications or exceptions being made, more particularly where, "owing to the nature of the questions to be treated or to special circumstances, the Assembly or the Council considers other methods to be more appropriate".

In the Committee's opinion, this reservation seems essential in order to enable particular needs to be met. The Economic Committee will probably have to prepare, especially in the future, international agreements of a commercial type, such as the two Agreements regarding the export of hides and skins, and bones, and the Commercial Convention. Such Agreements are of use only if they are prepared and concluded within a relatively short time.

Consequently, the Economic Committee should, as in the past, be in a position to obtain from the Council at any time authorisation to prepare agreements much more rapidly than would be possible by adhering strictly to the terms of the resolution, the application of which would only require a period of from three to five years.

The Committee therefore considers that it might find itself obliged to make use of the reservation in the Assembly's resolution, and to ask the Council to apply such methods and procedure as it might think suitable for the requirements of individual cases.

Financial Committee.

The Committee notes that the procedure laid down in the resolution will not be applicable where the Assembly or the Council considers other methods to be more appropriate. From its point of view, this is an essential safeguard. The Committee is constantly called upon to deal with financial questions of which the solution is extremely urgent. If it considers that solution to lie in the conclusion of a general international agreement, it must have full power to obtain from the Council measures which will enable such agreement to be concluded much more expeditiously than would be possible under the resolution, the full application of which would require a period of about three years. The Committee notes that the international instruments which have been drafted by it in connection with the financial reconstruction of various countries are, in any case, not general conventions within the meaning of the resolution.

Health Committee.

The Health Committee states "that it has no objection to raise to the rules of procedure in question, which it considers to be of a nature to facilitate the ratification of international conventions, even if they may involve some delay".

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[1] The Danish Government reserves the right to return to the subject later, if it finds this desirable.

Advisory and Technical Committee for Communications and Transit.

The Advisory and Technical Committee,

Considers, in view of the resolution ofthe Assem bly of December 9th, 1920, and of the provisions of the Statute of the Communications and Transit Organisation adopted at the First and Third General Conferences on Communications and Transit, that the procedure followed by the Transit Organisation for the preparation of general conventions is among the cases mentioned by the Assembly where "previous conventions or arrangements have established a special procedure" and that, consequently, the new procedure proposed by the Assembly does not involve a modification of the rules at present followed by the Communications and Transit Organisation ;

Notes that the said rules followed by the Transit Organisation and this Organisation's practice, which involve continuous contact for the study of all questions with those specially concerned by means of discussions and enquiries carried on by the Advisory and Technical Committee and by its permanent Committees, are inspired by the prudent considerations which guided the Assembly in the adoption of the resolution of October 3rd, 1930, and that experience has shown that these methods, being peculiarly adapted to the study of the technical problems of communications and transit, guard against the premature summoning of international conferences which may be called upon to conclude conventions.

Apart from the case of communications and transit conventions, the Advisory and Technical Committee desires to draw the Assembly's attention to the fact that, within the terms of the resolution of October 3rd, 1930, it will no doubt be frequently necessary to make use of the exception provided for by the said resolution "owing to the nature of the questions to be treated or to special circumstances". It seems clear that, even if no special difficulty arises during the preparatory studies, a strict application of the rules laid down by the Assembly would involve the elapse of about four years between the moment when the attention of an organ of the League is drawn to a question on which an international convention is desirable and the moment when this convention can be concluded.

Child Welfare Committee.

The Committee noted the report adopted by the Eleventh Assembly, and devoted special attention to Part IV of Resolution I.

Fiscal Committee.

The Assembly resolution of October 3rd, 1930 (Section IV), lays down the preparatory procedure to be followed in principle in the case of all general conventions to be negotiated under the auspices of the League. The Fiscal Committee, in common with the other technical organisations of the League, is invited to examine this procedure in order that the Assembly at its next session may judge whether any changes should be made in it.

The Committee notes that, in the terms of the resolution itself, the rules of procedure which it lays down are open to modification and exceptions, particularly in cases where, in view of the nature of the questions for discussion or special circumstances, "the Assembly or the Council considers other methods to be more appropriate".

The Committee feels bound to insist on the importance of this reservation, which, from its point of view, constitutes an essential safeguard. It may sometimes be desirable to conclude within a short period international conventions for limited purposes, which do not require any lengthy procedure of consultation. The case of the Convention on the Fiscal Treatment of Foreign Motor Vehicles, which was signed after preparatory work of barely eighteen months, shows that expeditious procedure may have satisfactory results. The Fiscal Committee accordingly considers that the possibility should be left open for it to have recourse to such procedure in case of need.

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ANNEX 7.

NATIONALITY OF WOMEN.

REPORT BY THE SECRETARY-GENERAL.

I. Resolution of the Council placing the Question on the Assembly's Agenda.

On January 24th, 1931, the following proposal was submitted to the Council by the representatives of Guatemala, Peru and Venezuela :

> "The Council will remember that the question of the nationality of women was discussed at length at the Conference for the Codification of International Law held at The Hague in March and April 1930. The discussions did not result in an international settlement

of this question. The States were, in particular, recommended to study the question whether it would not be possible (1) to introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children, and (2) especially to decide that, in principle, the nationality of the wife should henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.

"It is to be noted that there is a clear movement of opinion throughout the world in favour of a suitable settlement of this question.

"Various members of the Council have received petitions from women's organisations urging the Council to appoint a committee of women to consider the question of the nationality of women and submit a report on the subject to the 1931 Assembly.

"We venture to propose the adoption by the Council of the following resolution:

"'The Council,

"'Decides to place on the agenda of the next session of the Assembly the question of the continued study of the nationality of women and

"'Requests the Secretary-General to submit to the Assembly a report on the question after consultation of the following organisations[1], which have been specially concerned with the nationality of women:

"'The International Council of Women,
"'The International Alliance of Women for Suffrage and Equal Citizenship,
"'The Women's International League for Peace and Freedom,
"'The Inter-American Commission of Women,
"'The Equal Rights International,
"'The World Union of Women for International Concord,
"'The All-Asian Conference of Women,
"'The International Federation of University Women,
"'The World's Young Women's Christian Association.

"'The Secretary-General might, if he thinks fit, request the above-named organisations to set up a committee, consisting of two representatives of each organisation, with the task of formulating joint proposals to be attached to the report to be submitted to the Assembly.'"

The resolution proposed was adopted by the Council.

II. Convocation of a Committee of Representatives of the Women's International Organisations.

On February 13th, 1931, the Secretary-General wrote to the organisations mentioned in the Council's resolution informing them that, in his opinion, the procedure contemplated in the last paragraph of the resolution would furnish the most convenient method by which they could be consulted and their views placed before the Assembly. He therefore invited them to enter into communication with one another with a view to the establishment of a committee.

The Secretary-General's invitation was accepted by all the organisations concerned, with the exception of the World's Young Women's Christian Association, which preferred not to be represented on the Committee, as it had never adopted an official policy on the question to be discussed.

The Committee met in the Secretariat's offices on July 2nd and the following days. It drew up the report which, in accordance with the Council's resolution, is reproduced in the annex to the present document.

III. Previous Consideration of the Question under the Auspices of the League of Nations.

The League has been concerned with the question of the nationality of women as part of the general question of codification of international law on the subject of nationality.

1. *Committee of Experts for the Progressive Codification of International Law.*

Nationality was selected as a possible subject for codification by the Committee of Experts for the Progressive Codification of International Law in 1926, after consideration of a report of a Sub-Committee composed of M. Rundstein (Rapporteur), M. de Magalhães and M. Schücking. In the draft Convention annexed to this report, however, it was not proposed to deal directly or completely with the question of equality of the sexes in the matter of nationality. Provisions were inserted merely to provide against cases of total loss of nationality or double nationality arising as a result of marriage or change of the husband's nationality and for the purpose of enabling a woman who, on marriage, lost her nationality without acquiring that of her husband to obtain passport and enjoy diplomatic protection.

The Rapporteur was aware that the suggestions made in the report fell short of what was demanded by those who considered that both sexes should stand on the same footing as regards

[1] Where abbreviated titles were employed in the text of the Council's resolution, the full titles of the organisations have been substituted.

nationality. He had considered, in particular, a provisional draft international Convention on the nationality of married women which had been drawn up by the International Women's Suffrage Alliance. The reasons why he felt unable to go beyond the proposals above described are indicated in the following passage of his report:

> "Although the establishment of a world law on this subject, or the adoption as a basis for internal laws of the general principles embodied in the draft, is very desirable, it cannot be affirmed that the moment for such measures has come. The obstacles in the way of such a solution would seem to be very great, for it is not likely that the States of the Continent of Europe would be inclined to accept, without any limitation, the principle that the marriage of a foreign woman with a national does not involve the loss of her original nationality. Even countries which recognise the right of a woman who is a national and who marries a foreigner to refuse to acquire the foreign nationality of her husband (unilateral system) might seriously object to the reciprocal application of this principle.
>
> "I am of opinion, therefore, that the introduction of the general principles laid down in the above-mentioned draft Convention concerning the nationality of married women would now be premature, and can only be contemplated at a later stage in the work of codification. In the work of progressive codification, the greatest caution is required, in order not to compromise the possibilities of a general international regulation to which internal laws would be subordinated. For this reason, an attempt must be made to prevent or to remove the most acute and harmful conflicts, while taking into account the political obstacles which might make even the most modest work of codification impossible. In view of the impossibility—which I suppose to be only temporary—of settling all conflicts regarding the nationality of married women, I am of opinion that, in present circumstances, only *three problems* can form the subject of international regulation."

The Committee of Experts transmitted M. Rundstein's report to the Governments and ultimately to the Council as indicating the extent to which, in its opinion, the question of nationality lent itself to regulation by international agreement.

2. *Preparatory Committee for the Codification Conference.*

The Assembly having decided to place the subject of nationality on the agenda of the Codification Conference which met at The Hague in March and April 1930, the Preparatory Committee which was appointed to prepare bases for discussion at the Conference circulated to the Governments, in accordance with the instructions given it by the Assembly, a list of points on which the Governments were invited to state their views, both as to existing international law and practice and as to any modifications therein which might be desirable.

The question of the nationality of women formed the object of three such points—namely:

Point XI.—Effect of marriage upon the nationality of the wife;
Point XII.—Effect of dissolution of a marriage upon the nationality of the wife;
Point XIII.—Other effects of marriage upon nationality.

The conclusions drawn by the Committee from the replies which were made by the Governments were stated as follows in its report:

Point XI.

> "The replies submitted do not make it possible at present to hope for a general agreement establishing either the rule that marriage does not affect the wife's nationality or the rule that the wife takes by marriage the nationality of her husband.
>
> "It appears at least possible, and it is desirable, to prevent the operation of conflicting legal rules from causing a woman to lose her nationality, as the result of marriage, without acquiring another. It would be sufficient for this purpose to agree that the loss of the one nationality shall be conditional on the acquisition of the other. The two contrasting legal systems remain unaffected, but the woman will be prevented from becoming stateless."

Point XII.

> "Here the divergences between different legal systems may involve the wife either in loss of all nationality or in double nationality. It is desirable to establish a concordance between her recovery of her former nationality and her loss of the nationality acquired by her marriage, making such loss dependent on the recovery of the former nationality. On the other hand, instead of contemplating a recovery of the former nationality operating automatically and in every case, it appears proper to allow it only on application by the woman herself; it is to be presumed that she will take account of the interests of her children."

Point XIII.

> "It does not seem possible to extract from the replies any point on which a further basis of discussion is needed."

The Committee transmitted to the Conference bases of discussion in accordance with these conclusions (Bases Nos. 16 to 19: see Minutes of the First Committee of the Conference, page 277).

3. *Codification Conference held at The Hague from March 13th to April 12th,* 1930.

The question of nationality was discussed in the First Committee of the Conference on which all the delegations were represented.

The discussion of the question of the nationality of women was not confined within the limits of the Bases of Discussion which, as stated in the last section, had been drawn up by the Preparatory Committee.

On March 15th, the Bureau of the Conference received a joint deputation from the International Council of Women and the International Alliance of Women for Suffrage and Equal Citizenship, supported by other international and national bodies. The deputation presented to the Bureau a memorandum setting out briefly the desiderata of the organisations which it represented, and explanatory statements were made to the Bureau by various members of the deputation. The Bureau transmitted the memorandum and the record of its interview with the deputation to the First Committee.[1]

On April 1st, the Committee itself heard statements from representatives of the organisations which had put forward the memorandum.

The results of the discussion in the First Committee were summarised in its report to the Conference in the following passage of its report:

"BASIS No. 16.

"A very full discussion took place on the question of the nationality of married women. Further, the Committee, before taking its decisions, heard the views of the delegations of the women's international associations, who, after being received by the Bureau of the Conference, expressed the desire to lay their views also before the Committee itself at a plenary meeting.

"Thus, the texts of Bases 16 to 19 were adopted with a full knowledge of the facts and after an exhaustive examination both of the situation and of existing tendencies.

"Basis No. 16 provides that, if the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband. As already observed, this text forms a compromise between two diametrically opposed conceptions—that of the countries which consider that, in the matter of nationality, there should be complete equality between the sexes, and that of the countries in which the status of the husband governs that of the wife. Although some countries admit the former principle in their laws either wholly or in part, and apply it more or less completely, the laws of many countries provide that, from the point of view of nationality, the wife must, as a rule, follow her husband.

"It was observed that the co-existence of these two principles—the freedom of the wife on the one hand and the unity of the family on the other—had the effect of increasing the number of cases of double nationality and also of statelessness. In point of fact, a woman can lose her nationality through marriage with a foreigner, and, being unable to acquire that of her husband, can become stateless; while, on the other hand, retaining the nationality she possesses by birth, she can also acquire that of her husband. For that reason the Committee, without attempting to decide in favour of either of the two existing systems —indeed, that is rather the duty of the legislatures of the different countries—simply endeavoured to remedy some of the defects resulting from existing conditions and, in particular, the case of statelessness provided for in the text of this Basis. If States adopt this text, progress will have been made in eliminating cases of statelessness among married women.

"Several delegations had proposed to add a provision to the effect that a woman who, according to her national law, is entitled, on marrying a foreigner, either to take her husband's nationality or to retain her own nationality, does not lose her nationality unless she acquires her husband's nationality under the latter's national law.

"The delegations which proposed this additional paragraph withdrew it, because the Committee thought, first, that the case was covered by the text of the Basis, and also because the possibility referred to in this proposal would, in practice, very seldom arise. A woman who, under her national legislation, is allowed an option, will certainly not renounce her nationality until she has made sure that, according to the law of her husband's country, she can acquire her husband's nationality.

"The text adopted by the Committee, by thirty-two votes to two, has become Article 8 of the Convention:

"Article 8.

"*If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.*

"RECOMMENDATION.

"Although, in order to harmonise, as far as possible, the various opinions expressed, the Committee did not feel itself called upon to introduce any alterations in Basis No. 16, it nevertheless agreed to the suggestion, put forward by various delegations, to adopt a *vœu* pointing out that there was a fairly pronounced tendency to place both sexes on an equal footing in the matter of nationality, taking into consideration the interest of the children, and also to allow a woman who marries a foreigner greater freedom in the matter of retaining her nationality of origin.

[1] These documents are reproduced as an annex to the Minutes of the First Committee of the Conference.

"In this connection, the Committee combined in one text two proposals submitted, one by the Belgian delegation and the other by the delegation of the United States of America and, by twenty-seven votes to two, it adopted the following recommendation:

"*VI. The Conference recommends to the States the study of the question whether it would not be possible:*

"(1) *To introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children;*

"(2) *And especially to decide that, in principle, the nationality of the wife shall henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband.*

"BASIS No. 17.

"The text of the Preparatory Committee, which the Committee adopted by thirty votes to two and which has become Article 9 of the Convention, is as follows:

"Article 9.

"*If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.*

"BASIS No. 18.

"The Committee rejected a proposal to omit this Basis and adopted the text of the Preparatory Committee by twenty-three votes to seven. This has become Article 10 of the Convention.

"Article 10.

"*Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.*

"BASIS No. 19.

"The Committee did not accept a proposal to delete this Basis. By twenty-six votes to two it adopted the following text, which has become Article 11 of the Convention.

"Article 11.

"*The wife who, under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.*

"The Committee then adopted, in the form of a recommendation, a Polish proposal, supported by the delegation of Salvador, to the effect that a woman who becomes a stateless person in consequence of her marriage may obtain a passport from the State of which her husband is a national.

"This recommendation, which was adopted by all the members except two, reads as follows:

"*VII. The Conference recommends that a woman who, in consequence of her marriage, has lost her previous nationality without acquiring that of her husband, should be able to obtain a passport from the State of which her husband is a national.*"

On April 10th, the conclusions of the First Committee were submitted to the Conference, which adopted the draft Convention on Nationality and the two recommendations dealing with the nationality of women put forward by the Committee.

4. *Resolution proposed by the Cuban Delegation in the First Committee of the Assembly in* 1930.

During the course of the discussion of the question of progressive codification of international law in the First Committee of the Assembly in 1930, the following resolution was submitted by the representative of Cuba:

"Whereas the Conference for the Codification of International Law, held at The Hague in 1930, adopted a Convention on Nationality, and some States represented at the Conference did not accept it in its entirety, or submitted reservations in respect of certain articles thereof, and, further, no State has hitherto ratified this Convention;

"Whereas the same Conference, after approving the Convention on Nationality, adopted a resolution recommending the States to study the possibility of introducing into their respective legislations the principle of the equality of the sexes in matters of nationality;

"Whereas the First Committee is instructed by the Assembly to consider Item 19 of the agenda regarding the Progressive Codification of International Law;

"The Cuban delegation proposes to the Committee to submit to the Assembly, among the other points dealt with in its decisions on codification, the following resolution:

"'The Assembly begs the Council to examine whether it would be desirable to take up again, with a view to the next Conference for the Codification of International Law, the question of the nationality of women.'"

The Committee decided that the question of progressive codification should be adjourned to the Assembly's session of 1931 and no discussion of the above proposal took place.

IV. Questions to be decided by the Assembly.

As regards the nationality of women, the results attained at the Hague Conference were:

1. The adoption of a Convention the general application of which would prevent differences in the nationality laws of different countries from causing a woman to be without nationality as the result of marriage or of a change in her husband's nationality (Articles 8 and 9) and prevent automatic change of the nationality of a married woman as the result of naturalisation of her husband or dissolution of the marriage (Articles 10 and 11), together with a recommendation for the granting of passports to women who are without nationality as the result of marriage.

2. A recommendation to States to introduce the principle of the equality of the sexes more fully into their nationality laws.

At the date of the present report the Convention had been signed by:[1]

Australia	France	Mexico
Austria	Germany	The Netherlands
Belgium	Great Britain and Northern Ireland	Norway
Canada	Greece	Peru
Chile	Hungary	Poland
China	Iceland	Portugal
Colombia	India	Salvador
Cuba	Irish Free State	Spain
Czechoslovakia	Italy	Sweden
Free City of Danzig	Japan	Switzerland
Denmark	Latvia	Union of South Africa
Egypt	Luxemburg	Uruguay
Estonia		Yugoslavia

Ratifications and accessions had been given by: Monaco, Norway.

The Convention will enter into force ninety days after ten ratifications or accessions have been deposited.

The main question to be decided by the Assembly is whether it is desirable for the League to resume examination of the subject of the nationality of women in the light of the desiderata of the women's organisations, which are set out in the annex to the present report, or whether the results attained at the Hague Conference represent the maximum extent to which it is possible to secure general international agreement on this subject at the present moment.

The Assembly will doubtless, in any case, desire to bear in mind *(a)* the recommendation made by the Hague Conference itself that subjects should not be placed on the agenda of a conference until the Governments had been fully consulted as to the desirability of dealing with them and a substantial majority had expressed itself in favour of so doing; *(b)* the resolution adopted by the Assembly on October 3rd, 1930, on the proposal of the First Committee, for the purpose of ensuring careful investigation, and full consultation of the Governments, before a question is referred to a conference. The resolution of 1930 provides that, in the normal case, after the desirability of international action on a question has been recognised in principle, a first preliminary draft of a convention shall be submitted to the Governments for their observations, and that the Assembly shall decide, in the light of those observations, whether to propose to the Council to convene a conference. It the Assembly recommends that a conference shall be held, the Council is to arrange for the revision of the draft convention in the light of the Governments' replies, and the new draft, with the replies of all the Governments, is to be communicated to each Government for its observations. The final decision as to convening the conference is to be taken in the light of this second consultation of the Governments.

If the Assembly decides to take up the question of the nationality of women, it might be convenient that the first step should be the transmission to the Governments of the present report, which sets out the desiderata of the women's organisations and, possibly, also of the relevant Minutes of the discussion in the competent Committee of the Assembly, and that the Governments should be requested to submit their observations for consideration by the Assembly

[1] The following Governments at the moment of signature excluded from their acceptance certain of the articles dealing with the nationality of women: Colombia (Article 10); Cuba (Articles 9, 10 and 11); Denmark (Article 11); Japan (Article 10); the Netherlands (Articles 8, 9 and 10); Sweden (Article 11, second sentence); Switzerland (Article 10).

at its next session. If a conference is contemplated, it will doubtless ultimately be convenient for the Assembly to ask the Council to set up a special committee, on which the diverse views expressed at the Hague Conference would be duly represented, and which would report as to the possibility and desirability of action and, eventually, be charged with the preparation and subsequent revision of a draft convention. Previous consultation of the Governments would, however, probably not, in fact, involve any real delay in dealing with the matter, since the special committee could, for financial and administrative reasons, not meet until after the Disarmament Conference, and since, however representative its character, it might have difficulty in reaching conclusions without information as to how far the views of the Governments may have been affected by the consideration which they will have been able to give to the discussions at The Hague.

Appendix.

PROPOSALS OF THE COMMITTEE OF REPRESENTATIVES OF WOMEN'S INTERNATIONAL ORGANISATIONS.

The Committee of representatives of women's international organisations, which met in response to the invitation addressed by the Secretary-General to the organisations named in the Council's resolution of January 24th, 1931, drew up the following document, which was officially transmitted to the Secretary-General on July 16th.

Report to the Secretary-General to be transmitted to the Assembly of the League of Nations by the Women's Consultative Committee on Nationality created by the January 1931 Council of the League of Nations.

Chairman of Committee: Maître Maria VÉRONE
Secretary: Dorothy Elizabeth EVANS.

July 6th, 1931.

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STATEMENT BY WOMEN'S CONSULTATIVE COMMITTEE ON NATIONALITY WITH REGARD TO THE HAGUE NATIONALITY CONVENTION.

Realising the far-reaching consequences for women—for greater freedom or greater subjection—involved in the project of the League of Nations for the codification of international law, which may lead to the establishing of a World Code of Law, this Committee presents the following statement concerning the Nationality Convention drawn up by the Hague Codification Conference in 1930, and which was designed to form the opening section of the proposed Code:

1. This Committee declares that it is opposed to the Hague Nationality Convention inasmuch as it differentiates between men and women as regards nationality.

2. This Committee wishes to express its support of the proposal put before the Hague Codification Conference by the delegation from Chile for a world agreement on nationality, reading:

"The Contracting States agree that, from the going into effect of this Convencion, there shall be no distinction based on sex in their law and practice relating to nationality."

3. This Committee, finally, urges the Assembly of the League of Nations to take immediate steps:

(a) To bring about the reconsideration of the Hague Nationality Convention; and

(b) To submit to the Governments for ratification a new Convention founded on the principle of equality between men and women with regard to nationality.

MEMORANDUM IN SUPPORT OF PRECEDING STATEMENT.

I. Articles of the Hague Nationality Convention relating to Women.

The articles of the Hague Convention relating particularly to the nationality of women are as follows:

"*Article* 8.—If the national law of the wife causes her to lose her nationality on marriage with a foreigner, this consequence shall be conditional on her acquiring the nationality of the husband.

"*Article* 9.—If the national law of the wife causes her to lose her nationality upon a change in the nationality of her husband occurring during marriage, this consequence shall be conditional on her acquiring her husband's new nationality.

"*Article* 10.—Naturalisation of the husband during marriage shall not involve a change in the nationality of the wife except with her consent.

"*Article* 11.—The wife who; under the law of her country, lost her nationality on marriage shall not recover it after the dissolution of the marriage except on her own application and in accordance with the law of that country. If she does recover it, she shall lose the nationality which she acquired by reason of the marriage.

These articles, which are directed mainly to preventing statelessness and dual nationality, would, if ratified, give recognition in an international convention to the old idea of the subordinate position of women in the matter of nationality and to the old custom by which a woman's nationality was made to depend upon that of her husband. These articles, it should be noted further, are at variance with the point of view expressed in the Recommendation (No. VI) concerning the nationality of women, which was also adopted by the Hague Conference and which reads as follows:

"The Conference recommends to States the study of the question whether it would not be possible:

"(1) To introduce into their law the principle of the equality of the sexes in matters of nationality, taking particularly into consideration the interests of the children;

"(2) And especially to decide that, in principle, the nationality of the wife shall henceforth not be affected without her consent either by the mere fact of marriage or by any change in the nationality of her husband."

II. Opposition to the Convention.

The inclusion in the Hague Convention of articles giving an inferior position to women is a matter of the utmost gravity because of the psychological effect of the adoption of such a Convention upon the status of women all over the world. Women deeply resent the writing into an international agreement of articles founded upon the theory of the subjection of women. To recognise in practice this old idea is a refusal to treat a woman as a citizen in her own person. It is to deny her the status of an adult. Furthermore, it gives recognition to a system which has serious practical as well as spiritual consequences; a system which may deprive her of the vote; may deprive her at home and abroad of the protection of her own Government; may subject her even in her native land to the restrictions placed on aliens; may deprive her of the benefits of state insurance and other state assistance; may make it impossible for her to hold public office, to exercise her profession, to obtain paid employment, to own and inherit property, and may place her under other disabilities.

A code of international law should express the highest ideals. For this reason the Convention on Nationality should stand unequivocally for equality between men and women. The fact that some countries are not yet ready to accept such a Convention is not a reason for compromise with regard to the principle of equality. Any country not ready to accept the Convention in full with regard to this point could make reservations until a time when its legislation could be brought into harmony with the Convention.

III. Demand for re-opening the Question of the Convention.

In support of the recommendation for re-opening the question of the Hague Convention, this Committee calls to the attention of the Assembly that it is of the greatest importance for the success of the proposed codification of international law that the Code should command the support of women. This support can never be received if the Code contains discriminations against women, such as are found in the Nationality Convention adopted at The Hague.

It is also of the greatest importance for the success of the proposed codification that the Code should command the support of those countries—countries which already comprise so great a part of the world—in which there is a large measure of equality between men and women in their own nationality laws. This support can never be attained in full measure if the Code contains articles which give women a subordinate status in the matter of nationality.

Finally, in support of the demand for the re-opening of the Convention, this Committee points out that the inferior position given to women in the Convention violates that principle of justice upon which alone there can be based an enduring system of law.

IV. Present Status of the Convention.

According to Articles 25 and 26 of the Hague Convention, the Convention will only come into operation when ten countries have ratified it. Only two countries, Monaco and Norway, have ratified as yet, and there is therefore no Convention actually in existence, but only a proposal for a Convention.

Of the sixty-six countries which were invited to subscribe to the Hague Convention, twenty-seven countries have not signed the Convention or adhered to it. They are : Abyssinia, Albania, United States of America, the Argentine, Bolivia, Brazil, Bulgaria, Costa Rica, Dominican Republic, Ecuador, Finland, Guatemala, Haiti, Honduras, Liberia, Lithuania, New Zealand, Nicaragua, Panama, Paraguay, Persia, Roumania, San Marino, Siam, Union of Soviet Socialist Republics, Turkey and Venezuela.

Of the thirty-seven countries which have signed the Convention, seven countries have made reservations relating to the nationality of women. These seven are : Colombia, Cuba, Denmark, Japan, the Netherlands, Sweden and Switzerland.

One country, the United States of America, has not only refused to sign the Convention, but it also voted against the Convention at the Hague Conference. One of the grounds for the opposition of his Government to the Convention given by the Acting Secretary of State was : " We do not, in our laws, make differences—or make few or relatively unimportant differences—as to rights of men and women in matters of nationality ".

The above facts would seem to indicate that there is considerable dissatisfaction with the proposed Convention on the part of Governments as well as on the part of women's organisations.

V. Evolution of Position of Women in regard to Nationality.

At the end of the first decade of the twentieth century, throughout practically the entire world, with the exception of certain of the South American Republics, the nationality of a woman was made to derive from that of her husband. If she married a foreigner, she became an alien and was treated as such even in her own country. The rule applied also when the husband was naturalised after marriage in another country; his wife was forced to adopt his new allegiance.

In recent years, however, there has been a very great change in the status of women in the matter of nationality. Eighteen countries, for example, have radically amended their laws within the last thirteen years in the direction of recognising the independent nationality of the married woman. These countries, with the years in which the principal advances were made, are as follows : The Union of Soviet Socialist Republics (1918); Belgium (1922); Estonia (1922); the United States of America (1922); Norway (1924); Roumania (1924); Sweden (1924); Denmark (1925); Iceland (1926); Guatemala (1926); Finland (1927); France (1927); Turkey (1928); Yugoslavia (1928); Albania (1929); China (1929); Cuba (1929); Persia (1929).

In still other countries, there have been lesser changes, though considerable in many instances in the direction of equality in nationality. The result of this evolution is that, to-day, nearly half the population of the world lives under laws which recognise in large measure the independent nationality of the married woman.

Not only has there been a great change in the actual position of women under the laws relating to nationality, there has also been an ever-growing demand on the part of women for reform in this field. Since 1905, when women began to work internationally upon this subject, one body of women after another has joined in the movement, until to-day practically all of the international organisations of women, with branches in nearly every country and representing many millions of women, are united in the demand for recognition of the right of a woman to her own independent nationality. The Hague Convention has failed entirely to take into account this new position of women. It has failed also to take into account the strength of the demand on the part of women for equality in any international convention adopted upon this subject.

VI. Consideration of Arguments against Equality in Nationality.

1. *Conflicts of Law.*

One of the arguments advanced against the proposal for equality between men and women in nationality is that equality would increase the conflicts in law, causing, in particular, an increase in statelessness and double nationality. In answer, it is pointed out that there will be conflicts in law as long as there exist side by side the old system under which the wife is compelled to take the nationality of her husband and the new system under which the wife has the right to retain her own nationality upon marriage. Conflicts can be lessened by a universal adoption of the new system as well as by a universal return to the old system. It is not the recognition of the independent nationality of the woman which has caused statelessness and double nationality, it is the failure to make this system universal which is the difficulty.

2. *Unity of the Family.*

It is also contended that equality in nationality would interfere with the unity of the family. This is using the word " unity " in a double sense. It is confusing the unity which is harmony within a family with juridical unity. It is only juridical unity which can be imposed by law. Moreover, even in countries where the old rule of the subordination of the woman in nationality is still in force, juridical unity does not necessarily exist any more than where right of a woman to her independent nationality is recognised. For instance, in some countries where the wife is compelled to take her husband's nationality upon marriage, the husband may change his nationality after marriage without affecting the nationality of his wife, so that the husband and wife would have, in consequence, different nationalities. Another example is that of a child born under the *jus soli* system. In such a case, the child is frequently of a different nationality from that of the parents. In addition, unity of nationality does not mean that members of a family who have the same nationality necessarily live under the same legal system. For example, in countries in which civil status depends on nationality, this status is sometimes affected by the fact that the domicile is in a country which allows civil rights to be exercised regardless of nationality. An instance is when a new domicile acquired by a husband enables him to make an effective will contrary to that allowed by the law of the country of which he and his family are nationals.

3. *Facilities for acquiring Nationality of Spouse.*

A further objection offered is that equality in nationality might result in husband and wife having different nationalities when it would be to their interest to have the same nationality. In answer to this point, attention is called to the fact that there are countries which have equality in nationality and which also facilitate the naturalisation of a foreigner—whether a man or woman—who marries a national of the country, so that the husband and wife are enabled to have the same nationality if they so desire.

4. *Derivation of Child's Nationality from a Parent.*

Another point raised is that it would be difficult to give a father and mother an equal right to transmit nationality to their child. In answer, it is pointed out that there are a number of countries which have already established equality between the father and mother in this field. For example, in some countries equality between the father and mother results, primarily, from the fact that the nationality of the child is made to depend on the place of birth of the child and not upon the nationality of the parents, neither parent having the right to transmit nationality by blood. In other countries, a man who marries a foreigner gives his nationality to his child, and, equally, a woman who marries a foreigner but does not change her nationality on marriage gives her nationality to her child. In another country, equality between the father and mother has been attained by making the nationality of the child depend either upon the residence of the parents at the time of the birth of the child or upon agreement between the parents.

In general, it may be said, with regard to the fears expressed concerning equality in nationality, there are five countries in which equality between men and women in every field of nationality is already in existence. These countries seem to consider that the results are completely satisfactory, and to have no thought of returning to the old system of inequality.

VII. Practical Application of Equality in Nationality.

The Committees wishes to point out, with regard to the demand for equality between men and women in nationality, that the most important and necessary applications of this principle are :

(a) That marriage should no more affect the nationality of a woman than it affects the nationality of a man;

(b) That the right of a woman to retain her nationality or to change it by naturalisation, denationalisation or denaturalisation should not be denied or abridged because she is a married woman;

(c) That the nationality of a woman, whether married or unmarried, should not be changed or lost except under conditions which cause a man to change or lose his nationality;

(d) That facilities of choice should be given to either spouse on marriage to take the nationality of the other;

(e) That with respect to the derivation of nationality from a parent, the nationality of one parent should be given no preference over that of the other.

In conclusion, the Committee calls to the attention of the Assembly that to write into this Convention an unequal treatment of men and women is in direct opposition to the principle laid down by the Assembly that the spirit of the codification "should not confine itself to the mere registration of existing rules, but should aim at adapting them, as far as possible, to contemporary conditions of international life"; a principle also accepted by the Preparatory Committee of the Codification Conference when it declared that "the work of codification involves the risk of setback in international law if the content of the codification instrument is less advanced than the actually existing law.".

THE CODIFICATION OF INTERNATIONAL LAW SHOULD BE FOUNDED ON EQUALITY AND JUSTICE.

International Council of Women:	*(Signed)*	Maria VÉRONE. Louisa C. A. VAN EEGHEN.
Women's International League for Peace and Freedom:		Madeleine Z. DOTY. Eugénie M. MELLER.
Inter-American Commission of Women:		Alice PAUL. Doris STEVENS.
Equal Rights International:		Dorothy EVANS. Margaret Fay WHITTEMORE.
World Union of Women for International Concord:		Clara Guthrie d'ARCIS. Marguerite L. NOBS.
All-Asian Conference of Women:		Dr. Rosa Welt STRAUS. May OUNG.

The International Alliance of Women for Suffrage and Equal Citizenship and the International Federation of University Women sign the report on the understanding that the equality asked for includes the right of a married woman to her independent nationality and that the nationality of a woman shall not be changed by reason only of marriage or a change during marriage in the nationality of her husband.

International Alliance of Women for Suffrage and Equal Citizenship:	*(Signed)*	Margery I. CORBETT ASHBY. Dr. B. BAKKER NORT.

The International Federation of University Women gives its support to the above report so far as it deals with a woman's own nationality and takes no position in so far as the report deals with the derivation of the nationality of a child from its mother, since the Federation has taken no decision on this aspect of nationality.

International Federation of University Women:	*(Signed)*	Chrystal MACMILLAN. N. SCHREIBER-FAVRE.

Tables showing Extent to which Equality in Nationality already Exists.[1]

I. *There are five countries* in which a woman, to-day, has equality with a man in all matters connected with nationality, both as regards her own nationality and as regards the capacity to transmit nationality to her child.

Argentine.—(Law No. 346, October 8th, 1869; opinion of Argentine Supreme Court, June 12th, 1902; Decree of Minister for Foreign Affairs, October 8th, 1920; information supplied by Foreign Office, Argentina.)

Chile.—(Constitution, Articles 5 (1, 2, 3, 4,) and 6; Law No. 747, December 15th, 1925; information supplied by Ministry for Foreign Affairs, Chile.)

[1] The statements in the following tables have been submitted, through the Nationality Committee of the Inter-American Commission of Women, to the Foreign Office or to the Washington Embassy or Legation of each of the countries concerned, and have been verified and approved, in each instance, by either the Foreign Office or the Washington representative of the country in question. The tables give the laws as they stood in June 1931.

Paraguay.—(Constitution, Articles 35 (1, 2, 3.) 36 and 40; information supplied by Juridical Assessor of the Ministry of Paraguayan Government, Paraguay.)

Union of Soviet Socialist Republics.—(Law, April 22nd, 1931, Code No. 24 of Rules and Regulations Nos. 195, 196; information supplied by U.S.S.R. Society for Cultural Relations with Foreign Countries, Moscow.)

Uruguay.—(Constitution, Article 7; Decree of Minister for Foreign Affairs, November 30th, 1928; information supplied by Uruguayan Legation, Washington.)

II. *There are nineteen countries*[1] in which the marriage of a woman national to a foreigner does not deprive her of her nationality without her consent.

Albania.—(Civil Code, Article 15.)

Argentine.—(Opinion of Argentine Supreme Court, June 12th, 1902.)

Belgium.[2]—(Nationality Law, May 15th, 1922, Article 18 (2, 3); Nationality Law, August 4th, 1926, Article 17.)

Brazil.—(Information supplied by Ministry for Foreign Relations, Brazil.)

Chile.—(Information supplied by Ministry for Foreign Affairs, Chile.)

China.—(Nationality Law, February 5th, 1929, Article 10 (1)).

Colombia.—(Constitution, Article 9; decision by Ministry for Foreign Affairs in case of Senora Reyes Gnecco de Dugand, March 24th, 1888; decision by Ministry for Foreign Affairs in case of Senora Emma Hulsman, 1923; information supplied by Ministry for Foreign Affairs, Colombia.)

Cuba.—(Civil Code, Article 22nd, amended July 1st, 1929.)

Estonia.—(Law No. 87, October 27th, 1922, Article 19 (1); statement by Estonian Government in letter of October 29th, 1928, in reply to League of Nations questionnaire, Section XI.)

Guatemala.—(Civil Code, Article 151.)

Liberia.—(Information supplied by Department of Justice, Liberia.)

Panama.—(Information supplied by Ministry for Foreign Relations, Panama.)

Paraguay.—(Information supplied by Juridical Assessor of Ministry of Paraguayan Government, Paraguay.)

Roumania.—(Nationality Law, February 23rd, 1924, Article 38.)

Union of Soviet Socialist Republics.—(Law, April 22nd, 1931, Code No. 24 of Rules and Regulations, Nos. 195, 196.)

Turkey.—(Law No. 1312, May 28th, 1928, Articles 7, 8, 13; Instructions relative to the Application of the Law of May 1928, issued by Turkish Government, Article 13 *(b)*.)

United States of America.—(Act of Congress, September 22nd, 1922, as amended July 3rd, 1930, and March 3rd, 1931, Section 3 *(a)*.)

Uruguay.—(Information supplied by Uruguayan Legation, Washington.)

Yugoslavia.—(Nationality Law, September 21st, 1928, Article 29; Regulations by Minister of Interior for execution of the Law, December 28th, 1928, Articles 56, 57, 58.)

III. *There are twelve countries*[3] in which the marriage of a foreign woman to a national of a country does not compel her to take her husband's nationality without her consent.

Argentine.—(Opinion of Supreme Court, June 12th, 1902; Decree of Minister for Foreign Affairs, October 8th, 1920.)

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[1] In addition to the countries listed, there are several in which, *under many circumstances*, the marriage of a woman to a foreigner does not deprive her of her nationality without her consent. These countries are not included in the above list, however, as in these countries, *under certain circumstances*, a woman who marries a foreigner loses her own nationality as a result of the marriage, regardless of her consent. An example is France. A French woman who marries a foreigner is not deprived of French nationality without her consent, excepting when the married couple fix their first domicile after the marriage outside of France and when, in addition, the wife acquires the husband's nationality by the marriage according to the law of his country (French Nationality Law, August 10th, 1927, Article 8).

[2] This statement does not apply to a woman who has become Belgian by marriage.

[3] In addition to the countries listed, there are several in which, *under many circumstances*, the marriage of a foreign woman to a national of a country does not compel her to take her husband's nationality without her consent. These countries are not included in the above list, however, as in these countries, *under certain circumstances*, a foreign woman who marries a national of the country in question is compelled to take her husband's nationality regardless of her consent. France may be given again as an example. A foreign woman who marries a Frenchman is not obliged to take French nationality regardless of her consent, excepting when by the law of her country she necessarily follows the nationality of her husband (French Nationality Law, August 10th, 1927, Article 8).

Belgium.—(Nationality Law, May 15th, 1922, Article 4; Nationality Law, August 4th, 1926, Article 12.)

Brazil.—(Information supplied by Ministry for Foreign Relations, Brazil.)

Chile.—(Information supplied by Ministry for Foreign Affairs, Chile.)

Colombia.—(Information supplied by Ministry for Foreign Affairs, Colombia.)

Ecuador.—(Constitution, Article 9 (4); information supplied by Ministry for Foreign Relations, Ecuador.)

Guatemala.—(Civil Code, Article 151.)

Panama.—(Information supplied by Ministry for Foreign Relations, Panama.)

Paraguay.—(Information supplied by Juridical Assessor of Ministry of Paraguayan Government, Paraguay.)

Union of Soviet Socialist Republics.—(Law, April 22nd, 1931, Code No. 24 of Rules and Regulations, Nos. 195, 196.)

United States of America.—(Act of Congress, September 22nd, 1922, as amended July 3rd, 1930, and March 3rd, 1931, Section 2.)

Uruguay.—(Decree of Minister for Foreign Affairs, November 30th, 1928.)

IV. *There are eighteen countries* in which the acquiring of a new nationality by a man after marriage, or the relinquishing of his old nationality, does not carry with it a corresponding change in the nationality of his wife without her consent.

Argentina.—(Decree of Minister for Foreign Affairs, October 8th, 1920; information supplied by Foreign Office, Argentina.)

Belgium.[1]—(Nationality Law, May 15th, 1922 Articles 4, 15, 18 (3); Nationality Law, August 4th, 1926, Articles 12, 17.)

Brazil.—(Decree No. 569, June 7th, 1899; Decree No. 6948, May 14th, 1908; information supplied by Ministry for Foreign Relations, Brazil.)

Bulgaria.—(Nationality Law, January 5th, 1904, as amended to July 24th, 1924, Articles 11, 23.)

Chile.—(Constitution, Articles 5 (3, 4), 6; Law No. 747, December 15th, 1925; information supplied by Ministry for Foreign Affairs, Chile.)

Dominican Republic.—(Constitution, Article 8 (4); Law No. 1227, December 4th, 1929, Article 2; information supplied by Ministry for Foreign Affairs, Dominican Republic.)

Egypt.—(Law No. 19, February 27th, 1929, Article 15.)

Estonia.—(Law No. 87, October 27th, 1922, Articles 11, 13, 20, 21, 22; statement by Estonian Government in letter of October 29th, 1928, in reply to League of Nations questionnaire, Section XI.)

France.—(Nationality Law, August 10th, 1927, Articles 7, 9; statement by French Government in letter of November 16th, 1928, in reply to League of Nations questionnaire, Section XI.)

Guatemala.—(Nationality Law, May 5th, 1894; information supplied by Ministry for Foreign Affairs, Guatemala.)

Luxemburg.—(Information supplied by Ministry of State, Luxemburg.)

Monaco.—(Civil Code, Articles 9, 10, 17, 18; information supplied by Ministry of State, Monaco.)

Paraguay.—(Constitution, Articles 36, 40; information supplied by Juridical Assessor of Ministry of the Paraguayan Government, Paraguay.)

Portugal.—(Civil Code, Articles 18 (5), 22, Note I; Decree of Minister of Interior, December 2nd, 1910, Articles 1, 2; information supplied by Ministry for Foreign Affairs, Portugal.)

Union of Soviet Socialist Republics.—(Information supplied by U.S.S.R. Society for Cultural Relations with Foreign Countries, Moscow.)

United States of America.—(Act of Congress, March 2nd, 1907, Section 2; Act of Congress September 22nd, 1922, as amended July 3rd, 1930, and March 3rd, 1931, Section 2.)

Uruguay.—(Information supplied by Uruguayan Legation, Washington.)

Venezuela.—(Naturalisation Law, July 13th, 1928, Articles 4 (2), 7.)

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[1] This statement does not apply to a woman who has become Belgian by marriage.

V. *There are thirteen countries* in which a woman has an equal right with her husband to transmit nationality to their children.

Argentine.—(Law No. 346, October 8th, 1869, Article 1 (1, 2).)

Chile.—(Constitution, Article 5 (1, 2); information supplied by Ministry for Foreign Affairs, Chile).

Colombia.—(Constitution, Article 8 (1, 2); information supplied by Ministry for Foreign Affairs, Colombia.)

Dominican Republic.—(Constitution, Article 8 (2, 3); information supplied by Ministry for Foreign Affairs, Dominican Republic.)

Ecuador.—(Constitution, Articles 7, 8 (1, 2); information supplied by Ministry for Foreign Relations, Ecuador.)

Nicaragua.—(Constitution, Article 8 (1, 2); information supplied by Ministry for Foreign Relations, Nicaragua.)

Panama.—(Constitution, Article 6; Civil Code, Article 39 (1, 2); Administrative Code, Articles 122 (1, 2), 125, 126; information supplied by Ministry for Foreign Relations, Panama.)

Paraguay.—(Constitution, Articles 35 (1, 2, 3); information supplied by Juridical Assessor of Ministry of Paraguayan Government, Paraguay.)

Peru.—(Constitution Article 59 (1, 2); information supplied by Ministry for Foreign Affairs, Peru.)

Union of Soviet Socialist Republics.—(Law, April 22nd, 1931, Code of Laws No. 24 of Rules and Regulations, Nos. 195, 196.)

Turkey.—(Law, No. 1312, May 28th, 1928, Articles 1, 2, 3, 4; Law No. 1414, April 6th, 1929, Article 1.)

Uruguay.—(Constitution Article 7; information supplied by Uruguayan Legation, Washington.)

Venezuela.—(Constitution Article 28 (1, 2); information supplied by Venezuelan Legation, Washington.)

ANNEX 8.

NATIONALITY OF WOMEN.

DRAFT RESOLUTION SUBMITTED BY THE CHILIAN DELEGATION.

Seeing that the political constitution of Chile makes no distinction between men and women in so far as concerns their rights of nationality, and that the Chilian Government has always sympathised with those feminine aspirations which were disappointed by the conclusions of the Conference for the Codification of International Law held at The Hague in 1930,

The Chilian delegation, in conformity with these aspirations, has the honour to submit to the First Committee the following resolution :

" The Assembly,

" Having taken note of the Secretary-General's report on the question of the nationality of women submitted in conformity with the Council's resolution of January 24th, 1931, and also of the report and proposals of the Women's Advisory Committee attached thereto;

" In view of the recommendations made to the Assembly by this Committee that the necessary measures should be taken to enable the question of the nationality of women to be studied on the basis of the principle of equality between the sexes;

" Requests the Council to transmit to the Governments the Secretary-General's report on the question of the nationality of women with the Minutes of the First Committee of the Assembly, and requests the Governments to forward their observations on this subject so that they may be submitted to the Thirteenth Assembly, in order that a fresh study may be made of the Hague Convention on the nationality of women in conformity with recommendation No. VI of the Conference for the Codification of International Law held at The Hague in 1930;

" Thanks the Women's Consultative Committee for its report and begs it to continue to carry on its work."

Official No. : A.41.1931.V.

ANNEX 9.

NATIONALITY OF WOMEN.

COMMUNICATION FROM THE UNION INTERNATIONALE DES LIGUES FÉMININES CATHOLIQUES

Note by the Secretary-General :

The following letter, which was received by the Secretary-General from the Union internationale des Ligues féminines catholiques on August 19th, 1931, is communicated to the Assembly in accordance with a decision taken by the Council on September 4th, 1931.

" Nationality, as affecting married women, is a problem which the Union internationale des Ligues féminines catholiques and its associated societies have for a long time had under consideration. Examination of the problem has shown that the present situation leaves in every respect much to be desired.

" The Union internationale des Ligues féminines catholiques has learned with great satisfaction of the decision of the Council of the League of Nations of January 24th, 1931, to place on the agenda of the next session of the Assembly the question of the nationality of married women; it recognises the necessity of reforming the rules at present applicable in the matter in order, as far as possible, to avoid cases of absence of nationality, and of double nationality, and the conflicts which result from the laws in force; it ventures, however, in the name of the twenty-five million Catholic women who belong to the Union, respectfully to call Your Excellency's attention to the danger involved in any infringement of the principle of the unity of the family. The Union is convinced that to defend the integrity of the family is entirely in the interest of the social and moral well-being, not merely of nations considered individually, but of humanity as a whole.

" Accordingly, the Union internationale des Ligues féminines catholiques :

" Declares its conviction that it is the principle of the unity of the family and not that of emancipation of women which should predominate;

" Associates itself entirely with the desiderata submitted on March 13th, 1930, by certain women, doctors of law of the Netherlands universities, to the President of the Hague Conference for the Codification of International Law; and

" Expresses the desire :

" 1. That the uniform system which is to govern for all countries the question of the nationality of married persons and in particular that of the nationality of married women should be based upon unity of the family and provide guarantees against abuses due to the married persons themselves;

" 2. That, pending the coming into force of such international agreement, there may be established international rules for the settlement of conflicts and, in particular, for preventing a woman from losing all nationality as the result of marriage and for protecting women against any arbitrary change in their nationality being effected by their husbands."

(Signed) F. STEENBERGHE-ENGERINGH,
President.

M. ROMME,
Secretary.

ANNEX 10.

NATIONALITY OF WOMEN.

DRAFT RESOLUTION SUBMITTED BY THE ITALIAN DELEGATION.

" The Assembly,

" In view of the resolution adopted by the Council of the League of Nations at its session of January 1931,

" Instructs the Secretary-General to communicate to the Governments the report of the Women's Advisory Committee and the letter to the International Union of Catholic Women's Associations, in order that they may consider in relation with the Convention of April 12th, 1930, concerning certain questions relative to conflicts of law on nationality, what action they propose to take on the said Convention, and in order that they may state whether they think it possible to proceed to a fresh study of the problem of the nationality of married women."

Official No.: A.84.1931.V.

ANNEX 11.

NATIONALITY OF WOMEN.

REPORT OF THE FIRST COMMITTEE TO THE ASSEMBLY.

Rapporteur: Mr. W. E. Beckett (United Kingdom).

The draft resolution which the First Committee presents to the Assembly on this subject, and of which the text is given below, has for its object to prepare the ground for consideration by the Assembly at its next session of the very important question of the Nationality of Women. With this object, it is proposed that the Council should transmit to the Governments the documents which were officially placed before the Assembly by decisions of the Council—namely, the Secretary-General's report, the report of the Committee of Representatives of Women's International Organisations which is annexed thereto, and the letter of the International Union of Leagues of Catholic Women of August 19th, 1931. The Minutes of the discussions in the First Committee itself, which have dealt with many aspects of the problem, will also be transmitted to the Governments. The Governments will be asked to submit their observations on the whole matter, including their views regarding the Hague Nationality Convention of April 12th, 1930. It is further proposed that the Assembly should receive and consider any observations which the Committee of Representatives of Women's International Organisations may wish to put forward. It is hoped that this Committee will be able to make the necessary arrangements to continue itself in being and to serve as a medium for voicing the important current of opinion which it represents.

The nature of the First Committee's proposal in itself implies that the First Committee does not express, and does not consider that the Assembly should express at the present stage, any opinion on the merits of the question. In particular, it is desirable, in order to prevent any misunderstanding, that it should be placed on record here that the second paragraph of the proposed resolution merely takes note of the conclusions set out in the report of the Committee of Representatives of Women's International Organisations and will not constitute any expression of opinion by the Assembly with regard to the Convention. What the Committee proposes is that the Governments should include a statement of their views with regard to the convention in the observations which they will be asked to present on the general question of the nationality of women.

Draft Resolution.[1]

"The Assembly,

"Having examined with the greatest interest the report of the Secretary-General on the question of the nationality of women, presented in accordance with the resolution of the Council of January 24th, 1931, and the report and proposals of the Committee of Representatives of Women's International Organisations which are annexed thereto;

"Notes the desire of the said Committee that steps should be taken to bring about the reconsideration of the Hague Nationality Convention, bearing in mind the principle of equality between men and women;

"Thanks the Committee of Representatives of Women's International Organisations for its report; and

"Requests the Council, in harmony with the recommendation No. VI of the Conference for the Codification of International Law held at the Hague, March-April 1930, to transmit to all Governments the report of the Secretary-General on the question of the nationality of women, including the report of the Committee of Representatives of Women's International Organisations, and the letter of the International Union of Leagues of Catholic Women of August 19th, 1931, together with the Minutes of the First Committee of the Assembly on this subject, and to request Governments to submit their observations on this subject (including their views regarding the Hague Nationality Convention) for reconsideration of the matter by the thirteenth Assembly, to which any observations which the above-mentioned Committee thinks fit to present will be communicated."

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[1] This resolution was adopted by the Assembly on September 26th, 1931.

ANNEX 12.

SITUATION AS REGARDS THE ENTRY INTO FORCE OF THE PROTOCOL OF SEPTEMBER 14TH, 1929, CONCERNING THE REVISION OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

NOTE BY THE SECRETARY-GENERAL.

Although the Protocol of September 14th, 1929, did not enter into force on the date originally contemplated (paragraph 4), the Assembly last year accepted the view that it could subsequently come into force, if the necessary ratifications were received. The first of the resolutions regarding the Permanent Court, which were adopted on September 25th, 1930, invited the States to continue to ratify the Protocol, and the third resolution asked the Court to take certain action as regards its sessions and the attendance of judges "pending the entry into force of the Protocol". In his oral statement to the Assembly, M. Pilotti, the Rapporteur of the First Committee, indicated that the ratifications necessary would be those of all the States which ratified the Protocol of Signature of the Court's Statute of December 16th, 1920. It should be noted further that paragraph 7 of the Protocol provides:

> "7. For the purposes of the present Protocol the United States of America shall be in the same position as a State which has ratified the Protocol of December 16th, 1920."

Thirty-eight Members of the League have so far ratified both Protocols; the ratification of Cuba is, however, subject to reservations as stated below.

The Members of the League and non-member States which have ratified the Protocol of 1920, but have not yet ratified that of 1929, are the following:[1]

Abyssinia	Lithuania	Uruguay
Brazil	Panama	Venezuela
Chile		

The following Members of the League have not ratified either Protocol, but, with the exception of Argentina and Honduras, they have signed the Protocol of 1929:

Argentina	Dominican Republic	Nicaragua
Bolivia	Guatemala	Paraguay
Colombia	Honduras	Peru

The United States of America has signed but not yet ratified both the Protocol of 1920 and that of 1929. As regards putting the amendments into force on September 1st, 1930, under the special procedure established by Article 4 of the Protocol of 1929, the Secretary of State of the United States expressed the point of view of his Government in a letter of June 25th, 1930, to the Secretary-General, which states:

> "The Secretary of State. . . perceives no reason to object to the coming into force, between such nations as may have become parties thereto, of the amendments to the Statute of the Permanent Court of International Justice as set out in the Annex to the Protocol dated September 14th, 1929, which have not been ratified by the United States."

The Cuban ratification of the Protocol of 1929 was subject to reservation (1) of paragraph 4 of the Protocol, relating to its entry into force on September 1st, 1930, if the States whose ratifications were necessary, but which had not ratified, gave their consent and (2) of the new text of Article 23 of the Court's Statute reading as follows:

> "The Court shall remain permanently in session except during the judicial vacations, the dates and duration of which shall be fixed by the Court.
>
> "Members of the Court whose homes are situated at more than five days' normal journey from The Hague shall be entitled, apart from the judicial vacations, to six months' leave every three years, not including the time spent in travelling.
>
> "Members of the Court shall be bound, unless they are on regular leave or prevented from attending by illness or other serious reason duly explained to the President, to hold themselves permanently at the disposal of the Court."

In the letter forwarding the instrument of ratification to the Secretary-General, the Cuban Government further made the following declaration:

[*Translation.*]

> "I have, at the same time, the honour to inform you that the Cuban Government consider that the Protocol will not affect the position of judges already elected, and to request you to take note thereof."

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[1] With the exception of Abyssinia, all these States have signed the Protocol of 1929.

In execution of the instructions given to him by the Council's resolution of June 17th, 1927, in regard to reservations attached to a ratification of a Convention and not provided for by the terms of the Convention, the Secretary-General by a circular letter of January 22nd, 1931 (C.L.4.1931.V), invited the other Governments concerned to inform him whether they were able to accept the reservations made by Cuba. He at the same time informed them of the declaration made by Cuba. In view of the nature of the Protocol, and the provisions of its seventh paragraph, the letter was addressed to all the Members of the League, Brazil and the United States of America.

The replies [1] to this letter, which had been received down to the date of the present document, may be summarised as follows :

1. No objection has been raised to the reservation of paragraph 4 of the Protocol.

2. The declaration of the Cuban Government is regarded as referring to a matter which the Assembly last year considered to lie within the competence of the Court itself.

3. As regards the reservation of the new text of Article 23 of the Court's Statute :

(a) This reservation has been accepted by the following Governments :

Albania.

Bulgaria.

Greece, which, however, expresses the hope that subsequently the Republic of Cuba may be prepared to abandon the reservation.

Portugal, which, however, is of opinion that the settlement of the questions involved could be undertaken by the Court itself.

Venezuela.

(b) The following Governments have not felt able to accept the reservation :

Germany, because the object of the change in the original text of Article 23 was to ensure that the Permanent Court of International Justice should be a really permanent organisation, and to make it compulsory in principle for all the judges to be present; the reservation would prevent one of the most essential of the new provisions contemplated in the Protocol from being applied in respect of all the Governments concerned. Germany expresses the hope that, after examination, the Cuban Government will decide to withdraw the reservation.

Great Britain and Northern Ireland, since the effect would be, not that the article in question would not be binding on Cuba, but that it could not come into force at all; and this would amount to altering, at the request of only one State, an instrument which has been accepted by nearly all the Members of the League.

France considers that modification of the text of one of the articles, at a time when the majority of Governments have already ratified the Protocol in the form in which it was submitted for their signature, would raise difficulties, since it would put in question the ratifications already obtained; and hopes that the Cuban Government will give this situation serious consideration.

Hungary considers it desirable that the making of the reservation should not have the effect of definitely preventing the coming into force of the article itself, since the provision contained therein constitutes one of the fundamental principles aimed at when it was decided to revise the Statute of the Court.

Italy, since such acceptance would not have the effect of freeing the Republic of Cuba from the obligations arising out of the article in question, but would lead solely to the regrettable result of preventing the coming into force of the article itself and thus modifying, at the request of a single State, an instrument accepted by almost all the Members of the League.

Persia, since acceptance involves difficulties which Persia would not wish to see arise, and which the Cuban Government will no doubt be good enough to take into consideration, as the reservation would have the regrettable consequence of preventing the entry into force of Article 23.

South Africa, since the scope and significance of the reservation not being clear, uncertainty would be left as to the legal consequence of accepting it.

(c) The following Governments, while not accepting the reservation, express the opinion that it should be examined at the Assembly or in negotiations between the Governments :

Belgium, which further considers that the Government of Cuba may perhaps find it proper to re-examine the conditions under which it has given its ratification, in the light of the new Rules of Court.

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[1] As the replies were received, the Secretary-General communicated their contents to the Governments.

Denmark, seeing that the scope and significance of the Cuban reservation are not clear to the Danish Government. The Danish Government states that, as the reservation is not set out in detail, it should not prevent the revision of the Statute from coming into force in the form adopted and ratified by the other Contracting Parties.

Finland, in view of the fact that the new draft of the Article embodies one of the principal reasons for the complete revision of the Statute and that the meaning and scope of the reservation do not appear to be very clear.

Irish Free State, since it attaches considerable importance to the principles embodied in the revised version of Article 23, and would feel great difficulty in accepting any proposal the effect of which might be to weaken the position which that article was intended to create; this attitude appears to it to be justified, having regard to the resolution adopted on September 25th, 1930, at the Eleventh Session of the Assembly.

Norway.

Netherlands, since the new Article 23 embodies a principle, and the acceptance of the reservation would prevent the entry into force of the new article.

Poland.

Spain, in view of the importance of the principles laid down in the article.

Sweden, since Article 23 lays down one of the fundamental principles which were aimed at in amending the Statute.

Switzerland, since the Federal Council attaches fundamental importance to Article 23, which makes the Court a body permanently in session.

The appendix to the present document contains a communication from the Registrar of the Permanent Court of International Justice, which has been distributed to the Members of the League, which gives a brief account of the changes in the Rules of Court which the Permanent Court has thought it proper to make as a result of the Assembly's resolutions of September 25th, 1930.

Appendix.

LETTER ADDRESSED TO THE SECRETARY-GENERAL ON FEBRUARY 21ST, 1931, BY THE REGISTRAR OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

[*Translation.*]

I have the honour to inform you that on February 21st, 1931, the Court decided to put into force on the same day an amended text of certain of its Rules.

The amendments to the old text are based on the resolutions concerning the " organisation of the Permanent Court of International Justice " adopted by the Assembly of the League of Nations on September 25th, 1930, at its Eleventh Ordinary Session. The third of these resolutions reads as follows :

> " The Assembly requests the Permanent Court of International Justice to examine the suggestions contained in Part II, paragraphs 1 and 2, of the Report of the Committee of Jurists (document A.45.1930.V), which was submitted to and approved by the Council of the League of Nations on September 12th, 1930, and expresses the hope that the Court will give consideration to the possibility of regulating, pending the coming into force of the Protocol of September 14th, 1929, concerning the revision of the Statute of the Court, the questions of the sessions of the Court and the attendance of the judges on the basis of Article 30 of the Statute as annexed to the Protocol of December 16th, 1920. "

Following the terms of this resolution and the passages therein referred to of the Report of the Committee of Jurists approved by the Council of the League on September 12th, 1930, the Court considered the possibility of introducing, in virtue of Article 30 of the existing Statute and without infringing Article 23, " the system of permanent sessions " or at least of making " the functioning of the Court possible during the period necessitated by the pressure of business ". In this connection the Court also found it advisable to consider the question of the date for the opening of its annual ordinary session, and that of long vacations at fixed intervals for judges coming from distant countries.

The outcome of this examination and these enquiries is embodied in a new draft of Articles 27, 28 and 57 of the Rules of the Court, based on the theory that the judges are, in principle, at the Court's disposal at all times, and that the Court itself is at all times at the disposal of litigants.

This being assumed, a few further slight alterations in Articles 9, 12 and 13 of the Rules seemed necessary; with the same idea in view, the Court adopted a resolution to the effect that it " considers it desirable not to meet between July 1st and October 1st except for urgent business "

The Court did not, however, think it expedient to carry out a new general revision of the Rules at the beginning of the term of office of the newly elected judges. None the less, certain questions which seemed urgent have already received its attention; and this is the explanation of some new formulæ that it has adopted—for Articles 17, 19, 21, 42 and 65.

The amended articles in question have been printed under their respective numbers in a new edition of the Court's official publication containing the texts of its Statute and Rules (Series D, No. 1, of the Court's publications).

(Signed) Å. HAMMARSKJÖLD,
Registrar of the Court.

AMENDED TEXTS OF ARTICLES 9, 12, 13, 27, 28 AND 57 OF THE RULES OF COURT.

Article 9.

The election of the President and the Vice-President shall take place in the last quarter of the last year of office of the retiring President and Vice-President.

After a new election of the whole Court, the election of the President and of the Vice-President shall take place at the commencement of the following session. The President and Vice-President elected in these circumstances shall take up their duties on the day of their election. They shall remain in office until the end of the second year after the year of their election.

Should the President or the Vice-President cease to belong to the Court before the expiration of their normal term of office, an election shall be held for the purpose of appointing a substitute for the unexpired portion of their term of office.

The elections referred to in the present article shall take place by secret ballot. The candidate obtaining an absolute majority of votes shall be declared elected.

Article 12.

The discharge of the duties of the President shall always be assured at the seat of the Court, either by the President himself or by the Vice-President.

If at the same time both the President and the Vice-President are unable to fulfil their duties, or if both appointments are vacant at the same time, the duties of President are discharged by the oldest among the judges who have been longest on the bench.

After a new election of the whole Court, and until the election of the President and the Vice-President, the duties of President are discharged by the oldest judge.

Article 13.

If the President is a national of one of the parties to the case, the functions of President pass in respect of that case to the Vice-President, or, if he is similarly prevented from presiding, to the oldest among the judges who have been longest on the bench and who is not for the same reason prevented from presiding.

Article 27.

1. The ordinary session of the Court opens on February 1st in each year.

2. The session continues until the session list referred to in Article 28 is finished. The President declares the session closed when the agenda is exhausted.

3. The President may summon an extraordinary session of the Court whenever he thinks it desirable, as, for instance, when a case submitted to the Court is ready for hearing or to deal with urgent administrative matters.

4. Judges are bound to be present at the ordinary session of the Court and at all sessions to which they are summoned by the President, unless they are on leave or are prevented by illness or other serious reasons duly explained to the President and communicated by him to the Court.

Deputy-judges are bound to be present at all sessions to which they are summoned by the President, unless they are prevented by some reason duly explained to the President and communicated by him to the Court.

5. Judges whose homes are situated at more than five days' normal journey from The Hague, and who by reason of the fulfilment of their duties in the Court are obliged to live away from their own country, are entitled in the course of each period of three years of duty to leave for six months in addition to the time spent on travelling.

The order in which these leaves are to be taken shall be laid down in a list drawn up by the Court according to the seniority in age of the persons entitled. This order can only be departed from for serious reasons duly admitted by the Court.

The number of judges on leave at any one time must not exceed two.

The President and the Vice-President must not take their leave at the same time.

6. If the day fixed for the opening of a session is regarded as a holiday at the place where the Court is sitting, the session shall be opened on the working day following.

Article 28.

The general list of cases submitted to the Court for decision or for advisory opinion shall be prepared and kept up to date by the Registrar on the instructions and subject to the authority of the President. Cases shall be entered in the list and numbered successively according to the date of the receipt of the document submitting the case to the Court.

For each session of the Court a session list shall be prepared in the same way, indicating the contentious cases and the cases for advisory opinion which are ready for hearing, whether submitted to the full Court or to the Special Chambers or the Chamber for Summary Procedure. Cases shall be entered in the order which they occupy in the general list, but subject to the priority resulting from Article 57 or accorded by the Court to a particular case in exceptional circumstances.

When the list includes no cases other than those submitted to the Special Chambers or the Chamber for Summary Procedure, the session shall only continue as a session of the Special Chamber or of the Chamber for Summary Procedure, as the case may be.

If in the course of the session a case submitted to the Court, either for decision or for an advisory opinion, becomes ready for hearing, it shall be entered in the session list, unless the Court decides to the contrary.

Adjournments which are applied for in cases which are submitted to the Court for decision or for advisory opinion and are ready for hearing may be granted by the Court in case of need. If the Court is not sitting, adjournments may in such cases be granted by the President.

Article 57.

An application made to the Court by one or both of the parties, for the indication of interim measures of protection, shall have priority over all other cases. The decision thereon shall be treated as a matter of urgency, and if the Court is not sitting it shall be convened without delay by the President for the purpose.

If no application is made, and if the Court is not sitting, the President may convene the Court to submit to it the question whether such measures are expedient.

In all cases, the Court shall only indicate measures of protection after giving the parties an opportunity of presenting their observations on the subject.

ANNEX 13.

ENTRY INTO FORCE OF THE PROTOCOL OF SEPTEMBER 14TH, 1929, CONCERNING THE REVISION OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

DRAFT RESOLUTION SUBMITTED BY THE NORWEGIAN AND SWEDISH DELEGATIONS.

The Assembly,

Notes with satisfaction that the Protocol of September 14th, 1929, concerning the Revision of the Statute of the Permanent Court of International Justice, has now obtained almost all the ratifications necessary to bring it into force;

Reaffirms the hope which it expressed at its last session that the States which have not so far ratified the Protocol will proceed to do so as soon as possible; and,

Considering that a reservation could only be made at the moment of ratification if all the other signatory States agree or if such a reservation has been provided for in the text of the Convention,

Expresses the hope that the Member of the League which has only felt it possible to ratify the Protocol with a reservation will be so good as to re-examine its position in the light of the views which have been expressed by the other Members of the League; and

Decides that the Assembly at its next session shall receive and consider a report from the Secretary-General as to the progress which has been made in regard to the coming into force of the new Statute and consider what measures are to be taken in the matter.

ANNEX 14.

PROPOSAL OF THE GOVERNMENT OF FINLAND TO CONFER ON THE PERMANENT COURT OF INTERNATIONAL JUSTICE JURISDICTION AS A TRIBUNAL OF APPEAL IN RESPECT OF ARBITRAL TRIBUNALS ESTABLISHED BY STATES.

REPORT BY THE SUB-COMMITTEE.

Rapporteur : M. RAESTAD (Norway).

The Sub-Committee [1] appointed by the First Committee to draw up for its consideration proposals concerning the Finnish proposal to confer on the Permanent Court in certain exceptional cases functions of a tribunal of appeal in relation to arbitral tribunals has held three meetings in the course of which it drew up the draft resolution and draft protocol now submitted to the First Committee. (Appendices I and II.)

* * *

The Sub-Committee first examined two questions of a general character.

(1) It put to itself the question whether it was necessary to determine the various causes which may render an arbitral award invalid. It felt that this procedure, which would call for difficult enquiries and long discussion, was in practice impossible. It thought that in the present state of international law it was prudent to leave determination of the causes which may render an award invalid to be effected by successive judicial decisions. It considered, however, that, in order to relieve certain apprehensions which may be felt, it ought to add that it seems to it to be clear that in the present state of international law, and except where the States concerned have expressly provided for an appeal, an arbitral award could not be treated as invalid on the ground that the arbitral tribunal had wrongly applied the substantival law.

(2) The Committee next considered whether, as between the numerous States which have accepted the obligations of Article 36 of the Statute of the Court, the Court of International Justice may not already have jurisdiction to hear and determine a dispute as to the validity of an arbitral award.

Although the Sub-Committee has the impression that Article 36 of the Court's Statute would, at least to a large extent, permit of attaining the object aimed at by the Finnish Delegation, it has been obliged to recognise that opinion was not unanimous on the question and that some doubt existed. It might be proposed to ask an advisory opinion from the Permanent Court of International Justice on this general question; but the Sub-Committee did not think that it was for it to discuss the possibility or desirability of such a course, and it felt that, in the meanwhile, while recognising the value of the possibilities offered by Article 36, it was desirable to take precautions to meet the eventuality that Article 36 might not furnish a complete remedy for the danger of a dispute as to the validity of an arbitral award remaining without solution.

* * *

The Sub-Committee then considered the methods proposed to attain the desired object.

(1) In the first place it has drawn up a draft recommendation for submission to the Assembly.

The first paragraph of the recommendation stresses the fact that the difficulties to be met are of an exceptional nature. The validity of arbitral awards has very rarely been disputed in the past; it must be expected that such disputes will be equally rare in the future.

The text in question is not inspired by any suspicion of arbitral tribunals, whose authority must not be impaired.

The second paragraph of the recommendation categorically affirms that a State contesting the validity of an arbitral award must agree to its contention being examined by a new tribunal.

Such new tribunal might be either an arbitral tribunal or the Permanent Court of International Justice. It was felt that one should avoid any appearance of placing arbitral tribunals in a position of subordination to the Permanent Court of International Justice. The aim to be attained is to secure that a dispute as to the validity of an award shall be finally settled by a different tribunal. The parties may prefer to have recourse to another arbitral tribunal rather than to the Permanent Court of International Justice.

The third paragraph contains a recommendation for submission to the Council with the object of giving practical effect to the obligation which is recognised to rest upon the parties to the award. The Council is to invite the parties to draw up a submission; and, if such

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[1] The Sub-Committee consisted of M. Antoniade, Count Apponyi, M. Erich, M. Hoffinger, M. Huber, M. Ito, M. Raestad, M. Rolin. The Chairman was M. Huber.

a submission is not agreed upon, owing to refusal by one party or failure of the parties to agree upon its terms, the Council is to ask an opinion from the Court.

The Sub-Committee has not desired to enter upon an examination of the different cases in which the validity of an arbitral award might be questioned before the Council. It has thought it proper to cover by a single general formula all cases other than those referred to in Article 13, paragraph 4, of the Covenant.

(2) The Sub-Committee has, in the second place, drawn up a draft protocol. It feels, however, that such a protocol should not be opened for signature unless there are real probabilities of its receiving a considerable number of accessions.

Accordingly, it put to itself the question whether for the moment it would not be best to simply submit to the Governments a draft on which they would be invited to make observations.

Consultation of the Governments on the basis of a definite draft is a more fruitful method than putting to the Governments a simple question of principle as to the desirability of a convention.

The Draft Protocol contains a Preamble and four Articles, apart from the ordinary formal clauses.

Article 1.

The second sentence deals more particularly with the case where a party, recognising the validity of an arbitral award and finding itself in presence of a contention of the other party that the award is invalid, desires to have its rights immediately confirmed; with this object such a party is empowered to bring the case immediately before the Permanent Court of International Justice.

Article 2.

Paragraph 1.

The Sub-Committee decided, by a majority, that the recourse to the Court could only be allowed during a comparatively short period after the receipt of the award or the discovery of a new fact. The object of this limit of time is to exclude belated recourse to the Court with all the disadvantages which would result therefrom.

The minority felt that, in view of the exceptional character of the contemplated recourse to the Court and the very various nature of the defects which may make a judicial decision invalid, it would be undesirable to lay down any rule on the subject.

Owing to the great diversity of methods of arbitral procedure, the Sub-Committee felt some hesitation as to what should be the date from which the period of limitation should run. In principle, the date from which this period starts is that of the receipt of the award by the parties—*i.e.*, the effective notification of the award.

Paragraph 2.

The operation of the award will not be suspended during the period within which recourse to the Court is permitted.

The Court will decide whether the application to it should have the effect of suspending the operation of the award, and it will have a general power to order interim measures of protection.

Article 3.

First Sentence.

The use of the word " nullity " in connection with awards the validity of which is disputed has been deliberately avoided. The Permanent Court of International Justice should not be set up as a court of cassation. The Court will not annul the arbitral award; it will confine itself to declaring the defects which render it invalid. It is possible that the existence of a defect established by the Court renders the award invalid in part only. The Court will determine the extent of the defect.

Second Sentence.

The Sub-Committee had to give serious consideration to the question what should be the results of a judgment of the Court declaring the existence of a defect affecting the validity of the arbitral award. If the parties were simply placed in the legal position which they occupied before the commencement of the arbitral proceedings, which have resulted in the wholly or partially invalid award, great difficulties might result. The Committee has not thought that to escape from the difficulties it should be decided that the Court should normally deal with the substance of the case. It will be for the parties to select and organise a new tribunal for this purpose; but, if they fail to do so, any one of them will be able to bring the case before the Court for a decision on the substance. This has been felt to be the only practical method of reaching a satisfactory solution of the problem.

Article 4.

The intention is that an award given in proceedings between a State and an individual should be incapable of being the object of proceedings before the Court, except where the recourse to arbitration is provided for in a treaty. The result is to exclude arbitral awards of a purely private nature.

Articles 5 *to* 10.

These Articles are copied from the General Act of Arbitration of September 26th, 1928.

Appendix I.

DRAFT RECOMMENDATION.

The Assembly,

Being anxious to facilitate the settlement, in accordance with law, of certain difficulties which may exceptionally arise in regard to the validity of arbitral awards;

Believing that any State or Member of the League of Nations contesting the validity of an arbitral award has the obligation of submitting its contention to further proceedings of arbitration or to judicial settlement;

Recommends that in all cases where the Council, either in connection with a claim for execution of an arbitral award or in other circumstances, finds that the validity of the award is disputed by one of the parties, the Council will invite the parties to conclude a special agreement for the submission of this contention to the Permanent Court of International Justice and, if unsuccessful in securing this result, will ask an advisory opinion from the Court.

Appendix II.

DRAFT PROTOCOL CONCERNING DISPUTES AS TO THE VALIDITY OF ARBITRAL AWARDS.

Preamble.

The High Contracting Parties,

Being desirous of ensuring the settlement of certain difficulties which may exceptionally arise as regards the validity of arbitral awards;

Believing that any State or Member of the League contesting the validity of an arbitral award has the obligation to submit its contention to a new tribunal;

Have agreed to recognise the Permanent Court of International Justice as possessing, subject to the provisions set out below, compulsory jurisdiction to hear and determine disputes as to the validity of awards given by an arbitral tribunal.

Article 1.

A party to a dispute that has been submitted to arbitration, which claims that the award made is vitiated by a defect rendering it invalid, must submit such claim to the Permanent Court of International Justice. The matter may also be brought before the Court by an application by the other party.

Article 2.

The application must be filed with the Registry of the Permanent Court of International Justice within sixty days after the receipt of the award or the discovery of a new fact. The parties bind themselves to notify the Arbitral Tribunal without delay of the receipt of the award. Failing such notification, the period shall begin with the date of despatch of the award by the Arbitral Tribunal.

The operation of the award shall not be suspended during the period provided for above. After an application to the Court has been filed, the Court may suspend the operation of the award and may order other interim measures of protection.

Article 3.

The Court shall decide whether, and in what measure, the award is vitiated by defects affecting its validity alleged by a party.

If the Court declares the existence of a defect affecting, in whole or in part, the validity of the award, the parties shall treat the award as not binding in the measure in which its validity has been declared to be affected by such defect. If within three months from the publication of the judgment the parties have not agreed upon a submission to arbitration, either party may file an application bringing the substance of the case before the Court for decision.

Article 4.

The provisions of the present Protocol shall also apply where recourse to an arbitral tribunal is open to individuals under a treaty, but the application to the Court may only be made by a State or a Member of the League of Nations.

Formal Clauses.

Article 5.

The present Protocol, of which the French and English texts shall both be authentic, shall bear the date of . . .

Article 6.

The present Protocol shall be open to accession by all the heads of States or other competent authorities of the Members of the League of Nations and of the non-member States to which the Council of the League of Nations has communicated a copy for this purpose.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-member States referred to in the preceding paragraph.

Article 7.

The present Protocol shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the accessions of not less than two Contracting Parties.

Accessions received after the entry into force of the present Protocol, in accordance with the previous paragraph, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations.

Article 8.

The present Protocol shall be concluded for a period of five years, dating from its entry into force.

It shall remain in force for further successive periods of five years in the case of Contracting Parties who do not denounce it at least six months before the expiration of the current period.

Denunciations shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States referred to in Article 6.

Notwithstanding denunciation by a Contracting Party, recourse may be had to the Permanent Court of International Justice within the period provided in Article 2 against any award given before the said Party's obligations terminate.

Article 9.

A copy of the present Protocol, signed by the President of the Assembly and by the Secretary-General of the League of Nations, shall be deposited in the archives of the Secretariat; a certified true copy shall be delivered by the Secretary-General to all the Members of the League of Nations and to the non-member States indicated by the Council of the League of Nations.

Article 10.

The present Protocol shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

ANNEX 15.

NOTE ON THE FINANCIAL CONSEQUENCES OF CERTAIN DECISIONS OF THE FIRST COMMITTEE.

The reduction contemplated in the figure inserted in the budget for the expenses of the next Assembly and for printing is so considerable that the adoption by the Assembly of resolutions inviting Governments to send in observations for submission to the next Assembly does not seem possible unless a credit is obtained for the printing of such observations as may be received.

In these circumstances, it would seem necessary for the Committee to authorise its Chairman to request the Fourth Committee to accept the following credits :

	Francs
(1) Nationality of Women	1,500
(2) Finnish proposal relating to the Permanent Court of International Justice	1,000
(3) Amendment of the Covenant :	
Printing of the report of the contemplated Committee	1,000
Printing of the Minutes	3,500

In accordance with a decision of the Assembly, the Minutes of this Committee cannot be printed without the authorisation of the Council; the Council will not be in a position to give such authorisation for printing unless a credit is provided in the budget.

It would, of course, be understood that the request for the credits mentioned at 2 and 3 will be withdrawn, if the decisions which the First Committee takes do not involve incurring the contemplated expenditure.

The Chairman has already asked the Fourth Committee for a credit for the question of the method of election of the Members of the Council.

ANNEX 16.

PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW.

DRAFT RESOLUTION PROPOSED BY THE SUB-COMMITTEE.

Rapporteur : M. GIANNINI (Italy).

The Assembly recalls that the resolution of September 22nd, 1924, emphasised the progressive character of the codification of international law which should be undertaken, and, in view of the recommendations of the First Conference for the Codification of International Law held at The Hague in 1930, it decides to continue the work of codification with the object of drawing up conventions which will place the relations of States on a legal and secure basis without jeopardising the customary international law which should result progressively from the practice of States and the development of international jurisprudence. To this end, the Assembly decides to establish the following procedure for the future, except in so far as in particular cases special resolutions provide to the contrary.

(1) Any State or group of States, whether Members of the League or not, may propose to the Assembly a subject or subjects with respect to which codification by international conventions should be undertaken. Such proposals, together with a memorandum containing the necessary explanatory matter, should be sent, before March 1st, to the Secretary-General, in order that he may communicate them to Governments and insert them in the Agenda of the Assembly.

(2) Any such proposals will be considered by the Assembly, which will decide whether the subjects proposed appear *prima facie* suitable for codification.

(3) If the investigation of a proposed subject is approved by the Assembly and if no existing organ of the League is competent to deal with it, the Assembly will request the Council to set up a committee of experts, who will be asked, with the assistance of the Secretary-General of the League of Nations, to make the necessary enquiries and to prepare a draft convention on the subject, to be reported to the Council.

(4) The Council will transmit such report to the Assembly, which will then decide whether the subject is provisionally to be retained as a subject for codification. If this is decided affirmatively, the Assembly will ask the Secretary-General to transmit the said report to the Governments of the Members of the League and non-member States for their comments; the committee of experts, if it considers it desirable to do so, will revise the draft in the light of such comments.

(5) If the committee of experts revises the draft, the revised draft will be submitted to the Governments for their comments and, together with the comments received, will be transmitted to the Assembly, which will then decide finally whether any further action should be taken in the matter and, if so, if the draft should be submitted to a codification conference.

If the committee does not see any reason to revise the draft, it will be transmitted, together with the comments of the Governments, to the Assembly, which will then decide finally whether any further action should be taken and, if so, if the draft should be submitted to a codification conference.

The Assembly recommends :

(1) That in relation with the further work in connection with the codification of international law the international and national scientific institutes should collaborate in the work undertaken by the League of Nations;

(2) That the work of codification undertaken by the League of Nations should be carried on in concert with the conferences of the American States.

ANNEX 17.

PREPARATORY PROCEDURE TO BE FOLLOWED IN THE CASE OF GENERAL CONVENTIONS TO BE NEGOTIATED UNDER THE AUSPICES OF THE LEAGUE.

DRAFT RESOLUTION SUBMITTED BY THE SUB-COMMITTEE.

Rapporteur : M. GIANNINI (Italy).

That, in the case of all general conventions to be negotiated under the auspices of the League of Nations, the following preparatory procedure should, in principle, be followed, exception made of the cases where previous conventions or arrangements have established a special procedure or where, owing to the nature of the questions to be treated or to special circumstances, the Assembly or the Council consider other methods to be more appropriate :

1. Where an organ of the League of Nations recommends the conclusion of a general convention on any matter, it shall prepare a memorandum explaining the objects which it is desired to achieve

by the conclusion of the convention and the benefits which result therefrom. Such memorandum shall be submitted to the Council of the League of Nations.

2. If the Council approves the proposal in principle, a first draft convention shall be prepared and communicated, together with the explanatory memorandum, to Governments, with the request that, if they feel that the draft should be taken into consideration, they shall inform the Secretary-General of their views, both with regard to the main objects or the suggested means of attaining them, and also with regard to the draft convention. In some cases, it may be desirable to annex a specific questionnaire.

3. The draft convention and the observations of Governments (together with the answers to the questionnaire, if any) shall be communicated to the Assembly, and the Assembly shall then decide whether it is possible to contemplate the conclusion of a convention.

4. If the Assembly considers it possible to contemplate the conclusion of a convention, the Council shall arrange for the preparation of a draft convention in the light of the replies received from Governments, and the new draft convention (together with the replies of other Governments) shall be transmitted to each Government with a request for their opinion on the provisions of the draft and any observations on the above-mentioned replies of the other Governments.

5. In the light of the results of this second consultation of the Governments, the Assembly shall decide whether a convention should be concluded and, if so, whether the draft should be submitted to a conference, the date of which it will request the Council to fix.

6. The Council, in fixing the date for the convocation of a conference, shall endeavour, as far as possible, to avoid two League of Nations conferences being held simultaneously, and to ensure the lapse of a reasonable interval between two conferences.

7. The procedure set out in the preceding paragraphs will be followed as far as possible in the case of draft conventions, the desirability of which is recognised by a decision of the Assembly either on its own initiative or as the result of a proposal by a Government. In these cases, the Council will instruct either the Secretariat or some other organ of the League or specially selected experts to prepare the above-mentioned report, which shall subsequently be submitted to the Council.

ANNEX 18.

AMENDMENT OF THE COVENANT OF THE LEAGUE OF NATIONS IN ORDER TO BRING IT INTO HARMONY WITH THE PACT OF PARIS.

REPORT SUBMITTED BY THE SUB-COMMITTEE.

Rapporteur : M. Henri ROLIN (Belgium).

1. Both the written observations submitted by various Governments since the last session of the Assembly and the recent discussions in the First Committee seem to show that most of the Members of the League of Nations attach the highest importance to the continuance of the task that has been undertaken.

The importance and the legal effect of the Pact of Paris are not, of course, in question; but the prevailing opinion is that it would be undesirable to maintain in the text of the League Covenant possibilities of a lawful recourse to war which have been virtually abolished and to fail to adapt the operation of the organisation set up by them to safeguard peace to the new engagements assumed by the Members of the League of Nations.

Even those Governments which had expressed the view that the work of adjustment decided upon by the Assembly in 1929 was not indispensable have, in a spirit of conciliation, declared that they accept in principle the idea underlying that work.

2. During the previous discussions the fear had been occasionally expressed that certain difficulties might result from the fact that some Members of the League had not acceded to the Pact of Paris and that some States signatory of that Treaty were not members of the League of Nations. At the present time, it would seem that the League need have no further apprehensions on either point. On the one hand, some Members of the League which had not acceded to the Pact of Paris have either sent or announced their accession since last year; in any case, no objection is made against the continuation of the work of amendment of the Covenant of the League of Nations. As regards States signatory of the Pact of Paris which are not members of the League, obviously no decision can be taken in their absence as to the scope they should give to their obligations, but the task undertaken by the League has the same end in view as the Pact of Paris and re-enforces the authority of the principle formulated therein.

It should, however, be emphasised that the task undertaken by the League of Nations in the matter is legally independent of the Pact of Paris and aims at inserting the principle of the prohibition of war in the Covenant of the League of Nations.

3. The First Committee successively re-examined the three fundamental aspects of the proposed amendment:

(1) Prohibition of recourse to war;
(2) Organisation of pacific methods of settling disputes;
(3) Extension of the Council's mission of maintaining and restoring peace.

PROHIBITION OF RECOURSE TO WAR.

4. No objection in principle is now made against the idea of formulating in a single Article of the Covenant—namely, Article 12—and in the simplest terms, the prohibition of recourse to war.

The prevailing opinion is that the insertion of this prohibition does not require the insertion of any further elaboration or reservations in the text of the Covenant, since the questions raised on this point in the course of the discussion arise, and are equally material, under the existing text of the Covenant, so that its amendment does not make it more necessary to solve them explicitly.

It would seem, moreover, that even now an answer can be given to most of the questions which will be satisfactory and acceptable to all the Members of the League.

5. One point appears beyond dispute—namely, that neither in the amendment prepared by the Sub-Committee last year, nor in the amendment of the Committee of Eleven, nor in the Pact of Paris, nor in the Covenant of the League in its present form does the prohibition of recourse to war exclude the right of legitimate self-defence. As has been already pointed out by the Italian Government in its letter of April 16th, 1931:

> "It is not in the least necessary to include in the amendments a clause relating to self-defence, since it is obvious that a State which had disregarded the clause forbidding war could not demand that a State attacked by it should observe that clause."

6. On the other hand, in the present state of the law, the satisfactory enumeration of the distinctive characteristics either of aggression or of legitimate self-defence appears difficult and even impossible.

After examining a cognate question, the Third Committee has felt that it could not do better than refer on this point to the explanations contained in M. de Brouckère's report submitted in 1926 to the Council. The First Committee reproduces here the passage of M. de Brouckère's report, which shows to what a degree the idea of legitimate self-defence is delicate and full of fine shades of meaning.

M. de Brouckère said:

> "Every act of violence does not necessarily justify its victim in resorting to war. If a detachment of soldiers goes a few yards over the frontier in a colony remote from any vital centre; if the circumstances show quite clearly that the aggression was due to an error on the part of some subaltern officer; if the central authorities of the 'aggressor State' reprimand the subordinate concerned as soon as they are apprised of the facts; if they cause the invasion to cease, offer apologies and compensation and take steps to prevent any recurrence of such incidents, then it cannot be maintained that there has been an act of war and that the invaded country has reasonable grounds for mobilising its army and marching upon the enemy capital. The accident which has occurred has in no way released that country from the specific obligations laid down in Articles 12 and following. It could not be so released unless it were the victim of a flagrant aggression of such a serious character that it would obviously be dangerous not to retaliate at once. In short, to borrow the felicitous phrase used in the Treaty of Locarno, 'the country in question must be exercising the right of legitimate defence'.
>
> "Legitimate defence implies the adoption of measures proportionate to the seriousness of the attack and justified by the imminence of the danger. If a country flagrantly exceeded these limits, even if it were affronted by some incident of little intrinsic importance, it would become in actual fact the real aggressor, and it would be only fair that that country should be made the object of the sanctions provided for in Article 16."

7. An essential point to note is that the use which a State claims to make of the right of self-defence is a matter which may be considered by the other States concerned and, in the case of Members of the League of Nations, is subject to the appreciation of the Council, particularly when there may be a question of applying Article 16.

8. Obviously, in judging the facts which are placed before it the Council will have to be guided, not only by the general principles of law, but also by any special engagements for preventing war which have previously been undertaken by the parties to the dispute and been recognised as conducing to the maintenance of peace. Thus the Members of the League of Nations have frequently and unanimously recognised as conducing to the maintenance of peace, under Article 21 of the Covenant, agreements such as the Rhineland Pact; the general adoption of such agreements was recommended by the Assembly's resolution of September 25th, 1926; and, further, on the initiative of Germany, a Convention has just been drawn up the object of which is to facilitate action by the Council to prevent war.

9. These considerations, and the interpretation of the obligations prescribed in Articles 10, 11 and 16 of the Covenant, lead to the conclusion that assistance given spontaneously by a Member of the League to another Member which has been the victim of a flagrant aggression would not

constitute a violation of the prohibition of recourse to war. Interventions of this kind would, however, in their turn be subject to the appreciation of their character by other Members of the League and by the Council, and to the opinion of the latter the State which had intervened would be obliged to conform.

10. On the other hand, it must be admitted that the proposed amendment of the Covenant, whether it is adopted in the form suggested by the Committee of Eleven or in that drawn up by the Sub-Committee, would deprive the Members of the League of the right to resort to war in execution of an arbitral award or a unanimous decision of the Council. Such action obviously goes beyond the notion of legitimate self-defence. It is for the Council to assure the execution of arbitral awards. If it prescribed military measures, the latter would lose their character of recourse to war and would assume a character of social defence in perfect harmony with the principles adopted. This constitutional duty of the Council is, no doubt, particularly imperative under the Covenant as amended, since it is the counterpart to the relinquishment of the individual right of execution.

11. The Committee noted the desire of the Chinese Government to meet the dangers resulting from a country creating what is in fact a state of war, while not officially recognising that a war exists. Without entering upon a discussion of the substance of the question, it felt that the case contemplated by the Chinese Government is already provided for by Article 11 of the Covenant.

12. The Finnish Government proposed an amendment the object of which was to keep the first sentence of Article 12 in the form in which it is in the present text of the Covenant, on the ground that the provisions of the Covenant should not be changed except so far as is absolutely necessary. Although, however, the Finnish proposal indicates in the second sentence that pacific measures are in general lawful, the Committee felt that the text proposed might be open to the interpretation that acts of retortion or pacific reprisals which have no aggressive character were prevented, and this is a question with which the Committee is not on the present occasion concerned.

The Government of the Irish Free State proposed an amendment suppressing the words "likely to lead to a rupture" which follow the word "dispute" in Articles 12 and 15 of the Covenant. This amendment has not been felt to have any connection with the problem of amending the Covenant so as to insert in it a prohibition of recourse to war.

The Governments of Finland, Portugal, the United Kingdom and of New Zealand proposed various changes in the text of the contemplated amendment to Article 12.

The First Committee notes that they either deal with points of detail or with the structure of the texts in question, and that, accordingly, their discussion should be reserved for a later stage.

Pacific Settlement of Disputes.

13. The present text of the Covenant only assigns a binding and executory character to arbitral awards or judicial decisions. Where, however, a case is submitted to the Council, a unanimous recommendation alone has some legal consequences, since it is forbidden to resort to war against the party which conforms to it. The mere extension of the prohibition of recourse to war would by itself give the same force to majority decisions of the Council and thus eliminate all distinction between unanimous decisions and majority decisions. In neither case would such decisions possess an obligatory or executory character.

14. It should be emphasised, in the first place, that this defect has now been removed in the case of disputes between States both of which have acceded to the General Act of Arbitration without any restriction or reservation affecting the third Part of the Act or which have concluded bilateral agreements having a similar effect. If the dispute occurs between two States which are bound to submit it to arbitration, its peaceful settlement is already ensured by the operation of the existing provisions of the Covenant.

But while we may congratulate ourselves upon the growing number of accessions to the General Act of Arbitration, it would, in the opinion of the very great majority of the Committee, be premature to seek at present to embody in the Covenant of the League, by means of an amendment, the rigid principle of obligation to resort to arbitration or judicial settlement for all disputes.

15. In view of this situation, a certain number of States have taken the view that, in accordance with the proposals made by the Committee of Eleven, it is desirable at least to provide in the Covenant that Members of the League must carry out in good faith the unanimous recommendations of the Council, and to entrust to the latter the duty of proposing suitable measures to ensure that its unanimous recommendations should be carried into effect.

To justify this extension of the effect of unanimous recommendations, it was proposed to provide that the Council might, by a majority vote, ask the Court for an advisory opinion on points of law relevant to the dispute. Further, with regard to Council reports adopted by a majority, it was contemplated that the Council should recommend to the parties the most appropriate new procedure.

The discussions in the Committee confirmed the opinion already expressed by last year's Sub-Committee that an amendment of this character would not secure the necessary ratifications.

16. The texts of the amendments to Article 15 proposed by last year's Sub-Committee must be admitted to be capable of improvement, seeing that, in paragraph 6, it is provided that the Council shall recommend the parties to comply with the conclusions of a unanimous report, and this is, after all, as is pointed out in the observations of the Government of Finland, no more

than a repetition of what is already to be found in paragraph 4 of the present Article 15. It must be recognised, however, that the undertaking the other Members of the League are asked to give—namely, that they will in no way support the parties who do not comply with unanimous recommendations—does strengthen to some extent the provisions of the Covenant. In short, such a provision would have the effect of tacitly establishing for the Members of the League a kind of moral obligation to comply with the unanimous recommendations of the Council—a moral obligation whose only sanction would be the duty of the other Members of the League to refrain from action if the State in question were subjected to certain forms of peaceful pressure by the other party.

The Committee is of opinion that it would in any case be necessary to lay some stress upon the exact scope of the proposed amendment by replacing the word " recommande " by the somewhat stronger word " invitera ", the equivalent of which is already employed in the English text.

In the course of the discussion, the Finnish delegation submitted an interesting suggestion which somewhat modifies the text already put forward in the Finnish Government's observations. The Finnish delegation proposes to say :

> " If the report of the Council is unanimously agreed to by the members thereof other than the representatives of one or more of the parties to the dispute, the party which complies with the recommendations of the report may base its claim thereon, the solution recommended by the Council being incapable of being put in question except as the result of an arbitral or judicial decision. The Members of the League undertake in no way to support any party in a refusal to comply with the recommendations of a report which has been unanimously accepted. "

On examination, however, it was felt that the legal effect of such a text was too uncertain, and that it would require further examination.

17. As regards the hypothesis of the Council being divided, the Finnish delegation asks that the amended Covenant should make it clearer than the present one does that in that event the Council's deliberations, in conformity with Article 4, would have the same object as in cases where it is unanimous—namely, to bring about a solution of the dispute in the form of a recommendation.

The Finnish delegation accordingly proposes the following text :

> " If the Council has failed to reach unanimity as defined in the previous paragraph, and if the parties do not accept the recommendations made by the majority, the Council shall officially and by a majority vote suggest the best procedure to be followed in the circumstances and shall recommend it to the parties. "

The Committee decided that the foregoing proposal might usefully be accepted as a basis for subsequent discussion.

Extension of the Pacificatory Action of the Council.

18. The question which arises is whether, when the prohibition of recourse to war becomes general, it will be necessary to limit the individual obligations of the Members of the League regarding participation in sanctions.

The Governments which have pronounced for the affirmative answer have contended :

(1) That the desire to effect an extension of sanctions corresponding to the extension of the prohibitions of resort to war contained in the Covenant arose from pushing too far the analogy with the conception of crime and punishment in municipal law;

(2) That the operation of the system of sanctions presumed that the aggressor had been determined, that the Covenant itself gave no indications on this subject, and that strong differences of opinion might arise in fact in the Council which would render the application of sanctions impossible or ineffective;

(3) That the only practical way of improving the application of the system of sanctions consisted in adopting provisions analogous to the draft Convention for the development of methods for preventing war, under which the collective action would be started, not as the result of answering the difficult question as to who had violated the Covenant, but owing to the refusal of a party to comply with recommendations of the Council for the withdrawal of armed forces behind a determined line or the cessation of hostilities.

The Governments holding this opinion have expressed the desire that at any rate cases in which the Council was divided on the question as to who was the aggressor, or as to the interim measures of protection which should be recommended to the parties in order to prevent or suspend hostilities, should be excluded from the contemplated extension of sanctions. In those various cases, it seemed that the material or moral difficulties in the way of carrying out obligations of mutual assistance would be too great for it to be possible to claim execution of such obligations.

As in the discussions of previous years, however, the opinion has prevailed in the Committee that any distinction of this kind ought to be rejected. It seems, nevertheless, that the discussion has made it possible to remove certain misconceptions on the subject.

19. In the first place, it has been recognised that those who held the above opinion were right in rejecting any too narrow conception of the problem of sanctions. The primary purpose of the Council's action is to prevent or stop hostilities and effect a pacification, before it enquires into questions of responsibility and ensures the settlement of the dispute.

It is equally true that the obligations assumed by the Members of the League of Nations for the purpose of maintaining peace, although they rest upon each Member individually, imply a certain agreement among them, a co-operation in common action. If the Members of the League found themselves deeply divided in the views which they took of a particular situation, common action would no doubt in fact be suspended; but it would be for the Council to re-establish unanimity by adopting interim measures of protection such as are contemplated in the draft convention on the means for preventing war. If the continuance of too numerous divergences of view created a situation altogether different from that which Members of the League must be deemed to have contemplated, it would be impossible to expect that the Members of the League would carry out obligations undertaken on an entirely different basis. In such a case, it makes little difference whether the original dispute was submitted to the Council of the League of Nations or to arbitration.

On the other hand, it seems impossible to claim that Members of the League of Nations which considered that it was clear who was the aggressor, and that common action was possible, should abstain from carrying out the obligations which rest upon them individually under the first paragraph of Article 16 of the Covenant, for the sole reason that formal unanimity had not been obtained in the Council.

Accordingly, a reasonable interpretation of our Charter of Association seems to answer the fears which have been expressed. These fears, moreover, appear exaggerated, and it would be wrong to weaken confidence in the wisdom of the Council's action and the good faith which the generality of the Members of the League would show in carrying out their obligations.

20. Further, if the proposed exceptions were examined in the light of the existing Covenant, it would be seen that their effect would be to diminish appreciably the guarantees which the Covenant already affords. The obligations of the individual Members of the League under Article 16 of the existing text of the Covenant are not subject to the condition that the Council must have taken a decision as to who is the aggressor.

21. To make such a distinction would, from the moral point of view, have the disadvantage of making recourse to war, which would in general be forbidden under the Covenant as amended, appear in some cases not to be subject to sanctions.

22. It must, however, be recognised that the principal difficulty in the task of amendment which has been undertaken, and the only serious obstacle to its success, still lies in the hesitation of certain Members of the League to agree to an extension of their existing obligations to give assistance, even if such extension is only theoretical.

It may be hoped that agreement would be greatly facilitated by the entry into force . . . of a general Convention for the reduction of armaments. Certain Members of the League, for example, had announced their intention of making their ratification of the amendment of the Covenant conditional on the entry into force of the Convention for the reduction of armaments. Other Governments have expressed, as the date of the Conference draws near, preoccupations which would appear to be satisfied to some extent by the adoption of the proposed amendment.

Thus, on the eve of the Conference, the link between the two undertakings has been further strengthened. Certain States have expressed a desire to know, before giving an opinion on the amendment of the Covenant, to what extent and for how long the Convention for the reduction of armaments would satisfy the requirements of Article 8 of the Covenant.

Such being the case, it would be inexpedient to attempt at present to frame final texts. The most suitable method would appear to be for the Assembly to set up a temporary committee, for the amendment of the Covenant, consisting of representatives of the Members of the League, in order that they may, during the Conference for the Reduction of Armaments, endeavour to arrive at unanimous agreement on the bases set forth in the present report. The amendments might then be finally voted during the next session of the Assembly.

Draft Resolution.

The Assembly,

Approving the report of M. Rolin;

Reaffirms its intention of continuing the task of inserting in the Covenant of the League of Nations a general prohibition of recourse to war and the principle that the settlement of international disputes may only be sought by pacific methods;

Decides to create a temporary committee consisting of representatives of all the Members of the League of Nations, which may meet during the Conference for the Reduction of Armaments for the purpose of seeking unanimous agreement on the bases indicated in the report and of drawing up a final text which may be voted by the Assembly at its next session;

Requests the Council to convene the Committee for the date which it considers appropriate;

Requests the Secretary-General to transmit the present resolution and report to the Members of the League of Nations, in order that, if they consider it necessary, they may send to the Council their views as to the lines on which they think agreement could be attained.

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ABBREVIATIONS

Cttee. = Committee.
Govt. = Government.
Int. = International.
Perm. = Permanent.

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RECORDS

OF THE

TWELFTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

SECOND COMMITTEE

(TECHNICAL ORGANISATIONS)

GENEVA, 1931

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Chairman : M. JANSON (Belgium).

Vice-Chairman : M. COLIJN (Netherlands).

Abyssinia :	His Excellency Count LAGARDE, Duke D'ENTOTTO.
Albania :	
Australia :	Mr. Raymond G. WATT. Dr. Ethel OSBORNE, M.Sc., M.B., D.Ph. (Substitute for Health Questions).
Austria :	Dr. Richard SCHÜLLER. His Excellency Dr. Max HOFFINGER. Dr. Franz MATSCH (Substitute).
Belgium :	M. Paul E. JANSON. M. F. VAN LANGENHOVE (Substitute).
Bolivia :	His Excellency M. Adolfe COSTA DU RELS.
British Empire :	Sir Arthur SALTER, K.C.B. Sir Sydney CHAPMAN, K.C.B. (Substitute).
Bulgaria :	M. Vladimir MOLLOFF.
Canada :	The Hon. Hugh GUTHRIE, P.C., K.C., M.P. Mr. Walter A. RIDDELL, M.A., Ph.D. Mrs. Henry Pemberton PLUMPTRE (Substitute).
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China :	His Excellency Dr. Sao-Ke Alfred SZE. M. LINGOH WANG (Substitute).
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Cuba :	His Excellency M. Guillermo DE BLANCK. His Excellency M. Carlos DE ARMENTEROS (Substitute).
Czechoslovakia :	M. Kornel STODOLA. M. Zdeněk FIERLINGER (Substitute).
Denmark :	Dr. Peter MUNCH. M. Henrik DE KAUFFMANN (Substitute). M. W. BORBERG (Substitute).
Dominican Republic :	M. Elias BRACHE, Jr. M. Enrique DESCHAMPS (Substitute).
Estonia :	M. Ch. R. PUSTA. M. Auguste SCHMIDT.
Finland :	Dr. Eemil HYNNINEN. M. Kaarlo Ensio P. HIITONEN (Substitute).
France :	M. Pierre-Etienne FLANDIN. M. Louis ROLLIN. M. Claude GIGNOUX. M. Léon JOUHAUX (Substitute). M. Jules GAUTIER (Substitute). M. CAHEN-SALVADOR (Substitute).
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Greece :	His Excellency M. A. MICHALAKOPOULOS. His Excellency M. N. MAVROUDIS. M. R. RAPHAEL (Substitute). M. P. PIPINELIS (Substitute).
Guatemala :	
Haiti :	His Excellency M. Constantin MAYARD.
Honduras :	

Hungary :	His Excellency Baron Joseph SZTERÉNYI. His Excellency M. A. DE NICKL (Substitute). M. Etienne DE WINCHKLER (Substitute). M. Georges OTTLIK (Substitute).
India :	Sir Jehangir Cooverjee COYAJEE, Kt. Dr. Lodhi Karim HYDER (Substitute).
Irish Free State :	Mr. Patrick MCGILLIGAN. Mr. Sean LESTER (Substitute). Mr. Sean LEYDON (Substitute).
Italy :	His Excellency M. Giuseppe BOTTAI. His Excellency M. Giuseppe DE MICHELIS (Substitute). His Excellency Emilio BODRERO (Substitute).
Japan :	His Excellency M. Nobutaro KAWASHIMA.
Latvia :	M. Wilhelms MUNTER. His Excellency M. Jules FELDMANS (Substitute).
Liberia :	The Hon. Frederick E. R. JOHNSON. The Hon. Louis Arthur GRIMES (Substitute).
Lithuania :	His Excellency M. Petras KLIMAS.
Luxemburg :	His Excellency M. Joseph BECH. M. Albert WEHRER (Substitute).
Mexico :	
Netherlands :	His Excellency M. H. COLIJN. M. L. J. A. TRIP (Substitute).
New Zealand :	Sir Thomas Mason WILFORD, K.C.M.G., K.C. Mr. C. B. BURDEKIN (Substitute).
Nicaragua :	
Norway :	M. Birger BRAADLAND. M. Rolf ANDVORD.
Panama :	His Excellency Dr. Horacio F. ALFARO.
Paraguay :	His Excellency Dr. Ramón V. CABALLERO DE BEDOYA.
Peru :	M. José-Maria BARRETO.
Persia :	M. N. ENTÉZAM-WEZIRY. M. Fazlollah NABIL (Substitute).
Poland :	His Excellency M. Joseph TARGOWSKI. His Excellency M. Witold CHODZKO (Substitute). M. Antoni ROMAN (Substitute).
Portugal :	His Excellency Augusto DE VASCONCELLOS, or His Excellency José Capelo Franco FRAZÃO (Count DE PENHA GARCIA). M. Henrique Rezende DIAS DE OLIVEIRA (Substitute).
Roumania :	His Excellency M. Alexandre ZEUCEANO. His Excellency M. Savel RADULESCO. M. Raoul BOSSY (Substitute). M. Victor STATESCO (Substitute). M. Edmond CIUNTU (Substitute).
Salvador :	
Siam :	His Excellency Phya Abhibal RAJAMAITRI. Luang LADAKAVAD (Substitute).
Spain :	M. Francisco BERNÍS CARRASCO. M. Leopoldo PALACIOS-MORINI. Dr. Marcelino PASCUA (Substitute).
Sweden :	M. A. F. VENNERSTEN. M. R. J. SANDLER. M. K. I. WESTMAN.
Switzerland :	M. Walter STUCKI. M. Gottfried KELLER (Substitute).
Union of South Africa :	Mr. D. J. DE VILLIERS. Mr. F. DUPLESSIS (Substitute).
Uruguay :	Dr. Enrique C. Armand UGÓN. His Excellency M. Pedro COSIO (Substitute).
Venezuela :	His Excellency M. Cesar ZUMETA. Dr. Arturo UZLAR PIETRI (Substitute).
Yugoslavia :	Dr. Milan TODOROVITCH.

SECOND COMMITTEE

(TECHNICAL ORGANISATIONS)

AGENDA.

1. WORK OF THE ORGANISATION FOR COMMUNICATIONS AND TRANSIT.
2. WORK OF THE HEALTH ORGANISATION.
3. WORK OF THE ECONOMIC ORGANISATION.
4. WORK OF THE FINANCIAL ORGANISATION, INCLUDING THE WORK OF THE ECONOMIC INTELLIGENCE SERVICE.
5. DRAFT CONVENTION FOR THE REGULATION OF WHALE FISHING.

FIRST MEETING.

Held on Wednesday, September 9th, 1931, at 4 p.m.

Chairman : M. JANSON (Belgium).

1. Election of Vice-Chairman.

The Committee elected M. COLIJN (Netherlands) *Vice-Chairman.*

2. Agenda : Appointment of Rapporteurs.

The CHAIRMAN stated that the Committee's agenda was as follows :

1. Work of the Organisation for Communications and Transit.
2. Work of the Health Organisation.
3. Work of the Economic Organisation.
4. Work of the Financial Organisation, including the Work of the Economic Intelligence Service.
5. Draft Convention for the Regulation of Whale Fishing.

The Chairman added that the Sixth Committee would probably refer to the Second Committee for examination those parts of the report of the Commission of Enquiry for European Union which relate to economic, financial, health or transit questions.

The Committee elected the following Rapporteurs :

(1) Work of the Communications and Transit Organisation : M. COSTA DU RELS (Bolivia);
(2) Work of the Health Organisation : M. FIERLINGER (Czechoslovakia);
(3) Work of the Financial Organisation and Economic Intelligence Service : M. BERNÍS (Spain).

3. Publicity of Meetings.

The Committee decided, in accordance with the method followed in previous years, *to hold its meetings in public.*

SECOND MEETING.

Held on Monday, September 14th, 1931, at 10.30 a.m.

Chairman : M. JANSON (Belgium).

4. Draft Convention for the Regulation of Whaling : Appointment of Rapporteur.

The Committee decided to appoint M. BRAADLAND, first delegate of Norway, *as Rapporteur for the question of the Draft Convention for the Regulation of Whaling.*

5. Work of the Committee of Enquiry for European Union : Reference to Second Committee.

The CHAIRMAN informed the Committee that the Sixth Committee had virtually decided to refer to the Second Committee the consideration of the economic and financial questions with which the Commission of Enquiry for European Union had already dealt. Although no formal decision to that effect had yet been taken, he thought the Committee should begin at once to take these questions into consideration.

6. Work of the Communications and Transit Organisation : Draft Report submitted by M. Costa du Rels (Bolivia) (Annex 1).

M. COSTA DU RELS (Bolivia) read his report (Annex 1).

M. ANDVORD (Norway), speaking for the Norwegian delegation, approved the report as a whole, but had one objection to raise to the passage dealing with the Conference on Buoyage

and Lighting of Coasts. He understood that the reference to the Conference being called upon to resume its work " at an early date " meant that it was proposed to convene it again in 1932.

All shipping circles in Norway and all the competent Norwegian authorities were of opinion that the principles on which it had been proposed to base the Convention were theoretical rather than practical. Geographic, hydrographic and climatic conditions varied so much from one country to another that it was hardly possible to draw up effective uniform rules. The previous year's Conference had shown the extent of the differences on this subject between the principal maritime Powers. The Norwegian delegation by no means shared the opinion that a new conference should be called at an early date. On the contrary, they wondered whether there was any use in calling a conference at all, and whether there was not reason to fear that the efforts made to unify buoyage and the lighting of coasts might lead to results the opposite of what was intended. The greater part of the world's shipping was at present lying idle in the world's ports, and the profits on the part of it which was in use barely covered the working costs of the shipping companies. It would be unwise, in these circumstances, to impose new charges on the companies in the interest of a unification, the object of which was not clear. Nor was it by any means certain that the shipping crisis would be at an end when the proposed measures for the unification of buoyage were adopted by an international conference.

He accordingly proposed the amendment of the text of the draft report in such a way as to make the reference to the prospects of a new conference less definite, and not to impose in any sense any obligation to call a new conference at an early date, but rather to hold up the question for the moment. He also proposed to alter the first paragraph of the draft resolution accordingly. If the Second Committee so decided, it would be complying with the recommendation of the Fourth Committee with regard to the avoidance, as far as possible, of any action calculated to involve new expense for the budget of the League.

Sir Arthur SALTER (British Empire) agreed that the passage referring to the probable results of the work in regard to the unification of buoyage and the lighting of coasts should be phrased less definitely, and he also thought the words " at an early date " should be omitted. It was not for the Committee to pronounce as to when a new international conference should be called. The decision should be left to the responsible authorities. Further, the British Government was about to communicate to the interested Powers new proposals which might throw new light on the possibilities of agreement between the principal maritime countries and the desirability of summoning a new conference.

He noted that the activities of the Communications and Transit Organisation were somewhat different from what they had been in previous years. They were no longer confined, as they had been in the past, to the study of the bases of law upon which the systems and practices affecting transport and communications were developed in the different countries, or to the means of dealing with difficulties arising from the differences between those bases of law. This year the Organisation had dealt with local and concrete problems. The Council of the League was at that moment considering a proposal for enlarging the field of the Financial Committee in order to enable the latter to state its views on the financial aspects of certain questions connected with international public works. If side by side with this development of the Financial Organisation there was a parallel development in the activities of the Transit Organisation, the resulting co-ordination would be in every way gratifying.

The case of China was a striking illustration of the importance of communications from the standpoint of the economic and social development of that country. In the course of his recent visit to China, he had found that this question of communications and transport was a vital point of all Chinese problems. It was impossible to raise the social level of the country until the primitive methods of transport had been superseded by the infinitely less costly modern methods. China had only 7,000 miles of railway. In the province of Che Kiang, the population of which was equal to that of England and France combined, there was not a single railway. Che Kiang represented one-tenth of the entire area of China; but it took only one-hundredth of the country's total imports.

On the other hand, China was endowed by nature with a wonderful river system, which had been supplemented in the course of centuries by a whole system of canals. Unhappily, the recent catastrophe had hit China at precisely this vital point of her internal communications. The inundation caused by the rupture of the dykes had given rise to devastation on a wide seale, and would no doubt be followed by terrible epidemics. Here there was an eminently useful field for the activities of the organs of the League. The urgency of the situation was beyond all question. The Health and Transit Organisations would be called upon to collaborate with the Chinese authorities in order to remedy the disaster as far as possible. The despatch of experts to the spot, which must be the first stage in this collaboration, was a question of the utmost importance. The choice of the experts must, no doubt, be decided by their technical qualifications alone, but the term " technical qualifications " must be understood in the widest sense. M. Haas, the Director of the Transit Section, had already been to China; and he hoped that it would not be his last journey to that country.

There was every difference between the foreign experts who used to be called in to collaborate with the Chinese authorities and the experts whose co-operation was now asked for by the Chinese Government. In the old days, the foreign experts were in a sense imposed on the Chinese Government, whether under a loan convention or in some other connection. The form of collaboration inaugurated by the organs of the League appeared to be the true solution of the problem.

M. Posse (Germany) thought that the work done by the Communications and Transit Organisation in connection with maritime questions—in particular, the registration of ships, questions of collisions, and rights *in rem* over vessels,—were of the first importance.

He was fully in sympathy with the programme of public works with which it was proposed the League of Nations should be associated to assist the development of China and her recovery from the havoc caused by the Yang-Tse floods.

In any attempts to deal with the economic crisis, the work of the Communications and Transit Organisation should be brought into connection with the work of the Commission of Enquiry for European Union. He thought the resolution which they intended to propose for the Assembly's adoption should include some reference to the proposal made by the Director of the International Labour Office to the Commission for European Union for the organisation of public works as a remedy for unemployment. The German Minister of Labour had pointed out in reply to the proposal that there was scope in Germany for extensive development in connection with the construction of roads, electrical power development, and agricultural and irrigation works, on such a scale as to afford four or five million days of work for the unemployed in Germany. But a preliminary condition of the success of any such action was, firstly, that it should be immediate, and, secondly, that capital should be available at low rates of interest and at long term.

M. Kawashima (Japan) said that Japan, as a great maritime nation, welcomed the activities of the Communications and Transit Organisation in connection with maritime questions. Japan had been unable, for special geographical and meteorological reasons, to sign the two Conventions concluded at Lisbon, but she would be glad to see those Conventions signed by as many other countries as possible. He regretted the Norwegian amendment to the report, if it meant that the solution of these questions would be postponed *sine die;* but he recognised the undesirability of calling another conference on the subject without any prospect of agreement. He hoped that the League would continue its study of international maritime questions—for instance, in connection with coasting trade and the unification of tonnage measurements of vessels—and that international agreement would eventually be reached for the scope and definition of the coasting trade on lines in harmony with the freedom of commerce.

As a near neighbour of China, Japan was keenly interested in the improvement of communications and public works in that country, and hoped that the experience of foreign countries with regard to communications in China would be utilised. Moreover, Japan was prepared to co-operate wholeheartedly in any League work in this connection. But there was need for work of this kind in countries other than China or European countries; and the work of the League in this sphere should not be subject to any geographical restrictions.

Dr. L. K. Hyder (India) said he had been much struck by the universal character of the sympathy expressed with China in her recent disasters. India knew what these great natural disasters meant. All countries with great rivers were liable to suffer from them.

Sympathy was not enough. The world had a great opportunity for pooling the advice and experience of mankind in the conflict with the brute forces of nature. He was in entire agreement with Sir Arthur Salter in the emphasis which the latter had laid on the importance of choosing suitable experts in this connection.

India was closely interested in maritime questions, and he hoped that it would ultimately be found possible to arrive at a general codification of rules in connection with storm signals at sea.

M. Vennersten (Sweden) agreed with the Norwegian amendment to the report. The final text would no doubt be drafted by the Rapporteur and the Norwegian delegate in concert.

M. de Michelis (Italy) suggested that the report might include three points that had been left rather obscure. In the first place, a special Committee set up by the Communications and Transit Organisation and the International Labour Office had studied the conditions of engagement and work of the staff employed in European inland navigation. It was to be hoped that this Committee would be able to collect the documentation necessary to enable it to obtain practical suggestions from the Committee of Experts which was to meet in the near future.

He then referred to another important point. In the supplementary report on the work of the League, the Committee expressed the opinion that it was " impossible to study accurately the problems concerning the transport of agricultural produce as long as the policy of economic co-operation between States in agricultural matters has not been sufficiently fixed ".[1] He thought there were a number of questions (such as the reduction of transport tariffs, simplification of Customs formalities and the like) which might quite well be studied before agreement had been reached on the larger issue of economic co-operation in general. The International Institute of Agriculture was prepared to afford its collaboration, and the Communications and Transit Organisation would have to come to an agreement with the Institute to carry on its work in that matter. The report to be submitted to the Assembly should mention the usefulness of the study of these problems.

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[1] See document A.6*(a)*, page 8.

Lastly, he was of opinion that it was necessary in the resolution to be submitted to the Assembly to avoid losing sight of the proposals made with a view to the organisation of large-scale public works in Europe for the alleviation of unemployment in the special problem of co-operation with China. He would like the resolution to include a paragraph making it clear that the enquiries with reference to public works should be given very careful consideration by the competent organisation.

M. DE KAUFFMANN (Denmark) supported the Norwegian amendment. He agreed with Sir Arthur Salter that it was undesirable to proclaim in advance the success of the proposed new conference on the unification of buoyage.

M. DE VILLIERS (South Africa) said that, while most of the matters dealt with in the report of the Communications and Transit Organisation did not directly affect South Africa, he was disposed to consider favourably the acceptance of the formula proposed by the Committee of Experts to fix rules for the adoption of a standard horse-power measurement for aeroplane and dirigible engines.[1]

M. ANDVORD (Norway) thought there would be no difficulty in redrafting the passage of the report which he had proposed to amend, in conjunction with the Rapporteur and in the light of what had been said by Sir Arthur Salter and by M. Vennersten, but on one condition—namely, that the new conference should be regarded as a new conference altogether, and that the preparations for it should be in accordance with the Assembly's decision of October 3rd, 1930, with regard to the procedure to be followed in drawing up conventions under the auspices of the League of Nations. It would be a great mistake to call a new conference unless there was some certainty of its success. Nothing had weakened the League's prestige latterly so much as the large number of international conferences which had ended in failure. What the League literature proclaimed as " successes " were not always so regarded by the rest of the world.

M. COLIJN (Netherlands) agreed that the failures of international conferences in the past had been prejudicial to the League's prestige, and that there was every reason for not calling another conference without any prospect of its succeeding.

He had no objection to the inclusion of a paragraph in the resolution with regard to proposals for the organisation of public works; but he wanted to avoid anything in the nature of window-dressing. The resolution, as stated by the Rapporteur, expressed its confidence that the Communications and Transit Organisation " will also take all suitable steps to comply with requests for advice in respect of public works which it may receive from the various Governments ". Who was going to pay for these studies? Would the Governments be prepared to pay? In the light of the recommendations of the Fourth Committee, and Lord Cecil's suggestion that the League ought to cut down all subsidiary expenditure, he thought they should make no recommendations which involved increase in the expenditure of the League. He would like, therefore, to add a clause to the resolution embodying a reservation to that effect.

M. HAAS (Director of the Communications and Transit Section) said that, while it was impossible to be sure of the success of any conference beforehand, he had every reason to hope that the continuation of the Lisbon Conference would prove successful. It was certainly undesirable to call conferences without any reasonable hopes of their success; but there were also disadvantages in delaying the convening of conferences when the time was ripe. The question as to when the time was ripe was really a technical matter. The main reason for the adjournment of the Lisbon Conference was that no fresh British proposals had yet been received. As soon as these arrived, they would be communicated to the other Governments, and a small committee of experts would then be convened to examine them in association with the Governments. The committee of experts would then decide whether it was expedient to convene a new conference or not.

Hardly any conference convened by the Communications and Transit Organisation had ever proved to be premature, and he believed that that claim might be put forward in the case of the Lisbon Conference. The latter, after all, had produced a considerable number of points of agreement, and the divergences which had led to its adjournment were few in number.

In any case, there was no intention of convening the new conference before 1933; so that the 1932 budget would not be affected.

The Communications and Transit Organisation had gone carefully into the proposals for its co-operation in public works in China and elsewhere, but had not yet had an opportunity of discussing the proposals of the Commission of Enquiry for European Union. The Organisation's co-operation would take the form mainly of sending experts to China to study the problem on the spot, and the choice of the experts would be governed by both their technical and their personal qualifications. At the same time, the Organisation would endeavour to draw on the experience and advisory capacity of as many countries as possible.

As regards the financial aspect of the proposal, to which M. Colijn had drawn attention, the Committee would appreciate that the budget of the Communications and Transit Organisation

[1] See document C.259.M.115.1931.VIII.

was strictly limited. If new expenditure were involved by the proposed work in China, less urgent expenditure would necessarily be postponed.

As regards the transport of agricultural products, the passage quoted by M. de Michelis showed the unwillingness of the Organisation to launch out on premature schemes. But that did not mean that it was uninterested in the question of the transport of agricultural products. There was much preparatory work which could proceed at once; and, without any additional expenditure, it would be possible to collect information on such matters as transport tariffs and the like with the aid of the International Institute of Agriculture, whose co-operation he warmly welcomed, and with the aid of other sources.

M. GAUTIER (France) remarked that the question of public works had been considered as a transit question and also from the financial standpoint; but it was not thereby exhausted. It had its economic and social aspects as well, particularly in connection with the important issue of unemployment. He hoped that what had been said that day would be regarded only as a prelude to further discussion of this issue.

THIRD MEETING.

Held on Tuesday, September 15th, 1931, at 10 a.m.

Chairman : M. JANSON (Belgium).

7. Communication from the President of the Assembly : Assembly Resolution on Economy.

M. KERNO (Secretary of the Committee) read a letter from the President of the Assembly informing the Committee of the resolution passed by the Assembly inviting the Committees to have regard in their work to the principles of economy laid down by the Fourth Committee.[1]

For the information of the Committee, M. Kerno gave the figures of the budgets for the fourteenth period of the League of the four principal organisations dealt with by the Second Committee. It appeared that, as compared with the previous year, there was a reduction of 300,000 Swiss francs on the aggregate figures of the appropriations under 19 *(a)* (Financial Section), 19 *(b)* (Economic Section), 21 (Transit Organisation), and 22 (Health Organisation). On the other hand, there was a new appropriation of some 480,000 francs for the work proposed in China; but the latter appropriation was not in connection solely with the four organisations in question. It was already certain that there would be no supplementary budgets submitted in the case of the Transit Section, the Health Organisation, or the Economic Section. On the other hand, it was very probable that additional appropriations would be asked for by the Financial Section in connection with the enquiry which was to be undertaken in Austria and Hungary at the request of those countries.

8. Work of the Communications and Transit Organisation : Draft Report submitted by M. Costa du Rels (Bolivia) (continuation) : Rapporteur's Amendments to the Report (Annex 2).

M. SZE (China) wished to associate himself with the previous speakers in congratulating the Rapporteur upon his very excellent report, and also to express his appreciation of the work done by the Communications and Transit Organisation during the past year. The Chinese delegation gladly supported the resolution before the Committee. It much appreciated the sympathetic references made by previous speakers to the part of the resolution which concerned China.

The co-operation between China and the League, which had happily been in existence for several years, had been of the greatest benefit to China, not only because she had received, and was now receiving, expert and wholly disinterested advice, but because, through her contact with the members of the technical organisations of the League Secretariat, she was obtaining a direct and clear understanding of the aims and character of the League itself.

It afforded the Chinese nation great pleasure to receive, during the past year, the visits of three of the Directors of the technical organisations of the League—namely, of the Communications and Transit Section, the Health Section and the Economic and Financial Section, and also the visits of other members of the League's Secretariat. He ventured to hope that this collaboration now existing between China and the League would continue along the same lines as in the past.

Sir Arthur Salter, who had only recently returned from China, and who on the previous day had addressed the Committee, referred to the lack of adequate means of communication in China.

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[1] See Minutes of the eleventh plenary meeting of the Assembly.

He had also made mention of the fact that " the choice of the experts must, no doubt, be decided by their technical qualifications alone, but the term ' technical qualifications ' must be understood in the widest sense "; and, further: " There was every difference between the foreign experts who used to be called in to collaborate with the Chinese authorities and the experts whose co-operation was now asked for by the Chinese Government. In the old days, the foreign experts were in a sense imposed on the Chinese Government, whether under a loan convention or in some other connection. The form of collaboration inaugurated by the organs of the League appeared to be the true solution of the problem."

That was certainly true. China had greatly changed during recent years, with the result that future collaboration between her and the other nations of the world must be upon a new basis. The Chinese people lived in the present and must think and act in terms of the present, and not on the basis of out-of-date methods and purposes.

China was a large country, as large as, or larger than, the entire continent of Europe. Its different parts had different needs arising out of topographical and other features. Up till now, their development had not been uniform. Thus, of China's seven thousand miles of railways, much the greater portion was situated north of the Yangtse. In like manner, communications in general in the provinces along the coast and along the great rivers were much more advanced than in the other parts of China. In addition to topographical reasons, other reasons, which should no longer have force, had, in the past, led to this unequal and unsystematic development. It was therefore imperative that, in the future, the construction of means of communication and of other public works should proceed according to plans which would bring the parts into due co-ordination with each other, and thus cause the future whole to be in consonance with the true economic and commercial needs of the entire country. In the drafting and perfecting of such comprehensive plans, the technical advice which the experts sent out to China by the League could supply would be of the greatest benefit to China and, indirectly, to the commerce of the world.

Should China request technical advice in other directions, it was hoped that the League would find itself able to furnish it as generously and as disinterestedly as it had in the past. The Chinese were not an ungrateful people; they would not only be grateful for any aid that did not carry with it any undesirable features, but they would contribute what they could to the promotion of the welfare of the world, and, finally, that they would look to the League as the chief instrument through which this contribution could best be made.

Mr. RIDDELL (Canada) said that the Canadian delegation approved of the amendments submitted by the Rapporteur to the first draft of his report. It was encouraging to see that a special paragraph in the draft resolution was now devoted to China. He considered it a healthy sign that, at a time when so much attention was being given to Europe, the League should be directing some of its efforts towards helping countries in other parts of the world.

Assistance given to China at this time would benefit the whole world. Canada was deeply interested in the progress which China was making, and Canadian sympathy went out to her in her present difficulties. He believed that the present time offered a great opportunity to the League for service in China, and he trusted that this amendment would give satisfaction to all the members of the Committee.

M. COSTA DU RELS (Bolivia), Rapporteur, pointed out that the amendments proposed by him had been drafted in agreement with the delegates interested.

Sir Arthur SALTER (British Empire) and M. ANDVORD (Norway) expressed their satisfaction with the proposed amendments.

M. COLIJN (Netherlands) recognised that the amendments proposed by the Rapporteur represented a distinct improvement, especially in this respect—that they enabled a clear distinction to be drawn between the general work of the Transit Organisation and the special question of China. He would like, however, to add the words " within the limits of the budget " in the last paragraph of the amended draft resolution.

Sir Arthur SALTER (British Empire) thought there might be some objection to a limitation of this kind in a particular case. All expenditure, of course, had to be kept within budgetary limits. If the Netherlands delegate meant to limit the possibility of making transfers from one chapter of the budget to another, that would be going too far. The existing regulations afforded adequate safeguards against the abuse of transfers of this kind.

M. COLIJN (Netherlands) remarked that the possibility of making transfers from one chapter of the budget to another amounted, in practice, to a loophole for increase of expenditure. If there were no transfers, there would be economies on the budgetary appropriations. He recognised, however, that the question was a technical one, and, as such, a matter rather for the Fourth Committee. He accordingly withdrew his amendment.

M. DE MICHELIS (Italy) thanked the Rapporteur for having taken into consideration his observations on unemployment with reference to inland navigation and the transport of agricultural products. He would like, however, to see rather more prominence given in the report to the third point to which he had drawn attention—namely, the question of public works.

This question of public works had three important aspects; but the Second Committee was concerned only with the technical aspect, consisting of the relations between the public works

proposal and the work of the Communications and Transit Organisation. He understood, however, that the French delegation proposed to raise the question from a more general standpoint, when the proposal submitted to the Assembly by the Commission of Enquiry for European Union came before the Second Committee. He proposed, therefore, to return to it then.

The CHAIRMAN proposed the adoption of the draft report, with the amendments added by the Rapporteur, subject to M. de Michelis' reservation with regard to subsequent modifications, if such should be found desirable on further discussion.

The Committee adopted the report with the amendments proposed.

The Committee adopted the resolution in the following form:

" The Assembly,

" Takes note of the work undertaken by the Organisation for Communications and Transit since the last Assembly and, in particular, of the success achieved by the Conference for the Unification of Buoyage and Lighting of Coasts, the Conference for the Unification of River Law and the Conference on Road Traffic;

" Expresses its confidence that the Organisation will do its utmost to secure the entire success of the co-operation established with the National Government of China for the study of questions of public works in which its assistance has been requested;

" Likewise expresses its confidence that the Transit Organisation will endeavour to take suitable steps to comply with requests for advice in respect of public works which it may receive from the various Governments, such as the requests for advice referred to in the report of the Commission of Enquiry for European Union."

9. Work of the Health Organisation : Draft Report submitted by M. Fierlinger (Czechoslovakia) (Annex 3).

M. FIERLINGER (Czechoslovakia), after having read his report, said that his experience of the office of Rapporteur enabled him to state that the Health Organisation was still doing its work zealously and conscientiously. That work had developed systematically and had been extended to a continually increasing number of countries. The Health Organisation was to-day a centre of information and documentation at the disposal of all countries. Its essential characteristic was its universality. Approval of the report meant approval of the manner in which the Organisation had done its work.

M. GAUTIER (France) referred to the resolution adopted unanimously by the Assembly some days before, on the proposal of the British delegation, expressing sympathy with China in connection with the great disaster with which that country had been afflicted.

As a result of consultation with other delegations, including the British and Chinese, the French delegation was convinced that it would be desirable to give some concrete expression to this sympathy. In view of the danger of epidemics as a result of the recent inundations, action should be taken on similar lines to that which was resorted to in 1921 and 1923 in connection with the similar disasters in Poland and Greece, when the Epidemics Commission did very useful work. With a view to making available help of this kind, the French delegation proposed to appeal to all States, Members or non-members of the League, and, in particular, to countries having relations with the Far-Eastern Bureau, to place all their resources at the disposal of the Chinese Government. Each country would retain complete freedom of action in this connection, and the work of the League would be to increase the effectiveness of the help rendered by improved co-ordination and by judicious distribution of the contributions received. Animated by these motives, the French delegation desired to submit the following draft resolution to the Committee for presentation to the Assembly :

" The Second Committee,

" Regarding the danger of the spread of epidemics as a result of the terrible disaster in the Yangtse valley, both as a humanitarian problem of the first magnitude and a matter of international concern;

" Recalling the assistance rendered in similar circumstances by the Health Organisation through its Epidemic Commission in Poland and Greece in 1921 and 1923;

" Convinced of the need to show clearly and concretely the sympathy of humanity for the victims of this appalling catastrophe :

" Requests the Assembly to invite all States Members and non-members of the League, and particularly those in contact with the Far-Eastern Bureau of the Health Organisation, to respond, so far as is in their power, to any request that may be made for co-operation with the League of Nations in taking the measures necessary to combat epidemics in the flooded areas of China."

The CHAIRMAN proposed that the discussion on the French proposal and the general discussion on the report should be combined.

M. FIERLINGER (Czechoslovakia), Rapporteur, proposed that the French resolution should be added to the resolution in the report.

M. TORRES-UMAÑA (Colombia) gave expression to the importance which the Colombian Government attached to the League Health Organisation's work. The Colombian Government was so much interested in the work that it had decided to attach a special expert to the Colombian delegation in order to maintain continuous collaboration with the Health Organisation. In their view, the two main objects of the League were to be found in the struggle against the two dangers threatening the life of mankind—namely, war and disease.

He entirely approved the draft report and also the draft resolution proposed by the French delegation, but would prefer the Committee to vote separately on the Rapporteur's resolution and the French resolution.

Viscount ASTOR (British Empire), speaking for the British delegation, warmly supported the draft report and the French proposal. He was glad to note the Health Organisation's development at the present day. He had himself been present at its birth, for he had taken part in 1919 in the drafting of Article 23 *(f)* of the Covenant, under which the League was entitled to deal with questions of health.

The entire world owed a debt of gratitude to the Health Organisation for the services it rendered in constituting a nucleus of experts and men of science of world reputation whose opinions were at the disposal of all countries. It had shown that there were no frontiers where matters of health were concerned. It had also done valuable work in co-ordinating the activities of national health administrations. Lastly, it had been of the utmost use in connection with the struggle against epidemics by centralising epidemiological intelligence. There was at the present moment a grave danger of epidemics, not only in China, but also in neighbouring countries, and effective action would be required in 1932.

He had no limitations to make to his approval of the report; but he wished to draw special attention to the passage referring to the work done by the Permanent Commission on Standardisation. It was desirable to emphasise the indispensable character of the work being done in this field at a time when economy was strongly in vogue, and when there were many who believed that certain branches of the League's activity were useless.

He was in entire agreement with the French proposal for assistance to China. The British Government would undoubtedly do everything in its power, for it was well aware that the danger to China was a danger to the world. He did not believe the help asked for would involve heavy expenditure. The despatch of experts and of stocks of drugs and vaccines would be of great use, without involving any large outlay.

Mrs. PLUMPTRE (Canada) was in entire agreement with the terms of the report. She drew attention to the importance of the statistical information collected by the Health Organisation. Canada, with nine provinces, each of which had a separate health organisation, was in a position to appreciate the importance for the whole world of co-ordinating the records of health services, and, above all, standardising serums and drugs, as Viscount Astor had pointed out.

She drew the attention of the Committee to the importance in all countries of questions of rural hygiene, and cited, as an example, the results obtained in Canada, particularly in the province of Quebec, by the organisation of health units.

In the name of Canada, she associated herself with the resolution proposed with a view to help for China. As Mr. Riddell had already pointed out in connection with the report on the work of the Communications and Transit Organisation, Canada had a special interest in China. Any assistance that the League could give to China would benefit all countries. The Canadian delegation could not imagine any better use that could be made of the Health Organisation than the carrying into effect of the French proposal.

M. TRIP (Netherlands) stated that his Government accepted unreservedly the draft resolution proposed by the French delegation.

As regards the report, he had one observation to make on the passage relating to the Malaria Commission. It was said that enquiries made by the Malaria Commission had led to the definition of a standard product of the total alkaloids of cinchona (the " totaquina "), which was stated to have the same effect as quinine; and it was added that the results of these enquiries would meet the necessity of an increase in the supply of the active product, and probably help to bring about a decrease in the cost of treatment.

He understood that to mean that success had been achieved in regard both to standardisation and to quantity and price. He would like to know whether that was what the text of the report meant. If so, he would like to know how long a time these results were expected to require for achievement. In his opinion, it would be a matter of years. He wished therefore to draw the Committee's attention to the fact that the producers of quinine in the Netherlands Indies held unsold stocks, which they were prepared to place at the disposal of Governments at a low price, to the amount of something like 500,000 kilogrammes of quinine. He had no desire to go into the question whether it was a case of over-production or under-consumption. All he desired to do was to draw the Committee's attention to the desirability of the Malaria Commission placing itself in touch with the Kinabureau of Amsterdam, which was an organisation representing the associated interests of individuals in the Netherlands Indies and was in a position to supply large quantities of quinine.

M. FIERLINGER (Czechoslovakia), Rapporteur, replied that the Health Organisation had conducted two enquiries. The first was concerned with the alkaloid content of possible substitutes for quinine. In view of the results achieved, there was a faint hope of finding substitutes which

would make it possible to reduce the cost of malaria treatment. The second enquiry was concerned with the total consumption in all countries of quinine and its substitutes. It was not yet concluded, and it was possible that the present stocks of quinine might be utilised. In any case, M. Trip had done a service in pointing out that the Netherlands Indies producers had stocks at their disposal at a fairly low price. The Secretariat would note his suggestion.

M. PASCUA (Spain) approved the report and the French proposal.

M. SANDLER (Sweden) remarked that there was no mention in the report of the question of alcoholism. The ninth Assembly passed a resolution on that subject on the initiative of Finland, Poland and Sweden. Czechoslovakia, Bulgaria and Denmark were also associated with the proposal. The action taken as a result of this resolution was to be found in the report submitted by the Health Director to the last Assembly.

The achievements of the Health Organisation in this connection were somewhat meagre. A Swedish expert had been entrusted with the study of the quantity of alcohol contained in the blood and on the relations between alcohol and tuberculosis. Statistical information as to alcoholism in Denmark, Sweden and Norway, and particulars of delirium tremens had been communicated to the Governments of the Scandinavian countries. Information had also been supplied with regard to the legislative action taken in the matter by various countries.

As to the first point, there was a misunderstanding. The Swedish expert's task did not consist in determining the quantity of alcohol in the blood—the methods of doing this were well known in every country—but in furnishing a report on the correlation between the quantity of alcohol in the blood and the other symptom and incidental features of alcoholism.

The Health Director thought the second point the only one of any real value. If that were so, why deal with questions of no real value? M. Sandler thought that, in this case, the Health Organisation had not done what it was called upon to do under the resolution passed by the Ninth Assembly. It was surprising to find it acting as if it were doing a service to the Scandinavian Governments by sending them Scandinavian statistics. There was no point in, so to say, returning statistics across the net.

It was not only the Governments of Finland, Poland and Sweden which were interested in the matter, but the other three Governments which had supported the Finnish motion. Even if that were not so, the fact that the Assembly had passed a resolution was sufficient to show that all the States Members of the League were interested in this question of alcoholism. It must be admitted that the Health Organisation had a great deal to do, and that it was sometimes overworked. But if it was not in a position to give effect to a resolution of the Assembly, that left the question open; and it would be necessary to take some other action in the matter as occasion arose, independently of the Health Organisation.

M. FIERLINGER (Czechoslovakia), Rapporteur, replied that there had been difficulties in giving effect to this resolution of the Assembly, owing to the complicated character of the problem. The obstacles encountered by the Governments of the United States, Norway, Finland and, perhaps, also Sweden in the struggle against alcoholism were common knowledge. The procedure adopted had been to ask the Governments to suggest particular points for study; but insuperable difficulties had been found in comparing the different information supplied, and particularly in comparing statistics. Only countries with considerable experience in the matter were in a position to reply to the questionnaires addressed to them. That explained why the Scandinavian Governments had received only statistics relating to their own countries. He had, however, pointed out that it was very likely that there might be omissions in his report, and he had asked members to make suggestions for its improvement.

M. DE KAUFFMANN (Denmark) approved the French resolution with regard to help for China. He did not believe it would involve any heavy expenditure. The first thing to be done was to supply anti-cholera and anti-diphtheria serums and vaccines. The Danish Government had already sent 300,000 doses of vaccine.

He associated himself with the remarks of the British and Canadian delegates in regard to the work of the Commission on Standardisation.

M. DE MICHELIS (Italy) associated himself with the French proposal in regard to China. As regards the report, he asked M. Fierlinger if he would agree to add to the passage in the report relating to rural hygiene the following words:

> "The Health Organisation will naturally continue to keep in close touch with the three great international organisations mentioned, so as to benefit by their specific competence and by their collaboration."

He also proposed to add the following passage to the draft resolution:

> ". . . and hopes that the work of co-ordination and synthesis as regards conditions, research and health measures in general, from the statistical and practical standpoint, and the work of spreading this information, may be accomplished as rapidly as possible through the agency of the Health Organisation, thus realising an achievement of instruction and propaganda of great value."

M. FIERLINGER (Czechoslovakia), Rapporteur, accepted M. de Michelis' proposal.

Dr. HYDER (India) paid a tribute to the report. The work of the Health Organisation was of special importance to his country. India had derived great benefit from the exchange of ideas which took place during the visit of the Malaria Commission. The work of the Singapore Bureau was also of the utmost importance for all Eastern countries.

He had been much struck by the fact that the Health Organisation was giving its attention to the question of indigenous drugs. India had an indigenous remedy for leprosy, the scientific value of which had been recognised. He would be glad to see an increasing amount of scientific research work in this connection take the place of mere guesswork.

He had been much interested by what had been said by the Netherlands delegate in regard to the stocks of quinine available in the Netherlands Indies. More scientific research was also needed in the case of quinine. He did not doubt that, if the quality of drugs was improved and their price reduced, both producers and consumers would benefit.

He paid a tribute to the important work done by the Organisation in centralising the exchange of information on health problems. He hoped that the meetings which the League organised of directors of health administrations would be held in Asia as well as in Europe.

In conclusion, he expressed his sympathy for the resolution proposed by the French delegation. He had not yet received instructions from his Government on the subject; but he was certain that India, who realised that her interests were at one with those of China, would do everything in her power to assist the latter.

FOURTH MEETING.

Held on Wednesday, September 16th, 1931, at 10 a.m.

Chairman : M. JANSON (Belgium).

10. Work of the Health Organisation : Draft Report submitted by M. Fierlinger (Czechoslovakia) (continuation) : Adoption of Report and Resolution : Appointment of Rapporteur to the Assembly.

M. COSTA DU RELS (Bolivia) expressed the thanks of the Bolivian Government to the Health Organisation for the medical mission which had been sent to Bolivia to study problems on the spot. Such work was invaluable as enabling them to compare conditions in Bolivia with European conditions. The Bolivian Government greatly appreciated the work done by the mission, and had every intention of acting on the conclusions reached, so far as the financial position allowed.

Bolivia was making studies of tropical and subtropical diseases and was enquiring into the country's resources of cinchona.

It was sometimes suggested that the collaboration of Latin America with the League was platonic in character. It might be that on political issues there was not much scope for collaboration between the two, but Latin America had shown the utmost interest in the technical activities of the League. Argentine, Brazil, Chile, Mexico and Uruguay had invited the League to enquire into infant mortality. Uruguay had established an institute for the serological study of syphilis at Montevideo. Brazil, though not a member of the League, had made the handsome offer of a leprosy institute to work in conjunction with the League Health Organisation.

The French resolution with regard to China had his cordial sympathy.

M. TORRES-UMAÑA (Colombia) explained that he had asked on the previous day for a separate vote on the Rapporteur's draft resolution and on the resolution proposed by the French delegation. He had done so because of the financial consequences which might be involved by the French resolution : but, reassured by what the French delegate had said, he now withdrew his request and hoped that the Committee would pass the French resolution unanimously.

Mr. DE VILLIERS (South Africa) said that, though South Africa (being blessed with a fine climate) had a good health bill, it nevertheless followed and appreciated, and was prepared on occasion to profit by, the work of the Health Organisation.

The French resolution with regard to China had his entire sympathy and support.

M. CHODZKO (Poland) paid a tribute to the work of the European Conference on Rural Hygiene, the success of which was due primarily to the Spanish Government's initiative in calling the Conference and secondly to the organising work of the Health Organisation. The Conference had served to emphasise, as never before, the importance of correlating all the various influences (social, financial, economic, technical, hygienic and so on) which had a bearing on the life and work of the peasant. It was a reminder that, in the majority of European countries, where the

agricultural population was over 50 per cent of the whole, the economic situation and the general level of the peasant masses was a decisive factor of industrial development. The low purchasing-power of the agriculturalists of Europe was at the root of the prevailing economic crisis. That was a truth which was only just beginning to be realised. The development of agriculture by the substitution of modern machinery for primitive manual labour would benefit industry no less than agriculture : and it would benefit the agriculturist not only economically but also in respect of his physical health. The comparative figures of the health of agricultural and industrial populations, as revealed, for example, in the campaign against tuberculosis, were astonishing. Statistics collected by Wolff for the fifteen years 1913 to 1928 in the principal European countries showed that the mortality from tuberculosis was twice or three times as high in agricultural countries as in industrialised countries. Unless strong action were taken by all the authorities concerned, the rural populations of Europe were doomed to physical deterioration as a result of tuberculosis.

That raised the general question of population. Industry was being continually called upon to increase production, while at the same time the workers were being told not to have large families. The doctrine of *enrichissez-vous* had been exploited for the last hundred years at the expense of the national birth-rates. The result was to upset the demographic balance. Since the middle of the last century there had been a decline of approximately 50 per cent in the birth-rates of Germany, Great Britain and France. The pernicious Malthusian thesis, though long since shown to be false, had made headway even in agricultural countries like Hungary and in the Slav lands.

Unemployment was not the cause of the crisis. Belgium, the most thickly populated country in Europe, had no unemployment. The fact was that society had not adjusted itself to the new problems created by the immense increase of producing power without any concomitant increase in the purchasing power of the masses. Just as the Napoleonic wars had awakened the political consciousness of Europe, so the world war had awakened the social consciousness of the world. That fact had to be taken into account in any economic policy pursued nowadays.

There was a certain danger in over-specialisation in the work of the League. He would suggest that there might be some co-ordination of the work of the League and that of the International Labour Office, which would appoint *rapporteurs-généraux* (if he might use the expression) on all the principal League committees to co-ordinate the multiplicity of League and other reports before they were submitted for decision to the Council or Assembly.

He cordially approved the French resolution with regard to China.

He especially welcomed the presence of Viscount Astor, because of the work which the latter had done in the British Health Ministry in connection with the Health Organisation.

Dr. Ethel OSBORNE (Australia) added her tribute to what Viscount Astor had said on the previous day with regard to the admirable work done by the Permanent Commission on the Standardisation of Sera, Serological Reactions and Biological Products. The older methods of medicine are being largely replaced by new methods based on recent and continuing research into new realms of the biological sciences. The potentialities of this field are only just being explored. Such research is more than one country can undertake; every country is anxious to do its share, and in the Health Organisation is provided an invaluable factor for international co-ordination. She suggested the consideration of the possibility of a standardised international type of " health dossier " showing the various treatments an individual had undergone, both for prevention and cure of diseases. It would contain records of vaccine and serum treatment, operative procedures, etc., and would have a standardised nomenclature intended rather for the information of the physician than of the patient.

She had nothing but applause for the work of the Cancer Commission. It was making a beginning, in the case of cancer and its treatment, of just that kind of " stocktaking " which it was hoped would be extended to other diseases. Fortunately, Australia is able to take part in this international cancer work because of considerable purchases of radium made by the Commonwealth.

She cordially approved the resolution brought forward by the delegate of France with regard to China. The Chinese disaster showed how valuable and opportune had been the foundation of the Epidemiological Institute in the Far East. The testing time of the Institute had now come.

One question with which the Health Organisation would be concerned in connection with the disaster in China was the problem of nutrition. She suggested that the nutrition requirements of China in this emergency should be approached from the standpoint of Australia's ability to supply many of them. The comparative nutritive values of wheat and other foodstuffs which Australia was in a position to supply—and, on the other hand, those of rice, etc.—as main articles of diet would have to be taken into consideration.

As regards rural hygiene, she might add to what had already been said by the Canadian delegate on the problems of dealing with large areas that Australia had made beneficial use of aeroplanes in its health services. They had doctors in the " back-blocks " of Australia, who were able to cover districts of a thousand miles radius with the aid of aeroplanes, which are also

frequently used for transport of emergency cases over long distances, of specialists and urgently necessary medicaments.

The Australian delegate in the previous year had pressed for the continuation of the hygienic studies of the League in the South Pacific islands. They were of the utmost interest. The annual report of the Health Organisation (1930) [1] gave an interesting summary of this enquiry and lists problems of high significance which have evolved from it and which need research in the near future. It would be regrettable if these problems cannot be handled for reasons of economy.

From the standpoint of nutrition in particular, the Pacific afforded a unique field of work. In the years to come, the diets of the inhabitants of the countries round the Pacific Ocean would tend to standardisation—perhaps become more Americanised—but, for the present, they still constitute a unique human laboratory for students of nutrition.

She considered the report throughout demonstrated a constructive effort towards international health and was, in addition, a record of achievement in many directions.

Dr. HYNNINEN (Finland) reverted to the question of alcoholism raised by the Swedish delegate on the previous day. He thought it was not quite fair to argue, as was often done, that the effects of the abuse of alcohol were sufficiently well known, in view of existing statistics and past research. The general effects were no doubt known; but the same might have been said of the general causes which led up to (for example) the sugar, wheat or coal crises. But it was only the systematic, detailed studies made by the League into the special factors of those crises which had made it possible to find the appropriate remedies. They should approach the problem of alcoholism along the same lines.

He highly appreciated the good work done by the Health Organisation in following up researches made and suggesting new lines of study. But more was needed. The work which required to be done would be much facilitated, not only by the fact of its importance having been recognised by the Assembly, but also by the fact that the countries which had taken the initiative in the matter had already worked out in some detail a programme of the methods to be followed.

M. KAWASHIMA (Japan) was glad to note the extension of the Health Organisation's work to all parts of the world, and its co-operation with the Chinese Government in particular. Japan, in the past, had made her contribution to the improvement of health conditions in China, and was at all times prepared to render any assistance for which the Health Organisation might ask.

He welcomed the generous offer of the Brazilian Government to establish an International Study Centre for Leprosy at Rio de Janeiro. At the Health Committee's session in October, 1930, the question of establishing another International Study Centre for Leprosy in Japan, under the auspices of the League, had been discussed : and he sincerely hoped that this beneficent proposal would shortly be realised by the conclusion of a satisfactory arrangement between the Health Organisation and the Japanese Government.

He paid a tribute to the work done by the European Conference on Rural Hygiene. He thought the resolutions of the Conference might well be applied in countries outside Europe, and he hoped that, at the next Conference of this nature, the countries in continents other than Europe would also be invited to take part.

The Japanese delegation had the greatest sympathy for the resolution proposed by the French delegation, which came as a sequel to the resolution passed by the Assembly a few days before, in connection with the Chinese disaster. Japan, as China's friendly neighbour, had been shocked by the news of the disaster, and His Majesty the Emperor and the Japanese people were uniting to render effective service so far as lay in their power.

M. Kawashima gave the following particulars of the contributions already effected by Japan to the relief work :

The subscription opened by the newly created association of sympathisers for the flood victims of China had reached the sum of 430,000 yen. The association had already despatched to Hankow, as the first emergency measure, a Japanese vessel of 4,000 tons with full cargoes of rice, wheat-flour, condensed milk and other provisions, together with blankets and various medical articles.

On the other hand, the " Dojinkai " (a fraternal association in connection with Chinese-Japanese relations) had mobilised all its personnel in Hankow, organising them into relief parties. They were now actively engaged in a campaign against epidemics. They would soon be reinforced by a large medical contingent composed of medical students, both Japanese and Chinese. It had also arranged to charter a river vessel to send to Hankow to facilitate the relief work there.

Moreover, the Red Cross Association of Japan was sending a special representative to China with 300,000 silver dollars as a gift to the afflicted population. Various religious associations in Japan, together with newspapers and other societies, were conjointly doing their utmost to collect the necessary relief fund.

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[1] See document A.7.1931, page 58.

He proposed that the French resolution should be strengthened by being amended as follows :

" The Second Committee,

" Regarding the danger of the spread of epidemics and the deprivation of life as a result of the terrible disaster in the Yangtse valley both as a humanitarian problem of the first magnitude and a matter of international concern;

" Recalling the assistance rendered in similar circumstances by the Health Organisation through its Epidemic Commission in Poland and Greece in 1921 and 1923;

" Convinced of the need to show clearly and concretely the sympathy of humanity for the victims of this appalling catastrophe :

" Invites all the States Members or non-members of the League of Nations, and particularly those in closer contact with the Far East, to respond so far as is in their power to any request that may be made to take all possible measures for relief in the flooded areas of China, in co-operation with the League of Nations;

" Requests the Council to take the necessary steps to render the international co-operation effective."

M. GAUTIER (France) welcomed the Japanese amendment.

M. SZE (China) welcomed the French resolution and the support it had received in all quarters. He regarded it as one more proof of the friendship the States Members of the League bore to China, and in the name of his country he extended to them all his hearty thanks.

M. FIERLINGER (Czechoslovakia), Rapporteur, said that the French resolution, as amended by the Japanese proposal, was one more proof of international solidarity. He noted that Dr. Rajchman, the Medical Director, had at once proceeded to China in order to organise the relief work on the spot.

The Committee adopted the report and the resolution proposed by the French delegation, as amended by the Japanese delegation.

The Committee adopted the resolution in the following form :

" The Assembly,

" Having noted the reports on the work of the Health Organisation of the League of Nations since the last session :

" Recognises with satisfaction the value of the methods of international co-operation employed by this Organisation;

" Notes with satisfaction that the experience acquired by the Health Organisation is being made available to the States Members of the League to an ever-increasing extent;

" Expresses the hope that steps will be taken to give the widest and most rapid distribution to the information collected by the Health Organisation concerning the practical and scientific health work, carried out in the different countries, which is of international interest;

" Views with interest the work accomplished on rural hygiene, and hopes that the task undertaken in this field will be extended so that the rural populations of all countries may benefit in the near future;

" Approves the work carried out by the Health Organisation since the last session of the Assembly;

" And congratulates that Organisation on the results obtained, which give fresh proof of the concentration of its efforts on definite tasks, and the universality of its work."

The CHAIRMAN stated that the Committee, by its unanimous adoption of the above-mentioned French resolution, was anxious to testify to its sincere and heartfelt sympathy with China in her disaster. He further thanked M. Fierlinger for his services as Rapporteur, and proposed that he should report to the Assembly on behalf of the Committee.

Agreed.

11. Communication from the Sixth Committee : Reference of Certain Technical Questions to the Second Committee (Annex 4).

The CHAIRMAN read a letter addressed to him by the Chairman of the Sixth Committee (Annex 4), proposing that certain technical questions should be referred to the Second Committee. He pointed out that the Committee would have to consider what the answer to the letter should be in the matter of transit questions, but he would at once ask the Rapporteur on the Health Organisation whether the latter was in a position to comply with the Sixth Committee's wishes.

M. FIERLINGER (Czechoslovakia) thought that an affirmative answer might be given to the Sixth Committee. He had consulted the Health Organisation on the point, and they had replied that they would gladly put themselves at the disposal of the Commission of Enquiry for European Union for any purpose desired.

The CHAIRMAN said that M. Fierlinger's reply would be communicated to the Sixth Committee.

12. Work of the Economic Organisation : General Discussion.

The CHAIRMAN read the following draft resolution, submitted by the delegations of Belgium, Denmark, Luxemburg, Norway, the Netherlands and Sweden :

" The Assembly,

" Recognising that the normal exchange of merchandise between the nations is seriously hampered by frequent changes in Customs tariffs and, generally, by instability in commercial policy;

" Considering the statement made by the sub-committee of economic experts to the Commission for European Union to the effect that such changes greatly complicate the task of maintaining stability in the monetary and credit system of the world :

" Earnestly hopes that every country will try to the utmost possible extent to avoid any such change in tariff or commercial policy as would tend to increase the economic disequilibrium and further disturb the general balance of payments."

M. VENNERSTEN (Sweden) said that the differences of view on economic questions which had become apparent at the last Assembly still continued. The gravity of the depression had not led to the adoption of economic co-operation. A number of restrictive measures had been accepted, which had merely tended to increase existing differences. Each new restriction placed a new responsibility on the Governments, and these responsibilities could not be evaded by citing the example of others or waiting for the results of collective action. Economic co-operation would be facilitated if public opinion in every country forced the Governments to follow the same lines at home as they advocated at Geneva.

There was a close connection between trade relations and the circulation of capital, and, at the very moment when the utmost freedom in the circulation of capital was required, commercial policy was establishing new barriers to the exchange of goods which was the necessary complement of credit transactions. The Basle experts had been unable to submit any immediate proposals for facilitating long-term credits, for the reason, which they frankly emphasised, that the free movement of capital was impossible without a change in commercial policy.

Turning to special questions, he referred to the proposal by the Persian and Swedish delegations, which the Commission of Enquiry for European Union adopted in May last, to the effect that States should follow as far as possible the principles of the Commercial Convention of March 24th, 1930, and should not denounce existing commercial treaties; or, if they did so, should notify third parties with a view to appeal by the latter. He hoped the Assembly would confirm this recommendation of the Commission of Enquiry for European Union.

In the matter of preference, he recalled that, at the May meeting of the Commission of Enquiry for European Union, the Swedish delegation had made reservations and had stated that it could not give its approval to any system involving preference. The preference then proposed in the case of cereals had been understood to be in the nature of a temporary and exceptional measure. But requests had since been put forward for the extension of preference to other products, and the Commission of Enquiry had set up a special Committee to study the matter. The Swedish Government was opposed to any such system, and was convinced that, in the end, it must prejudice the States that introduced it and operate to their prejudice.

He paid a tribute to the Financial Section for the valuable volume entitled " The Course and Phases of the World Economic Depression ". The view expressed in the last paragraph of that work fully accorded with the Swedish view.

FIFTH MEETING.

Held on Thursday, September 17th, 1931. at 9.30 a.m.

Chairman : M. JANSON (Belgium).

13. Draft Convention for the Regulation of Whaling (Annex 6) : Draft Report and Resolution submitted by M. Braadland (Norway) (Annex 7) : Discussion and Adoption : Appointment of Rapporteur to the Assembly.

M. DE ARMENTEROS (Cuba) said that, at the Conference for the Codification of International Law, the Portuguese and Cuban delegates had drawn attention to the exploitation of the wealth of the seas and the need for the protection of that wealth and had proposed the conclusion of an international convention for regulating, not only whaling, but also the exploitation of other

wealth of the seas, such as sponges, coral and tortoise-shell. He suggested that the report might draw attention to the need for a convention in connection with the latter objects. In the Whaling Convention, he proposed that, in Article 4, the scientific names of the Linnæan system with, if possible, a French translation, should be added to the ordinary commercial names for the different species of whales.

In Article 21, he proposed the insertion of a clause providing for the publication of the Convention at an early date in the *Treaty Series* of the League.

He further proposed the addition of a new article in the form of a protocol of signature as follows:

> "The Governments of all Members of the League of Nations and of all States, not being members of the League, which sign the Convention undertake not later than . . . either to submit the said Convention for the approval of their respective Parliaments, or to notify the Secretary-General of the League of their intentions in regard to the Convention."

This would be in conformity with the Assembly's recommendation of October 3rd, 1930, with regard to protocols of signature in connection with the conclusion of conventions of a general character under the auspices of the League.

M. MATSCH (Austria) said that his Government approved the Convention and proposed to accede to it, and to prohibit the use of vessels flying the Austrian flag for the purpose of whaling, in order to demonstrate Austria's loyalty to the principle of international solidarity.

M. KAWASHIMA (Japan) said that the Japanese expert at the Berlin meeting of April 1930, which drew up the initial draft of the Convention, made a reservation in regard to Article 3 (now Article 4), excluding the northern part of the Pacific from the prohibition to kill or catch right whales. The Japanese Government still maintained this reservation, although the last meeting of experts at Geneva had not seen its way to accept it.

To the general principles underlying the Convention, the Japanese Government had no objection, and he was not opposed to its being approved by the Assembly and submitted to the Governments for signature. At the same time, the Japanese Government was of opinion that there were still sufficient right whales in the Northern Pacific to preclude any apprehension of the disappearance of the species.

He had not as yet received precise instructions from his Government as to the question, but he believed that it would in all probability sign the Convention, if the reservation to which he had referred were adopted, and if all the other States of the North Pacific littoral signed it.

Mr. WATT (Australia) argued in favour of the restrictions proposed by the draft Convention. He even thought they should be strengthened, particularly in regard to the limitation of the number of whale-chasers; but he thought it wiser not to take any decision on the point pending the receipt of more accurate information from the International Bureau of Whaling Statistics at Oslo, which, under the Convention, was the institution centralising and distributing information. The information to be supplied by the Bureau would enable a definite opinion to be formed on the point. As matters stood, the Australian Government was satisfied with the present draft and would sign it, if the final text were not substantially different from the draft text at present before the Committee.

Mr. BURDEKIN (New Zealand) said that his Government was impressed with the necessity for international regulation of whaling and was therefore prepared to sign the draft Convention, provided the text finally adopted did not differ materially from that drawn up by the Economic Committee in 1930.

The New Zealand Government would have preferred to see the Convention go further in several important respects, but recognised that the present proposals represented at least a first step. His Government had some doubts as to how far the proposed Convention would prove effective. He emphasised that this would depend very largely upon the Convention being ratified by all Powers and not merely by those at present directly interested in whaling. If this were not done, the restrictions imposed upon themselves by a limited number of Powers signing the Convention might quite probably lead the nationals of Powers not at present interested in whaling, and which had not therefore signed the Convention, to take up whaling; and there would also be a danger of flag-transference by owners of whaling vessels if the Convention was not accepted generally. His Government regarded the proposed Convention as defective, inasmuch as it imposed no limitation as to the total number of whales which might be killed in any one year, although it was recognised that it would perhaps have been premature to attempt to fix such a figure until more complete statistical information with regard to whaling was available.

His Government also regretted what it regarded as a weakening of the original proposals for requiring all whaling vessels to be licensed by their Governments. The provision which permitted mere notification as an alternative to obtaining a licence would mean that, not only would there be no restriction on the number of whales which might be killed, but not even any power to limit the number of vessels which might engage in whaling. He pointed out that limitation of the number of whales which might be captured was in the interests of the whaling industry itself.

The New Zealand Government was inclined to favour a close season for whales, as its experience had been that whales captured early in the season were usually in poor condition, and that, therefore, their killing at such a time was a wasteful procedure. The period of the close season would, of course, require to be varied for different parts of the world. On August 24th, the date of the New Zealand delegation's latest instructions from its Government, the New Zealand Government had not received document E.696, dated June 1st, containing the observations of various Governments in regard to the draft Convention, and it was possible, of course, that the views of his Government might be slightly modified on certain points in consequence of those observations; but what he had said might be regarded as representing generally the views of his Government.

Sir Arthur SALTER (British Empire) said that his Government approved the Convention. He hoped it might be made available for signature in the following week, and that all countries would sign. Although the whaling industry was of interest mainly to Great Britain and Norway, it was essential to appreciate the vital importance to the efficacy of the Convention of countries not directly interested acceding to it. The accession of the greatest possible number of countries was indispensable if the abuse of flags of countries not parties to the Convention was to be avoided. Countries not directly interested were nevertheless indirectly interested as consumers.

The delegation of the British Empire proposed a number of drafting changes, and also the following amendments :

Article 10, *paragraph* 1.—After the words " the most complete biological information" add the word " practicable ".

Article 20, *paragraph* 3.—After the words " at any time" add " after the expiration of the period of three years mentioned in Article 19".

Article 20, *paragraph* 3.—Delete the words " or to the parts of their population".

He hoped the Cuban delegate would not press his proposal for the establishment of a connection between the Whaling Convention and the protection of other wealth of the seas. He suggested that it would be sufficient if the Committee were to request the Economic Organisation, which had already had this question under consideration, to continue the study of it.

As to the proposal for the insertion of the scientific names of the different species of whales in the Convention, that might seem at first sight a wise suggestion. But the experts who were qualified to take a decision on the point had considered it carefully and thought it better to confine themselves to the usual commercial terms.

As regards the addition to the Convention of a Protocol of Signature, as proposed by the representative of Cuba, that was a question of procedure on which he would be glad to have the Secretariat's opinion.

As regards the exception which the Japanese Government wished to be made for the Northern Pacific, the point had been considered carefully in Berlin and Geneva and the present text had been drawn up after mature reflection. It was open to the Japanese Government to make a reservation at the moment of signing the Convention, and the other countries would then be in a position to decide whether they were prepared to accept the reservation or not. He hoped, however, that the Japanese Government would ultimately decide to accept the text as it stood without any reservation.

Sir Cooverjee COYAJEE (India) said that, though India was not directly interested in the whaling industry, the Indian Government was prepared to accede to the Convention in order to demonstrate its international feeling.

M. DE VASCONCELLOS (Portugal) said that his country was interested in the question and had played a considerable part in the preparation of the draft. The Portuguese Government was prepared to accept the Convention subject to the reservation it had made. That reservation had been forwarded to the Central Fisheries Commission, whose decision might enable the reservation to be withdrawn.

Mr. RIDDELL (Canada) said that his country had followed with interest the preparatory work done in connection with the drafting of the Convention, and had appointed an observer at the Berlin meeting and a representative at the recent meeting of experts in Geneva. Canada had already had experience with treaties for the protection of the riches of the seas—*e.g.*, treaties dealing with pelagic sealing and halibut fishing.

The Canadian delegation had authority to sign the Convention; but they had thought it desirable to consult their Government on one or two points. They hoped to receive instructions which would enable them to sign in a few days' time.

M. BRAADLAND (Norway), Rapporteur, read the draft resolution appended to the report, and proceeded to reply to the observations of the various speakers.

As regards the Japanese attitude, he thought the best way out of the difficulty would be for Japan, if she desired, to make a reservation when signing the Convention.

As regards the Latin terms proposed by the Cuban delegate, he pointed out that the terms used in the Convention had been selected to meet the requirements of the whalers, and he did not think the use of the scientific terms was appropriate for this purpose.

The contentions of the New Zealand delegate with regard to Article 8 were based on a misunderstanding. Article 8 was in the same form as the text communicated to the Governments.

The other observations made did not appear to involve any alterations in the report; but he was ready to revise or supplement his text as required, if any delegate so desired.

The Norwegian Government was conscious of the honour done to it by the selection of the International Institute of Whaling Statistics at Oslo as the official centre for the distribution of information regarding the whaling industry, and the Norwegian authorities would do their best to deserve the confidence placed in them.

In conclusion, he emphasised the importance to the efficacy of the Convention of the accession of countries which at first sight might not appear to have any direct interest in the matter.

M. DE ARMENTEROS (Cuba) said that he did not ask for the question of the protection of the wealth of the seas in general to be linked up with the discussion of the Whaling Convention. He had merely expressed a wish for the Committee and the League to decide that the question of protecting the riches of the seas by a convention on the lines of the Whaling Convention should be taken into consideration in the near future.

He had not asked for the substitution of the scientific terms for the customary commercial terms used in the Convention, but merely for their addition to the latter. If it were thought that there were difficulties in the way, he was prepared to withdraw his amendment. The question could be considered later.

Again, in proposing a Protocol of Signature, he had been under the impression that the Committee would be acting in conformity with the Assembly's resolution of the previous year. If there were difficulties in the way, he thought there could be no objection to the Committee passing a special resolution to that effect.

Sir Arthur SALTER (British Empire) was glad to note that the Cuban delegate did not press his proposals, in order not to raise difficulties to the final adoption of the Convention.

M. KAWASHIMA (Japan) repeated that he had received no definite instructions from his Government with reference to its attitude in regard to the Convention. The Japanese delegation wished it to be clearly understood that the Japanese Government could only sign the Convention subject to the reservation he had mentioned—that is to say, subject to the prohibition referred to in Article 4 not being applicable to the Northern Pacific. He did not insist that this view should appear in the report; it need only be mentioned in the Minutes. He hoped to receive instructions enabling him to sign the Convention subject to the reservation.

The CHAIRMAN asked the Cuban delegate whether he agreed to what Sir Arthur Salter had suggested.

M. DE ARMENTEROS (Cuba) replied that he withdrew the amendment he had proposed to Article 4, and was prepared to be satisfied with a special resolution in lieu of an additional protocol.

Sir Arthur SALTER (British Empire) pointed out that the addition of a special clause with regard to ratification would make it necessary for the majority of the delegates to apply to their Governments for new instructions, and that might delay the signature of the Convention.

M. DE ARMENTEROS (Cuba) said he would defer to what Sir Arthur Salter had said.

The CHAIRMAN proposed the adoption of the draft Convention, with the amendments to the text proposed by the various delegations. He suggested that the Rapporteur should be invited to incorporate the Cuban delegate's observations in his report.

The Committee adopted the draft Convention and report as amended.

The Committee adopted the resolution in the following form:

"The Assembly,

"Convinced of the importance and urgency of regulating whaling by means of an international agreement prohibiting the taking or killing of certain kinds of whales which have become extremely rare and of making the fullest possible use of the animals the catching of which is still permitted;

"In view of the fact that the attached Convention differs from that communicated to the Members of the League and non-member States by Circular Letter No. 158, of July 3rd, 1930, only as regards certain minor points of drafting, and that no substantial changes have been introduced therein:

"Decides to open the said Convention immediately for the signature of Members of the League and non-member States, and expresses the hope that the largest possible number of States will accede thereto without delay."

The Committee decided to appoint M. BRAADLAND (Norway) *to be its Rapporteur to the Assembly on this question.*

14. Communication from the Sixth Committee: Reference of Certain Technical Questions to the Second Committee (Annex 4) (continuation).

The CHAIRMAN referred to the letter from the Sixth Committee which he had read the previous day, asking whether the Health and Transit Organisations were in a position to place themselves at the disposal of the Commission of Enquiry for European Union. It had been possible to give an affirmative answer in the case of the Health Organisation. The position was not the same in the case of the Transit Organisation, as the report on its work had only been adopted provisionally.

The Chairman of the Sixth Committee pressed, however, for an immediate answer. In these circumstances, he asked M. Haas, Director of the Transit Section, whether the Second Committee might give an answer in the affirmative to the enquiry made by the Chairman of the Sixth Committee.

M. HAAS (Director of the Communications and Transit Section) replied that his organisation was in a position to respond to any requests put to it by the Commission of Enquiry for European Union.

The CHAIRMAN said that a reply would be sent to the Sixth Committee in this sense.

15. Pact of Economic Non-Aggression : Reference of the Question to the Second Committee.

The CHAIRMAN drew attention to the statement made on the previous day in the Sixth Committee on the Pact of Economic Non-Aggression. It appeared that the Chairman of the Sixth Committee did not think that this question should be discussed in the Sixth Committee, and that it was preferable to leave it as far as possible in the hands of the Second Committee, though he felt, however, that not even the Second Committee could thoroughly examine the problem, which might perhaps necessitate the appointment of a special committee.[1]

The Committee would doubtless take the above observations into account in the course of its discussion.

16. Work of the Economic Organisation : General Discussion (continued).

The CHAIRMAN read the following draft resolutions submitted by the French delegation :

" The Second Committee,

" Seeing that among the measures of international solidarity best calculated to mitigate the effects of the economic depression, and to assist the resumption of activity which would benefit the workers of all countries, consideration should be given to the execution of important public works jointly undertaken by public or private groups on European or extra-European territory;

" Seeing, further, that the problem has already been approached by the Commission of Enquiry for European Union and has been laid before the competent organs of the League of Nations :

" Suggests that, in order to expedite the examination of these programmes, to co-ordinate them on an international scale, to hasten their putting into effect and to follow their execution, the Assembly should invite the Council of the League of Nations to instruct the Committee of Enquiry set up by the Communications and Transit Organisation, which needs to be completed by representatives of the International Labour Office and possibly of the economic and financial organs of the League, to undertake these various tasks.

" This Committee will examine the concrete proposals of the various Governments, particularly from the point of view of the utility and productivity of the works proposed.

" It will report to the Council of the League of Nations. The Commission of Enquiry for European Union will be called on to give its opinion on the proposals relating to Europe."

" The Second Committee,

" Considering that it is more ugent than ever to put into operation means for improving the world economic situation;

" Considering that among these means the experts consulted durirg the last few years, and, more recently, the Committee of Economic Experts, have specially emphasised the development of economic agreements on account of the beneficial effects they may exercise on the organisation of production and the regulation of trade;

" Considering that these agreements would, in particular, tend to create favourable conditions for the progressive lowering of Customs barriers;

" Considering, moreover, that assistance and guidance must be given to the parties taking steps in this direction :

" Recommends that Governments should, without delay, support all efforts of this kind made by the producers of their countries;

" It requests the Economic Organisation immediately to promote such meetings as may lead to the conclusion of these agreements and to take all steps to ensure their publicity, to follow their activities and to safeguard all legitimate interests, particularly those of consumers, either countries or persons; and

" While leaving the Economic Organisation to select the products in respect of which these *rapprochements* appear to it most easily obtainable, it calls the attention of that organisation to the following commodities, which seem to it likely to fulfil most satisfactorily the conditions for this purpose : cereals, coal, wood, paper, artificial silk, leather, hides and skins, electrical material and chemical products."

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[1] See Minutes of the fourth meeting of the Sixth Committee.

" The Second Committee notes with satisfaction that the draft unified Customs nomenclature prepared, after an urgent request from the Committee, by the Sub-Committee of Experts appointed for the purpose, has now been completed.

" It considers the adoption of the draft to be an essential condition for the development of international economic relations.

" Being convinced that States will understand that the great advantages resulting from the adoption of such a common instrument are such as will amply compensate for the sacrifices and readjustments which its adoption may entail, it agrees with the procedure suggested by the Economic Committee and the Sub-Committee of Experts and approved by the Council.

" It therefore earnestly appeals to all States Members or non-members of the League of Nations, to which the draft unified Customs nomenclature will shortly be submitted, to examine the draft without delay, so that they may be enabled to forward their replies to the Secretariat as soon as possible."

The Chairman then read the following draft resolutions submitted by the German delegation :

" The Assembly,

" In view of the fact that the establishment of the International Agricultural Mortgage Credit Company has made it possible for the agriculturists of the countries concerned to obtain long-term credits at a moderate rate of interest;

" Convinced that, in present circumstances, the obtaining of medium- and long-term credits at a moderate rate of interest constitutes an urgent need for other branches of industry and is essential for the purpose of remedying the present crisis and reviving trade :

" Decides to request the Council of the League of Nations to instruct the competent organs of the League to examine without delay, with the assistance of M. Francqui, Minister of State, the bases of the establishment of an international credit institute for the granting of medium- and long-term credits to other branches of industry, and to draw up as quickly as possible a draft Convention."

" The Assembly,

" Considering that closer economic co-operation is one of the essential conditions for relieving and overcoming the present economic crisis;

" Convinced that the report of the Sub-Committee of Economic Experts of August 29th, 1931 (document C.510.M.215.1931.VII), suggests the right methods for attaining this goal;

" Recognising that the seriousness of the crisis and the distress that the coming months will bring require a speedier application of all useful remedial measures :

" Notes the resolution of the Commission of Enquiry for Economic Union inviting the European Governments to present, if possible before January 1st, 1932, their observations on the said report, and recommends all the Governments concerned in their future decisions to take account of the principles proposed by the report."

M. Stodola (Czechoslovakia) noted that the Commission of Enquiry for European Union had succeeded in establishing the main principles on which efforts to secure closer economic co-operation between European countries should be based. The work of the Commission of Enquiry had brought out the essentially political nature of the problem and had shown the desirability of developing economic relations, not only according to purely economic laws, but also in relation to psychological and political factors. It was with this idea that the Committee of Experts set up by the Commission of Enquiry for European Union had laid down the principles of co-operation with a view to bringing about a European economic and Customs union.

He explained that his Government attached great importance to the question of preferential treatment for agricultural products, because it considered that such a measure, if guaranteed by European countries as well as by those of other continents, would facilitate friendly relations in general by allowing all countries to benefit by the advantages it would produce, particularly the increase of the purchasing power of populations which had suffered from the agricultural crisis. Czechoslovak commercial policy had, of course, always been based on the most-favoured-nation clause, and the idea of granting preferential treatment for agricultural products must be interpreted in this sense. He did not think that overseas countries would definitely veto this treatment when its utility was proved.

The small peasant class was socially and economically the most important in the majority of European countries. The salvation of this class would strengthen the whole social and economic fabric of Europe. There was no country in which unemployment was found side by side with prosperous agriculture. He hoped that the International Agricultural Mortgage Credit Company would soon materialise as a result of the thorough study of this question carried out by the Commission of Enquiry for European Union and by the Financial Committee of the League. He emphasised the importance of the efforts made by the International Institute of Agriculture at Rome for promoting short-term agricultural credits.

He regretted that, on account of the present financial crisis, the work of the Sub-Committee for the Study of Unemployment had not produced entirely satisfactory results. In spite of his essentially constructive optimism, he feared that the present difficulties might increase. The prospects for the near future were very disquieting. That was, at all events, the opinion held in Czechoslovakia, but the world must have confidence in the future and believe that human nature still had enough energy to combat the fresh difficulties with which it was threatened. Since the present crisis was not due to direct destruction of capital as the result of a war or a natural disaster,

it was always possible to restore the economic equilibrium of the world by re-organising supply and demand.

One of the main causes of the crisis had been the fall in price of raw materials, and attention must therefore be concentrated on this problem. The crisis had reached its climax so suddenly that it had been impossible to make the necessary adaptation in time. It was obviously dangerous at the present time to prevent the free development of creative forces, which alone could secure a solution of the problem.

Up to the present, the schemes proposed were too often like films which were continuously repeated. Economic laws were too often superseded by theories for which there was no authority.

He considered that the general lines of the report were admirable and logical, and he approved its conclusions, according to which there was hope of a European Customs union.

He would draw particular attention to the importance of the report of the economic experts, which contained good principles embodying sound suggestions. It would, however, have been much more complete if it had dealt in a more complete and concrete manner with certain practical problems which had long been studied by the League organs. One of these was the question of the Customs truce. Although the last Conference with a View to Concerted Economic Action had reached an impasse when the application of the Convention of March 24th, 1930, was proposed, the study of this question should, in spite of all difficulties, be continued. Perhaps the Council would consider the possibility of taking up the matter again. In conclusion, M. Stodola paid a tribute to the effort made by the League in the field of economics. He hoped that this international co-operation would continue and that its advantages would be felt, not only by each individual State, but by the whole of Europe, which was at present suffering so severely from the crisis, and by all the countries of the world.

M. Rollin (France) said he had no intention of entering upon the discussion with any implication of criticism in regard to the magnificent work done by the League, but he would like to point out that, in present circumstances, the League was expected to pass more and more into the field of action and to translate deliberations into realities. The world's economic crisis called for immediate solution; it was tending to increase, and there was every prospect of further unemployment.

In connection with mutual economic assistance between nations, it had been urged that help should be given to the countries of Central and Eastern Europe to facilitate the marketing of their cereals. The machinery proposed for the purpose was simple. It consisted in the granting of a preferential tariff to the countries exporting cereals, in order to allow producers to sell on a remunerative basis and not, as they were doing to-day, at a figure below cost price. In exchange for the preference granted to exporting countries tariff reductions would be granted to countries importing cereal surpluses, either directly or in the form of 30 per cent rebates on the import duties. These advantages were not given only to countries accorded preferential treatment, but to all countries without distinction. Here was a case where action had already been taken. Agreements had been signed—for example, by Germany with Hungary and with Roumania. France had initialled an agreement with Hungary, and negotiations of the same kind had been begun with Yugoslavia and Roumania. The method had given rise to a certain amount of criticism—in particular, on the part of the Swedish delegate. Sweden held that preferential treatment involved infringement of the most-favoured-nation clause, and urged that the system of preference should not be erected into a new permanent and final dogma, but be regarded as a provisional and exceptional measure justified by unusual circumstances and unusual needs. That was also the attitude of the French delegation, and he hoped that the anxieties of third parties would be relieved by that statement. They asked third countries, if any sacrifice was involved, to accept it in the name of European co-operation, to which they were now called upon to give actual and tangible form. All third countries had an interest in the giving of help in this way, since they derived material as well as moral advantage therefrom through the improvement of the economic situation in Central Europe and the increase in the purchasing power of the Central European countries, by which all countries without distinction were bound to benefit. If, as he hoped would be the case, all the delegates could agree, subject to the understanding that it was a provisional and exceptional measure, to submit these agreements to the League with their approval, and without any opposition on the part of third countries, the League would have to its credit, not merely expert and well-documented studies, but also action and definite results of a highly interesting character.

The League already had to its credit the creation of the International Agricultural Mortgage Credit Company, which gave the countries of Central and Eastern Europe relief from the mortgage charges with which their agriculture was burdened. The establishment of the company might be said to be virtually complete, and within a very short time it would be in a position to begin work and to yield the happy results anticipated.

In the same spirit of mutual assistance, the French delegation was proposing the elaboration and inauguration of a big programme of public works, to which a number of speakers had already alluded in connection with the discussion of the work of the Communications and Transit Organisation. The urgent nature of this work could not be questioned. Europe was called upon to organise and unite, and to develop the system of mutual assistance to the utmost possible extent before it was too late. The programme of big public works was a response to pressing necessities, for a number of countries were suffering from the inadequacy of their equipment. But the first essential was to effect economic improvements in view of the great danger of unemployment. All countries were affected by this evil, even those where it was least apparent.

He was glad to see the prominence given by M. Rollin to the question of public works. The German delegation believed that there was to be found in this direction a highly effective means of combating unemployment.

The proposals which had been put forward with regard to industrial understandings commanded the sympathy of Germany. But he considered that there were certain precautions which must be taken in this connection, and certain restrictions which should be imposed. The process of cartellisation should be confined to industries to which it was appropriate. The one thing to avoid was undue governmental pressure of any kind.

As regards agricultural co-operation, he referred to the statements made by the German Foreign Minister. He thought that there was an opening there for a more rational organisation of agriculture.

He approved the conclusions of the economic experts' report, embodying remedies for the crisis. He suggested the consideration of the possibility of establishing, side by side with the International Agricultural Mortgage Credit Company, a similar institution for the benefit of industry.

Sir Cooverjee COYAJEE (India) thought that the report to the Committee on the question of agricultural policy was defective in respect of remedial suggestions. Co-operation had not been given the prominence it should have had, and too much importance was attached to rationalisation and to the conclusion of bilateral agreements, which could only be in the nature of palliatives. What was wanted was to redress the disproportion between the prices of agricultural products and the prices of manufactured articles. The adoption of a policy of preferential tariffs within the framework of the League would tend to break up the economic solidarity of the League. The solution of the problem was not to be sought in that direction. The main reason for the difficulties of agriculture was that it was not so well organised as industry. Co-operation was the proper remedy for the situation. It was argued that the organisation of co-operative movements was a lengthy task, and that the situation called for immediate remedies. He thought there was every reason to anticipate that the present crisis would be of long duration; and, if that were so, there was no reason for rejecting a good remedy on the pretext that it could take effect only in a remote future. It had often been observed that the present difficulties were due to a lack of balance between production and consumption. But the most effective way of ensuring the balance between the two was to organise agricultural production in such a manner as to adapt it to the requirements of consumption, and that was possible only by co-operation. The present crisis could not be met by an ephemeral solution. What was wanted was a permanent organisation to direct national federations of agricultural co-operatives, associated together in a single international union.

The proposal for the establishment of an International Agricultural Mortgage Credit Company was undoubtedly valuable; but it would be more effective if there were some organisation to supervise the use made of the capital lent.

He suggested that the Economic Committee might be invited to make a fresh study of the potentialities of co-operation, and to collect for the purpose all possible information with regard to the development of the co-operative movement in different countries.

SIXTH MEETING.

Held on Friday, September 18th, 1931, at 9.30 a.m.

Chairman : M. JANSON (Belgium).

17. Communication from the Secretary-General : Letter from the Chairman of the Financial Committee regarding Credits for Financial Work in connection with the Crisis (Annex 8).

M. KERNO (Secretary of the Second Committee) read a letter from the Secretary-General accompanying a letter addressed to him by the Chairman of the Financial Committee (Annex 8).

18. Work of the Economic Organisation : General Discussion (continuation).

The CHAIRMAN read the following draft amendments proposed by the British delegation to the draft resolution submitted by the French delegation regarding economic agreements :

> " For the title substitute : ' International Industrial Agreements'."
>
> " From the beginning of the second paragraph to the end of the resolution substitute :
>
> " ' Considering that among these means the experts consulted during the last few years, and more recently the Sub-Committee of Economic Experts, have expressed the opinion that, under certain conditions which they define, the development of International Industrial Agreements may exercise a beneficial influence on the organisation of industry and the regulation of trade;
>
> " ' Bearing in mind also the relation which these experts describe between such industrial agreements and the lowering of Customs barriers;
>
> " ' Considering, moreover, that assistance and guidance to those who are engaged in organising such agreements and determining their form and character are desirable :

" 'Hopes that the Governments will give their early attention to the recommendations on this subject of the economic experts. It further requests the Economic Organisation to take such steps as would tend to secure that international industrial agreements are organised and operated in such a way, in accordance with the recommendations of the economic experts and the relevant chapter in the report of the World Economic Conference, as to be in the public interest of the world, and, in particular, to take all measures to secure the publicity of agreements and to follow the operation of the agreements so as to safeguard all legitimate interests, particularly those of consumers, whether countries or persons.' "

" *Note.*—With regard to the specification of particular industries, it would seem more appropriate that the Rapporteur should mention in his report that such and such industries have been mentioned by certain delegates as being *prima facie* suitable for special consideration."

M. BOTTAI (Italy) was struck by the emphasis laid both by the Sub-Committee of Economic Experts and by the general report of the Co-ordination Sub-Committee on the importance of the moral factor of the restoration of confidence.[1] Confidence depended on the restoration of economic security, and it would be a great mistake to suppose that the restoration of economic security depended only on pre-war postulates. The present crisis was not merely cyclical but structural, and new methods were called for, both in the economic policies of the several States and in international economic policy. National economic re-organisation was the prelude to international economic equilibrium.

The technical organisations of the League and the Commission of Enquiry for European Union had given careful attention to the question of the means of reducing Customs barriers. In addition to the traditional method of commercial treaties, concluded over long periods and extended to the largest possible number of countries through the operation of the most-favoured-nation clause, new methods were being suggested such as preferential treatment, Customs unions, international industrial agreements, the creation of international credit institutions for this or that purpose, and the like. The Italian delegation preferred the old method of bilateral treaties; nevertheless it was prepared to consider without prejudice any other proposals having the same ends in view. There was always the danger, however, that proposals such as these would lead to the formation of close groupings and restrictive systems based on interests not purely economic in character.

The danger was least perhaps in the case of preferential treatment: and, although Italy was in principle opposed to preferential treatment, and regarded it as inconsistent with the most-favoured-nation clause, she was prepared to consider it in the particular case of the agricultural countries of Eastern Europe, subject always to its acceptance by third parties and to the understanding that it was of a provisional and limited character.

The danger was more imminent in the case of Customs unions and industrial agreements, the effect of which was to stabilise at the expense of third parties the unbalanced conditions which it was hoped to correct, thus perpetuating the atmosphere of insecurity and distrust which was at the root of the economic difficulties.

As a means of bringing the practice of the Members of the League into closer harmony with the principles which they commonly enunciated at League meetings, he suggested the desirability of closer association with the work of the League of those bodies which had been set up in a number of countries in and outside Europe since the war under the general name of National Economic Councils. In Italy, for example, there was the "Consiglio Nazionale delle Corporazioni"; in Germany, the "Reichswirtschaftsrat", and in France, the "Conseil économique consultatif". In other countries, the corresponding bodies were less representative or less important. But it was clear that these institutions might readily become valuable instruments of international collaboration. The Italian delegation would welcome any further suggestion by other members of the Committee who agreed with its proposal as to the practical means of giving effect to it. He had embodied his proposal in the form of a resolution, which was worded as follows:

" The Assembly,

" Considering that it would be desirable to encourage the formation and development of national institutions (National Economic Councils) representing the most important economic and social elements in every State;

" Considering that institutions of this nature already exist—although with different methods and with different powers—in a certain number of countries, especially in Europe;

" Convinced of the desirability of utilising such institutions as much as possible in the work of improving international economic relations:

" Requests the Council to seek the most appropriate means of providing for the direct representation of National Economic Councils within the League of Nations."

Sir Arthur SALTER (British Empire) reminded the Committee of a resolution passed by the World Economic Conference in 1927 urging the importance of continuous study by the League organisations of economic developments. The Financial and Economic Sections had pursued such studies continuously since that time, with very great advantage to the League

[1] See documents C.510.M.215.1931 and A.36.1931.

and to the public. There was no mention of the fact in any of the papers before them, and he suggested that the Rapporteur might include a reference to this work in his report.

He was entirely in agreement with the Italian proposal for associating National Economic Councils with the work of the League. He thought these organisations represented a new and valuable adjunct of government which had already proved their utility. But he had a further suggestion to make which he had put in the form of an amendment to the Italian proposal. The amendment added the following clause at the end of the resolution :

> " . . . and suggests to the Council that this end might be secured by an appropriate modification of the composition of the Economic Consultative Committee."

The intention of the proposal was that the Economic Consultative Committee should co-ordinate the views of the National Economic Councils and do for the League what the latter did for their respective countries—that is to say, give expression to unofficial opinion on economic issues.

He accepted the French resolution with regard to public works.[1]

As regards the French resolution with regard to economic agreements,[1] he thought the Committee should not take any action until the report of the four special experts who had been appointed was available. All the experts consulted by the League from the time of the World Economic Conference onwards had consistently taken the view that, while these economic agreements might in certain circumstances be useful, there were certain conditions requiring careful definition which were quite essential if abuses were to be prevented. All these agreements were necessarily in the nature of monopolies, and their effect and purpose was to eliminate competition. The world was passing at present through a stage of transition from the old system of competition and the more or less unrestricted play of supply and demand to a new system of deliberate and universalised planning. In these circumstances of transition, the only safe course was to insist, as the economic experts had done in their report,[2] on the desirability of such agreements being of an international rather than a national character.

With the French resolution on Customs Nomenclature,[1] he agreed in substance; but he would like to submit an amendment which was based on the feeling that it was unwise to make the adoption of the particular draft proposed by the Sub-Committee " an essential condition for the development of international economic relations".

This amendment was worded as follows :

> " For the second paragraph of the French draft resolution substitute the following :
>
> " 'It considers that the adoption of an agreement to utilise a uniform Customs nomenclature would facilitate the development of international economic relations.' "

The Governments had not yet had time to consider the draft unified Customs nomenclature; and there were some of them—the British Government, for example—which had not been represented on the Sub-Committee.

He was in entire agreement with the proposal of the Belgian, Danish, Luxemburg, Norwegian, Netherlands and Swedish delegations.[3]

Replying to points made in the discussion of the previous day, he assured the German delegate that he would bring his observations with regard to negotiations with Great Britain to the serious attention of the British Government.

A number of delegations were in favour of schemes for a system of moderate preference for cereals and possibly other commodities. Great Britain was anxious not to put difficulties in the way of any of these preference proposals. But, at the same time, he did not feel that the Committee should make any recommendation that the Assembly should approve such schemes. The Commission of Enquiry for European Union had not asked for any such approval : nor was it necessary to enable the scheme to be put into effect. All these proposals were distinctively European in scope, and the League was a world institution, which should not be asked to be more European than the European Commission itself.

He agreed entirely with what the Indian delegate had said in regard to co-operation. The Financial Committee had done admirable work in sending experts to advise Bulgaria in this connection.

As regards the extremely important report of the economic experts, he again suggested that the Committee should follow the line taken by the Commission of Enquiry for European Union—namely, to refer the report to the Governments for consideration and for the submission of their views before the end of the current year. At the same time, the Economic Committee might be asked to consider the repercussions of the report's proposals on other States. He felt that the Committee should not anticipate the views of the Governments.

Speaking no longer as British delegate, but as one who for ten years past had been associated with the economic work of the League, he reflected that, ever since 1927, the resolutions of the World Economic Conference had served as an economic charter for the League. Though they had not been applied, or had scarcely been applied, they still remained unchallenged. If

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[1] See Minutes of the fifth meeting of the Second Committee.
[2] See document C.510.M.215.1931.
[3] See Minutes of the fourth meeting of the Second Committee.

a sick man did not take his medicine and failed accordingly to recover, the medicine was not to blame! The Economic Conference was a big frontal attack on tariffs. To all appearance it failed: but it was noticeable, that in the years which followed, industrial duties—the same could not, he must admit, be said of agricultural duties—had remained more or less stable in Europe, though not in other countries. That was, he thought, an after-effect of the Conference. The most-favoured-nation clause, which had, sometimes in its history shown itself adaptable to special circumstances, still remained, and had been re-affirmed by every conference and every body of experts (including the Sub-Committee of Economic Experts) as the best and only general basis of international economic relations, and the one essential safeguard.

Looking back over the years 1927 to 1931, one was struck by the shifting of the emphasis from the height of tariffs to the inequality of tariffs. In the years 1927-28, which were dominated by the results of the World Economic Conference, the demand was for " more liberty ". From 1929 to 1930, when M. Briand's proposal for European union dominated the position, the demand was for " more fraternity ". Now, under the dominance of the economic crisis, the demand was for " more equality ". Liberty, fraternity and equality were the permanent bases of the world's economy; but the emphasis shifted from time to time from one to the other of the three.

M. Colijn (Netherlands) asked the Committee to pass the resolution submitted by the Netherlands delegation in concert with five other delegations.[1] He commended to their notice the recommendation in the last sentence of the resolution.

He accepted the French resolution on Customs nomenclature, subject to the British amendment.

He also agreed with the Italian resolution, but he would prefer to omit the word " direct " in the last paragraph as being perhaps difficult for some countries to accept. The Netherlands, for example, had an economic council: but it was a purely advisory body and he could not see how it could be directly associated with the work of the League.

He entirely agreed with the British amendment to the Italian resolution. The Economic Consultative Committee, as it was, could not be said to be of much use; but it might conceivably be useful if reconstructed, and Sir Arthur Salter's proposed reconstruction seemed to him promising.

What had become of the various progeny of the World Economic Conference of 1927?

There had been a convention on import and export prohibitions, and three conferences had been held on the subject. The child was still alive, but was very delicate, and (to judge by the symptoms) might die at any moment. Import restrictions had already made their appearance, and import prohibitions might any day follow.

Then there had been a Conference on the Treatment of Foreigners; and this child had been treated as illegitimate children too often were treated by their fathers.

As for the Tariff Truce, that child had been stifled before birth.

Lastly, there was the Commercial Convention; and that infant was in a foundling hospital waiting for its parents to appear and claim it, and likely to go on waiting.

" *Qui trop embrasse mal étreint.*" A year before, it had been decided to abandon the comprehensive treatment of world problems as such and to concentrate on Europe. The outward and visible sign of this tendency was the appointment of the Commission of Enquiry for European Union. Eventually, in the previous May, the French delegation had brought forward a number of resolutions relating to European economy. They were referred to three separate committees, and finally to a co-ordination committee. The reports of all four committees were now before the present Committee.

First, there was the Cereals Committee. It had laid down a number of conditions intended to prevent treaties with preferential clauses from clashing too grossly with the most-favoured-nation clause. In his own opinion, the most important of these conditions was the provision for publicity of all agreements embodying preferential treatment. Whether it would be observed remained to be seen.

Again, the Committee of Economic Experts had produced a very remarkable report, remarkable both for its clearness and for its boldness. It bore out at every point what the World Economic Conference had said in 1927. Indeed, it went further; for, whereas the experts of 1927 pleaded for freer trade, the experts of 1931 pleaded for completely free trade—*i.e.*, for a universal European Customs union as the ultimate goal.

Thirdly, there was the Credits Committee, which would be discussed later. For the moment, he would simply say that the report made pleasant reading but proposed no immediate solutions.

Last came the Co-ordination Committee. What did it say? Merely that it felt a little staggered at the number and variety of the problems raised. Without any expression of opinion on any points of substance, it simply suggested that the report of the economic experts should be referred to the Governments for study. The Commission of Enquiry for European Union thereupon decided accordingly; and so they stood . . . just where they were before! All the issues were left in suspense or referred to the Governments for further study. He was irresistibly reminded of what M. Litvinoff had said to the Co-ordination Committee in another connection with regard to tennis balls served and returned across the net. And all the while

[1] See Minutes of the fourth meeting of the Second Committee.

the economic and financial structure of the world was collapsing because of the refusal to take the one and only step that could bring relief—to free the movement of goods and capital. The longer matters were allowed to slide the more countries would be forced to cut their coat to suit the Russian fashion.

Sir Arthur Salter had said that the demand now was for " more equality ". He still preferred the old solution of liberty in preference to either equality or fraternity.

As for economic agreements, he was not enthusiastic. He agreed with the experts that there were occasions when they might be of use; but he also agreed very strongly with what they said as to no " artificial encouragement " being afforded " to the creation of international industrial combines, which should be the outcome of economic conditions alone, and the spontaneous initiative of manufacturers " .[1] The French resolution contained no such qualification; on the contrary, it recommended government pressure of the kind condemned by the experts.

Similarly with the French resolution in regard to public works. Where was the capital to come from? Every country in Europe, with one possible exception, was at present finding difficulty in financing its own unemployment problem. Who was in a position to find capital for other countries, to say nothing of the interest and amortisation payments? Even if the capital were forthcoming, there was the further difficulty of labour. Capital might be pooled: but it was not possible to pool labour. English or Dutch workmen would not go and work in the remoter regions of Europe.

As regards the problem of cereals, M. Rollin had had some remarkable observations to offer to the third parties. He might reply that one thing was perfectly certain—that the Governments would insist on examining each case of preference on its own merits. There were countries which might be prepared to accept the two treaties already published. But if it was proposed to extend the preferential system to products other than cereals, the issue would be very much more complicated. The more exceptions were made, the less the third countries would be prepared to swallow. Let the Committee remember always the psychological factor of the ridicule which was being poured on the League outside of what were called League circles. It was folly to pretend they were holding up a bright light to the nations when really it was only a will-o'-the-wisp.

He personally had no new contribution to make to the discussion, except to repeat what he had always maintained—namely, that the only road to recovery was along the lines of natural and unforced adaptation of production to consumption.

But, speaking as the Netherlands delegate, he could assure the Committee that the Netherlands Government was ready to consider carefully any proposal submitted to it and would welcome any solution which might bring even the slightest improvement in the situation.

M. Stucki (Switzerland) desired to tell the Committee what had happened in a Commission of the Swiss Parliament a few days previously.

He was called upon to review in that Commission the economic activities of the League and the conclusions to be drawn from the point of view of Switzerland. He explained how, in 1927, the World Economic Conference, amid universal applause, proclaimed the necessity of making an end of economic nationalism. He added that by 1929 it was clear that that aim was unrealisable, and that it was then decided to try a tariff truce, but that the proposal was rejected and a much weaker proposal for a Commercial Convention adopted, which did not secure the necessary ratifications.

He was asked by members of the Commission in question whether it was a fact that certain countries were imposing import restrictions or prohibitions in defiance of existing treaties and conventions. He had to admit that that was so. He was asked whether in certain countries there were official or semi-official organisations which were in principle making no purchases outside the home market. He had to admit that that was so. He was asked whether indirect protectionist measures were being taken in almost every part of Europe. Again he had to admit that that was so.

He was then asked for his opinion as to what policy he considered Switzerland should pursue. Was it possible for Switzerland to collaborate with other countries? Or if it was not possible at the present time, was there any chance of its becoming possible in the near future? He could only reply that after carefully considering the three possibilities of economic collaboration with other countries—by autonomous, bilateral or multilateral action—he could not honestly say that any one of the three afforded any prospects to a country in the position of Switzerland.

He saw no State which was prepared to open its markets to Swiss products by autonomous action.

Bilateral action had had useful results for a time; but for the last two years no progress had been made, and he feared that there was no sign of any appreciable change for the better in the immediate future. Such bilateral agreements as had recently been concluded seemed to be based on the principle of *least*-favoured-nation treatment. Reference had been made to the German-Hungarian and German-Roumanian draft Conventions: but he could only point out that these Conventions were not yet in force, that they provided for the consent of third parties and that there was little prospect of that consent being obtained.

As regards multilateral agreements, there was even less hope of a change in the immediate future.

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[1] See document C.510.M.2151.931.

Let the Committee consider the case of Switzerland, a country which was dependent primarily on its production for the home market and for export. Owing to Customs and other barriers and the general decline of purchasing power in all markets, Swiss exports had declined alarmingly and imports had increased no less alarmingly. He did not attack others. He did not complain of dumping. Those who dumped did so only because they could not help themselves. But had those countries which were suffering from an abnormal and alarming increase of imports no right to defend themselves? On the previous day, in the Swiss Parliament, the Federal Government had been asked, by a resolution which bore the signatures of nearly all the political parties, to take steps to protect the home market. He believed with all his heart that an ultra-protectionist course was a false course ; but what answer was to be given to such representations as these? Could those who urged defensive measures be told that the country must shoulder its difficulties, submit to sacrifices, multiply and increase its unemployment subsidies and so on, on the ground that the time was coming when other countries would make compensatory concessions as regards exports. It was not possible to say that. The position of those who, like himself, had for the last five years maintained an optimistic outlook and retained their belief in the economic policy of the League was hard indeed. But this much was certain that no one had any right to hide disagreeable truths behind a screen of false optimism.

As to the solutions which had been put forward in the Committee he agreed generally with what Sir Arthur Salter and M. Colijn had said. The Agricultural Mortgage Credit Company and the other proposed measures were merely palliatives, as M. Rollin had himself admitted, and could not greatly change the situation.

M. Rollin had said that their aims should be to replace disorder by order. How? By industrial agreements enforced by Government pressure? He was not prepared to deny that in certain cases or in certain branches of industry such agreements might have their use; but, in the majority of cases, they held out no prospects of relief. The Economic Organisation had already considered and rejected this solution in the case of coal, cement, wood and paper.

He was prepared to vote for the Italian proposal, but he had little hope of its producing much result. Could it be suggested that there was any present shortage of organisations or conferences? The Committee knew that in most cases it was the same people who met together again and again at conference after conference.

Like M. Colijn, he had no positive suggestions to put forward beyond the suggestions which 150 experts from all parts of the world had put forward in 1927, and which had been confirmed anew by a fresh body of experts in 1931. He only doubted, in regard to the report of the latter, whether they had been wise to pronounce so outspokenly for full free trade. He thought that, if they had declared, like their predecessors in 1927, merely for " freer " trade, they might have had more chance of securing a hearing. Free trade for Europe—*i.e.*, a European Customs Union-postulated a tariff wall round Europe. Neither the Co-ordination Committee nor the Commission of Enquiry for European Union had made any pronouncement on that point; and he thought it unwise to raise any such suggestion at the present time.

SEVENTH MEETING.

Held on Friday, September 18th, 1931, at 4 p.m.

Chairman : M. JANSON (Belgium).

19. Work of the Economic Organisation : General Discussion (continuation) : Appointment of Rapporteur.

The CHAIRMAN read the following amendment submitted by the delegations of Denmark, Norway and Sweden to the draft resolution submitted by the German delegation [1] :

" The Assembly,

" Considering that closer economic co-operation is one of the essential conditions for relieving and overcoming the present economic crisis;

" In view of the report of the Sub-Committee of Economic Experts of August 29th, 1931 (document C.510.M.215.1931.VII), suggesting the right methods for attaining this goal :

" Notes the resolution of the Committee of Enquiry for Economic Union inviting the European Governments to present, if possible before January 1st, 1932, their observations on the said report, and recommends this report to the attention of all the Governments."

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[1] See Minutes of the fifth meeting of the Second Committee.

The Chairman then read the following draft resolution submitted by the delegations of Belgium, Denmark, Luxemburg, the Netherlands, Norway and Sweden:

"The Assembly,

"Having noted the resolution adopted by the Commission of Enquiry for European Union regarding the appointment of a special committee to study the extension of a system of special facilities to agricultural products other than cereals;

"Considering that such extension would raise difficult questions of principle, in particular as regards the relation between such a system and the most-favoured-nation clause:

"Deems it desirable that the findings of the special committee referred to above should be examined by the Economic Committee before being submitted to the Commission of Enquiry for European Union."

M. ANDVORD (Norway) shared M. Vennersten's apprehensions regarding the extension of the exceptions to the principle of the most-favoured-nation clause to goods other than cereals. He thought the northern countries of Europe could not be accused of carrying on a selfish commercial policy. During the negotiations which had led to the Convention of March 24th, 1930, some of those countries, and in particular Norway, had stated that they were willing to contract heavier obligations than other countries in order to help to put the Convention into force. To-day, however, the position was quite different; the circumstances which had arisen were such that there was reason to fear the abolition of the principle of the most favoured nation. Measures leading up to this result, far from being of lasting value, would be of the greatest harm to all States, as they would mean that a decisive step had been taken towards the destruction of the only clear line which at present existed in commercial policy.

In the previous spring, Norway had not wished to take up a negative attitude when requested to admit an exception to the principle of the most favoured nation in respect of cereals coming from certain countries, because it was emphasised that this was an exceptional measure, restricted in respect both of duration and quantity. The demand had now arisen on various sides to extend preferential treatment to further classes of goods. This tendency would inevitably give rise to apprehension, since the manufacturers of various countries suffering from the absence of markets were asking why preferential treatment should not be granted to their products too.

Norway had been surprised to learn that the study of such a serious problem had not been entrusted to the Economic Committee, which was particularly qualified to study this question, as the object of its work was to confirm the most-favoured-nation principle. M. Andvord proposed that the conclusions of the Special Committee, to which the Commission of Enquiry intended to entrust the examination of further exceptions to most-favoured-nation treatment, should be referred to the Economic Committee before being submitted to the Commission of Enquiry.

The Norwegian delegate emphasised the importance that his Government attached to the draft resolution submitted by the delegations of Belgium, Denmark, Luxemburg, the Netherlands and the Scandinavian countries.[1] Stability in the sphere of commercial policy recommended by this resolution was the primary condition for all constructive work proposed by the Committee of Experts and certain delegates. Although the Commercial Convention of March 24th, 1930, which aimed at this object, had not been put into force, it must be recognised that its moral effect was not negligible, since it prevented certain increases in tariffs and the denunciation of certain commercial treaties.

The Norwegian delegate referred to the efforts made since the rejection of the Convention to bring about, as far as possible, stability in commercial relations, and mentioned in particular the Oslo Convention of August 12th, by which the contracting States undertook before increasing Customs duties to study the effects which such increases might have on the interests of other countries, and to take into consideration any observations which the latter might submit. The resolution in question had the same object. The formula proposed was, it is true, more elastic than that of the Convention, but its adoption would nevertheless constitute an affirmation of the desire felt by various States to help each other as far as possible to overcome a difficult situation.

M. TARGOWSKI (Poland) stated that the agricultural countries of Central and Eastern Europe had asked him to submit their common point of view regarding the efforts to improve the position of the agricultural countries of Europe. In the name, therefore, of Bulgaria, Czechoslovakia, Estonia, Hungary, Latvia, Poland, Roumania and Yugoslavia, the Polish delegate wished to submit certain remarks of a general nature on the results of one year's working of their common organ—namely, the Permanent Committee of Economic Studies in Central and Eastern Europe, the statutes of which had been fixed during the Conferences at Bucharest and Belgrade.

The Ninth Assembly of the League of Nations and the Commission of Enquiry for European Union had pointed out that the problems dealt with at the Warsaw Conference came within the sphere of the League of Nations; the Second Committee should therefore be acquainted with the result of the efforts made by those countries in that respect. With regard to the immediate facilities to be granted to the trade in cereals and their derivatives, M. Targowski reminded the Committee of the proposals made by M. Madgearu on behalf of five States exporting those products. The system in question was one of temporary and conditional Customs preference for cereals

[1] See Minutes of the fourth meeting.

and their derivatives. This system was in accordance with the rules laid down by the Conference with a View to Concerted Economic Action, and by the Wheat Commission of the Commission of Enquiry for European Union, which had adopted the work of the Permanent Committee for Economic Studies in Central and Eastern Europe as a basis for its investigations. Previous speakers had stated that this system in no way affected the most-favoured-nation principle. The agricultural countries of Eastern Europe were partisans of that principle and had no intention of creating a new system.

The Polish delegate paid a tribute on behalf of this group of agricultural countries to the energy with which the organs of the League had realised the proposal to create an International Agricultural Mortgage Credit Company. He hoped the Convention on that subject, which had already been signed by a sufficient number of countries, would shortly be ratified so that the company could begin its work. He also referred to the efforts made by the International Institute of Agriculture at Rome to create an organ for facilitating short-term agricultural credits.

A problem which was of the greatest importance to agricultural countries was the organisation of the trade in products of the soil. In the previous year, efforts had been made in this respect, but only as regards the trade in cereals. The agricultural countries contemplated the creation of organisations for controlling this trade in order to bring about European and even world agreements. Unfortunately, the first attempt in this direction—namely, the convocation of an international conference in London at the instance of the High Commissioner of Canada—had not given the results expected. In spite of this unfortunate setback, the Conference had led to the creation of a special Committee of Enquiry for the wheat trade. There was reason to hope that this Committee's work would find a basis for a world agreement on the subject. This was of primary importance, as any international agreement regarding agricultural and forest products contributed to the improvement of the present economic position. Mention should also be made of the very important question of the trade in livestock products. The Economic Committee of the League had prepared three draft conventions on questions concerning the transit and trade in certain animal products. The agricultural countries of Central and Eastern Europe urged that a diplomatic conference should be convened at an early date to conclude international conventions on the basis of these drafts. These conventions, however, did not exhaust the problem, and the same countries urged that effect should be given as early as possible to the resolution passed by the Commission of Enquiry for European Union regarding the preparation of a preliminary draft international convention relating to the import and export of animals, meat and other products of animal origin. M. Targowski wished to point out a characteristic of the present crisis. The impression existed that the crisis had a tendency to become worse in industrial countries, while it would appear that countries with a predominant agricultural character had passed the culminating point of the crisis. In order to illustrate this tendency, it would suffice to note the percentage of unemployed in comparison with the total population. In agricultural countries, this percentage was small and showed no tendency to rise, which was an evident proof of the social stability of those countries. This was due to the fact that it was much easier to restrict the standard of living in the case of the former than in that of any other producing class of society. While this phenomenon was an advantage from the point of view of the special interests of each State, it was prejudicial to the general interests of the community of States. Indeed, the reduction in the standard of life in certain countries took the form of a reduction in international trade. The excessive obstacles placed by certain States which consumed agricultural products in the way of trade in those products ultimately injured their own export trade in industrial products.

The Polish delegate ended with the following conclusions. The economic improvement of agricultural countries depended upon a system of credits which, if granted at a reasonable rate, would constitute one of the safest investments, the agriculturist being universally recognised as the best kind of debtor; the economic improvement of agricultural countries presupposed the distribution at a remunerative price of surplus agricultural products. If that condition were fulfilled, these countries could, on their side, play their part in the political and economic affairs of the world, not only by constituting an element of stability, but also by providing the necessary markets for the industrial products of other countries.

M. VAN LANGENHOVE (Belgium) said that the balance-sheet of the work of the Economic Organisation was not reassuring, though that was not the fault of the League, which had no power to impose a definite policy on States. He drew attention to the failure of the Commercial Convention of March 24th, 1930, which should have constituted the first stage in concerted economic action, as contemplated by the tenth Assembly. The Customs negotiations which should have followed the conclusion of that Convention, and in regard to which the British Government had taken the initiative, had remained in suspense before they had really been started. The Belgium-Luxemburg Economic Union, which had accepted the requests for the reduction and consolidation of duties as a whole, could not be held in any way responsible for this failure. The Belgian delegate then drew attention to the failure of the efforts to extend the application of the Convention on import and export prohibitions and restrictions. Those prohibitions and restrictions, which it had been thought could be finally removed, were reappearing at the present time, and it was to be feared that they would spread.

Thus, in spite of the encouraging prospects offered by the progress made in the conversations entered upon by a number of States in regard to the treatment of foreigners, the outlook was still dark. That did not mean that no solution was to be found along the lines on which the League was working. The principles hitherto put forward had been most thoroughly examined on several occasions, and each time their justice had been recognised. Recently, the economic

experts appointed by the Commission of Enquiry for European Union had stated unanimously that there was no possibility of improving the world economic situation until the movement of goods, capital and labour was more free. The same opinion had lately been expressed by the financial experts who met at Basle. They had stated that so long as there existed obstacles to the free movement of goods, the movements of the capital which the debtor countries needed in order to pay their debts to the creditor countries were found to upset the financial equilibrium of the world. At a time when these facts were recognised by the most competent persons, however, and when Governments unanimously recognised that there could be no salvation apart from confident co-operation between the nations, obstacles were everywhere being raised to international co-operation. States were defending their own interests regardless of the harm they were doing to others. That short-sighted policy was contrary to the general welfare, and threatened the existence of small States which could exist only provided that they were able to export their products. Naturally, the small States were becoming alarmed. The Committee had been impressed by M. Stucki's statement with regard to his own country. Belgium was continuing to press for a policy of international solidarity and was resolved, in spite of everything, to pursue that policy in her relations with other countries.

The Belgian delegate was of opinion that there should be no surrender to the feeling of powerlessness to which the magnitude of the present crisis gave rise. In the first place, the guarantees which international trade still enjoyed should not be destroyed. In this connection it was essential to maintain commercial agreements. It was also necessary to avoid sudden changes in the Customs regime which might disturb trade. Belgium had joined with other States in submitting to the Committee a draft resolution in this sense. In preparing the new measures, a State should be guided by the desire to reconcile its own interests with those of other States.

M. van Langenhove supported the appeal which the Italian delegate, M. Bottai, had made in that sense at the previous meeting. This fundamental principle of international solidarity had been affirmed by the 1930 Commercial Convention, which had instituted a procedure of notification and recourse adopted by the signatories to the Oslo Convention as a basis for their policy of economic *rapprochement*. On its side, the Commission of Enquiry for European Union had recommended the States represented on the Commission to comply immediately, as far as possible, with the principles laid down in the Commercial Convention. In the absence of any contractual undertaking, there was a moral undertaking, the importance of which should not be underestimated.

As regards the proposals before the Committee, the Belgian delegation was prepared to accept the Italian proposal with regard to Economic Councils, subject to M. Colijn's reservation concerning direct representation on those Councils. It further supported Sir Arthur Salter's amendment.

There were certain objections to the French proposal relating to industrial agreements. While it was true that certain industrial agreements might promote the lowering of Customs barriers, others, on the contrary, ensured complete protection for the national markets, and it could easily be understood that States which were obliged to export a large proportion of their industrial produce felt some apprehension in this connection.

Belgium accepted the proposal with regard to the carrying out of extensive public works, though she was well aware of the difficulties. In this connection, she had submitted to the Commission of Enquiry for European Union a proposal relating to the international exchange of electrical power, which proposal had been referred to the Communications and Transit Organisation.

Belgium unreservedly approved the third French proposal, relating to Customs nomenclature.

M. de Armenteros (Cuba) asked whether the reports of the Commission of Enquiry for European Union had been submitted to the Second Committee, in order that it might study them and state its views, or whether they should merely be regarded as providing valuable material for solving a world problem on an international basis.

Mr. Riddell (Canada), on behalf of the Canadian delegation, supported the French resolution relating to Customs nomenclature, subject to the British amendment. He also supported the Italian resolution concerning national economic councils. Canada did not have, as yet, a national economic council, but he was confident that if such a council were organised it would offer further means of collaboration with the economic work of the League.

The Canadian delegation hesitated to express an opinion with regard to the work of the Commission of Enquiry for European Union. It was generally recognised that individuals, nations and groups of nations knew best how to look after their own interests; but when once these question were brought before the League, it was only right that the non-European countries should have something to say, particularly as it appeared from the letter addressed to the President of the Assembly by the Chairman of the Commission of Enquiry for European Union that the Commission of Enquiry did not think it proper to take action on the resolutions it had adopted until they had been laid before the Assembly.

The Canadian delegate, in referring to the London Wheat Conference mentioned in the report of the Co-ordination Sub-Committee, considered that it must be a matter of satisfaction to all those who were interested in the exportation of cereals that the representatives of all the exporting countries were able to meet and to agree upon a form of organisation that should ensure continued collaboration among those countries.

The Canadian delegation pointed out that concerted action by the European States necessarily concerned the non-European States, which felt some apprehension with regard to the action

contemplated by the Commission of Enquiry for European Union. The effects of that action could only be examined by a body on which all the continents were represented.

Mr. Riddell expressed the hope that the International Agricultural Mortgage Credit Company would be successful, but stated that he would have liked to see a clause in its Statute to the effect that the credits it granted would not lead to over-production of cereals.

The Canadian delegate wished to be informed definitely whether the resolution concerning preferential treatment for European grain implied the Assembly's approval of the introduction of such treatment.

The Canadian delegation, he stated, could not agree to such approval being given by the Assembly. He pointed out that he had nothing to say here as regards any preference arrangements that might be entered into outside the League; he did formally object, however, to the League's approving in any way of such arrangements. He remarked that there were enough forces at work in the world encouraging discrimination without the League's being asked to lend a hand. The aim of the League should be to bring about commercial peace as well as political peace. It was regrettable that the first attempt made under the auspices of the League to help agriculture had had the result of dividing rather than uniting the agricultural countries. A better organisation of farmers on the lines laid down on the previous day by the delegate of India, or an endeavour to secure unanimity among the grain-exporting countries for a common solution of the problem, like that made at the London Conference, would have squared better with the objects of the League.

The agricultural depression was as acute in other parts of the world as in Europe, and among the agriculturists the chief sufferers were the grain-growers. It was difficult to estimate accurately what the effect of this would be upon the production of cereals, but it seemed safe to predict that, unless a change in outlook came soon, shortages were bound to occur.

In Canada, the wheat harvest for the current year would be little more than half the normal harvest. It seemed strange to speak of a shortage at a time like the present when there were surpluses of wheat. A shortage would, however, be felt one day. A systematic policy of discouraging the overseas wheat-exporting countries might appear at first sight to affect only the countries directly concerned, but a more careful study would show that the general problem of the world supply of raw materials was at stake. If, so far, Europe had succeeded in providing for the needs of her industrial population, it was because the overseas agricultural countries like Canada, the Argentine, Australia and the United States of America had had a permanent wheat surplus which they had exported to Europe. The European countries could not export cereals in sufficient quantity to meet the needs of Europe except when there was a good harvest. Soviet Russia had reappeared on the international market in 1926, but from that year she had dropped out again until 1930. The needs of Europe could normally be supplied only by the overseas countries which were regularly able to export 60 to 80 per cent of their harvests each year.

The Canadian delegation felt the deepest sympathy for the Danubian countries and appreciated the difficulty of their position. They, however, like the overseas wheat-producing countries, had suddenly found it impossible to liquidate their stocks at a time when the policy of restriction adopted by certain importing countries deprived them of their markets. A policy involving the mitigation of those restrictions would have been far more beneficial to the Danubian countries than preferential treatment.

Apart from the foregoing considerations, the Canadian delegation was opposed in principle to the Assembly's approving inter-European preferential treatment. In its opinion, the League should not use its influence or resources to grant special advantages or privileges to one country or group of countries or even to any geographical area whatever.

The CHAIRMAN thought that the discussion had made sufficient headway to allow the Committee to appoint a Rapporteur.

On the proposal of M. Posse (Germany) supported by M. Bottai (Italy), Sir Arthur Salter (British Empire) and M. Kawashima (Japan), M. ROLLIN (France) *was appointed Rapporteur.*

M. MICHALAKOPOULOS (Greece) was more optimistic than certain other speakers. The great achievements effected in economic policy had required years of effort. Even to-day, there were certain encouraging signs, such as the creation of the International Agricultural Mortgage Credit Company and the French proposal with regard to public works.

With reference to preferential treatment for agricultural products, he might call attention to a proposal put forward by his Government to the Commission of Enquiry for European Union and seconded by the Portuguese, Spanish and certain other Governments. The proposal was that the preferential system adopted for grain should be extended to other agricultural products as well. It was not fair that countries which, by reason of their soil or climate, were unable to produce grain but which, like all other countries, suffered from the agricultural depression, should not receive the same assistance as the wheat-producing countries.

That proposal had given rise to certain apprehensions. The objection had been made that any attempt to extend preference to other products might involve the collapse of the entire system.

The Greek delegation entirely realised that the agricultural products of Greece had, owing to their nature, certain special aspects for which allowance must be made when the time came to take remedies to overcome the crisis in which they were involved. Greece had done everything within the limits of her national economic structure to improve the critical position of her farmers, but she had at length come to the conclusion that there was no prospect of any real improvement

unless the matter were examined on the international plane. The Committee asked to undertake that examination would have no difficulty in determining the methods that might be employed to remedy the depression. If among them that of preferential tariffs were considered, the Committee would enquire into the possibility of applying such tariffs and would be perfectly free to judge of their utility and the conditions on which a system of that kind could be recommended. The important thing in the Greek Government's view was not to recommend definite remedies, the need for which might be debated in the sub-committee which it was suggested should be set up, but to embark on the study of a problem the gravity of which was not open to question.

The Greek delegate hoped that, defined in this way, the Greek Government's proposal, which had already been approved by the Commission of Enquiry for European Union and the Sub-Committee on Co-ordination, would encounter no difficulty in the Committee or the Assembly, which gave the problems affecting the economic life of all countries equally careful and favourable consideration.

Mr. WATT (Australia) shared Sir Cooverjee Coyajee's view that the success of the World Economic Conference was very limited, partly because the problem of increasing tariffs was attacked directly as a separate problem. At this stage, it would be better to deal with the subject on a more fundamental basis. One way of doing this would be to work for better organisation, especially international organisation, amongst producers and consumers of agricultural products. He could not agree with the proposal of the French delegation to make special efforts, just now, to improve the organisation of industrial cartels. It seemed to him more urgent at the present stage to organise agricultural producers and consumers. This would help to bring about better domestic and international equilibrium. He therefore strongly supported the suggestion that the Economic Section of the League should collect and co-ordinate information concerning co-operative enterprise in relation to agriculture, especially co-operative banking and credit systems. Difficulties of organising primary production and distribution, on any quota basis, for example, were far too obvious to be overlooked. Nevertheless, international regulation of some kind or other was the logical objective for which the League must strive ceaselessly. Who could say that such regulation was impossible? Soon it might be inevitable. No statesman worthy of the name could overlook the risks of social explosions, nor would anyone with a social conscience wish to do so, with armies of unemployed increasing day by day. Obviously the first thing to do was to co-ordinate information. The way for political action would then be clearer.

Mr. Watt entirely agreed with the Canadian delegate's statement as to the need to maintain agricultural production, as booms had a very fatal habit of being followed by slumps.

M. TODOROVITCH (Yugoslavia) said that his Government was unable to enter into any undertaking, whether legal or moral, as to the stabilisation of Customs duties and treaties of commerce. Yugoslavia was determined to preserve their stability in so far as lay in her power. She had not raised her Customs duties, but it was impossible to say whether the position would not one day force her to increase her tariffs and denounce her treaties of commerce. The Yugoslav Government could not enter into any such engagement unless it received guarantees for the export of its agricultural products, this being the *sine qua non* for any stabilisation of Customs duties. The disposal of the surplus agricultural production of the Danubian countries could be assured only by preferential treatment. It was, of course, understood that the countries asking for such treatment, among them Yugoslavia, were prepared to furnish all feasible guarantees with a view to preventing third parties, including overseas countries, from being aggrieved.

With reference to Mr. Riddell's statement, M. Todorovitch did not see why the Assembly could not take a decision on the question of preferential treatment among the European countries.

Certain advocates of preferential treatment wished to make the granting of such treatment contingent on the assent of third parties. The agricultural countries of Eastern Europe had themselves made that suggestion. M. Todorovitch accordingly did not propose to criticise that view. He wished merely to explain what should be understood by the assent of third parties. If it meant the right of every third party to consider whether the conditions for the application of preferential treatment were, in point of fact, fulfilled, he would have no objection. If, however, it was taken to mean that the third parties would be entitled, after finding that the conditions laid down by the League were effectively fulfilled, to demand some offset in return for their consent, that would be unacceptable. Previous speakers, in particular M. Colijn and M. Stucki, had said that they had no proposal to make to remedy the position. The agricultural countries had made a concrete proposal which was calculated to improve their situation. True, there were only eight countries involved, whereas the economic depression was universal, but if some improvement, however slight, could be made in the economic condition of the Danubian countries, all the other countries would probably benefit.

The agricultural countries were merely asking that objections for which there was no warrant should not be set up against the solution they had proposed. In their view, it was a sound solution.

EIGHTH MEETING.

Held on Saturday, September 19th, 1931, at 9.30 a.m.

Chairman : M. JANSON (Belgium).

20. Work of the Economic Organisation : General Discussion (continuation).

M. KAWASHIMA (Japan) said that the economic crisis was a world crisis and should be approached from a world angle. Japan, for example, bought more from Europe than Europe bought from Japan. In 1929, Japan's imports from Europe exceeded her exports to Europe by 273 million yen; but, in 1930, when the crisis had become acute in Japan, the corresponding figure was 154 million yen. That was a striking illustration of how conditions in the one continent affected conditions in the other.

Further, while the volume of European exports increased between the years 1925 and 1929 by 11 per cent, the volume of exports from Asia in the same period decreased by 11.5 per cent. That meant that Asia was even more hard hit by the depression in those years than Europe.

It was essential, therefore, that the problem should be studied from the standpoint of the extra-European as well as the European countries; in the extra-European countries, there were special economic factors in operation, such as the sudden fall in the price of silver or the catastrophic collapse in the prices of such raw materials as silk, cotton, rice, rubber, tea and coffee, which were not products of Europe. The Japanese delegation considered that the Economic and Financial Organisation of the League was the most suitable body for undertaking a study of the problem from the wider point of view. It might be desirable to appoint a special sub-committee including a number of members from non-European countries. The sub-committee should not only study the relations between European and non-European countries, but also questions which affected the latter only. For that purpose, it might send experts to non-European countries to study the depression on the spot, as suggested by the German delegation. He might also call attention to the recent report of the Tokio Office of the League, which, at the request of the Economic Intelligence Service of the League, had undertaken an investigation into the effects of the depression in Japan. It had sent out questionnaires to 150 organisations and individuals in Japan. Its conclusions were entirely independent of Japanese Government influence.

In the years when Europe was recovering from the effects of the war, the foreign trade of other continents was declining; but, until 1927, all the countries of the Pacific littoral maintained their tariffs practically unchanged. Since that time, all of them, with the exception of Japan and one or two other countries and colonies, had inaugurated a policy of tariff increases. Japan, who had not increased her Customs tariffs, was now, therefore, in a bad position for bargaining commercial treaties. Japanese export trade was no longer adequately protected by the most-favoured-nation clause, and further safeguards were needed against such measures as the unjust specialisation by Customs tariffs or by bilateral agreements embodying convertional tariffs.

So far, the proposals for preference mentioned in the report of the Commission of Enquiry for European Union which had been put forward did not relate to industrial goods, and Japan abstained from raising any objection in present circumstances to the proposal for agricultural preference for certain countries of Europe, on the understanding, always, that there was provision for obtaining the consent of third parties enjoying most-favoured-nation treatment through the diplomatic channel. He had to state, however, that, whatever resolution the Committee might pass on this subject, he was not in a position to commit the future attitude of his Government on the subject.

As regards the French resolution on industrial agreements, the Japanese delegation would raise no objection if the Committee was in favour of passing the resolution; but he himself was inclined to agree with the comments of the Netherlands and Swiss delegates. In any case, any international rationalisation of particular products must be preceded by national rationalisation. There was some control in the case of a national monopoly, but none in the case of an international monopoly, and some safeguards must be provided to protect the legitimate interests of newly created industries of certain countries.

The Japanese delegation was prepared to accept the French resolution on Customs nomenclature, in the h· pe that, by the application of such unified Customs tariffs, the undue specialisation of Customs tariffs by which Japanese goods are at present adversely affected may be mitigated.

The Japanese delegation was also in favour of the Italian proposal for the association of National Economic Councils with the work of the League; but, in view of the number of existing League organisations, he thought the British delegation's suggestion to utilise the already existing Economic Consultative Committee to co-ordinate the recommendations of the National Economic Councils was sound.

The resolution presented by six delegations on changes in tariff policy was in entire accordance with the Japanese attitude. He suggested, however, that it might be strengthened by the addition of the following amendments :

I. Insert the following : " to discontinuation of commercial agreements now existing or . . ." after the words " as would tend " ;

II. Insert at the end of the third paragraph the following : " and where no such agreements exist, to conclude them on as liberal a basis as possible ".

As regards the French resolution on public works, he agreed, subject always to the exigencies of the financial situation.

M. DE WINCHKLER (Hungary) said he hoped to dispel the apprehensions of the Canadian, Australian and Japanese delegates. It had always been intended that treaties embodying preferential treatment should in every case be submitted to all the countries interested. The Governments of all the wheat-exporting countries would therefore have every opportunity to state their views through the diplomatic channel on these treaties before they were put in force. The most-favoured-nation clause was completely safeguarded. The European countries which had combined in this movement to obtain agricultural preference wished to be perfectly open and above suspicion and to avoid any sort of misunderstanding. Their action had never been directed against the extra-European wheat-growers; on the contrary, they believed that their proposals would ultimately prove to be in the interest of the latter.

The fall in wheat prices was a consequence of over-production in America. But, whereas America could do something to meet the fall in prices by rationalising production, the peasants of the Danube basin could not. The resulting margin between the cost of production in America and in Europe was enormous; and all that the preference was intended to do was to compensate that margin. It did no more, and, consequently, it could not be maintained that there was any discrimination against oversea countries. Moreover, the proposed preference treaties related only to a definite quantity of cereals. There was no danger, therefore, of any increase in the output of the Danubian countries. The output of the latter was not more than it was before the war, whereas America had enormously increased her output—in many cases by as much as 100 per cent—as Mr. Riddell had himself admitted. Those who had increased output should give a lead in reducing it, as and when reduction was needed.

In any case, there was no question of excluding these oversea surpluses from the European market. They would be sold in Europe in any case; the only question was at what price. The oversea countries should remember that any other solution—such as a monopoly or quota system —would be infinitely more prejudicial to their interests.

Mr. Riddell had appealed to " equal rights " and " justice ". He might remember the maxim : " *Summum jus, summa injuria* ".

M. NECULCEA (Roumania) said that, although the question of agricultural preference had already been studied by the Economic Committee, the Commission of Enquiry for European Union, the Second International Conference for Concerted Economic Action and by a special Sub-Committee of the latter, it would appear from some of the observations which had been made in the discussion that the position was still not clear. At the third meeting of the Commission of Enquiry for European Union in the previous May the question again came up before the Agricultural Committee and the Co-ordination Committee, and certain rules and conditions were laid down to ensure that this derogation from the most-favoured-nation clause should be of a provisional and restricted character.

The opponents of preference claimed that it was fundamentally inconsistent with the most-favoured-nation clause. The objection would be justified if there were any intention of replacing the most-favoured-nation clause by a system of preference; but there was no such intention. The preference was only to continue for so long as the effects of the crisis made it necessary. In normal circumstances of production and exchange, the most-favoured-nation clause must remain the basis of international relations, and his own Government claimed to be amongst its most ardent supporters; but exceptional circumstances called for exceptional remedies.

As to the German-Roumanian and German-Hungarian treaties to which reference had been made, both these agreements had been considered by a Sub-Committee and found to be in accordance with the principles and conditions laid down.

After all, the agricultural countries of Europe—unlike the industrial countries of Europe—were not competing, and were not in a position to compete, with the extra-European countries. The volume of their exports was negligible as compared with the volume of oversea exports. Of the 200,000,000 quintals of export surpluses in all the grain-producing countries of the world in 1929, the States of Eastern and Central Europe exported only 9,000,000 quintals, or barely 4.8 per cent of the total. Moreover, the wheat was of a different quality from oversea wheat, and was bought by a different class of consumer. In these circumstances, to talk of sacrifice on the part of the oversea countries was an exaggeration.

The publication, " The Course and Phases of the World Economic Depression ", showed that production had greatly increased in oversea countries since the war, whereas the European

countries in the same period had done no more than work slowly and painfully up to their pre-war production.

M. Posse (Germany) said that, although, according to the Polish delegate, the agricultural countries believed they were over the worst of the depression, that was not the case with the industrial countries.

The German delegation was in duty bound on every occasion and in every connection to draw attention to the appalling problem of unemployment in Germany, and to point the moral of the consequences that must ensue. There were at the present time 4.1 million unemployed in Germany, which, assuming a family of three persons to each unemployed worker, meant that every fourth German was out of work. The imagination boggled the prospect of what would happen in the coming winter.

He had recently drawn attention, as so many speakers had done, to the difference between the utterances of statesmen addressing the League and the actual practice of their several countries. A week before, a delegate of a certain European country had told the Assembly that the great lesson of the economic crisis had been the evidence which it had afforded of general solidarity. In their own Committee on the previous day the delegate of the same country had said that the plain and blunt truth was the very opposite.

From the proposed changes in the economic system of Europe, to which that delegate was referring, Germany stood to lose most, and she would contend against such changes until the last. But the economic interdependence of nations at the present day was such that those who sought to break the existing links would be the first and the worst sufferers from the resulting situation. To shatter the economic system of Europe was relatively easy; to build it up again was another matter. He for his part would not care to have upon his conscience the burden of the responsibility for having taken the first step towards destruction.

M. Stucki (Switzerland) replied that the Committee could judge for itself whether what he had said the day before on behalf of his Government in all loyalty and sincerity merited such a castigation as it had received at M. Posse's hands.

It was common knowledge that negotiations had been proceeding between Germany and Switzerland since the previous January, and he had every hope that they would ultimately lead to an agreement.

He had spoken as he had yesterday because he did not want his Government to be open to the criticism of saying one thing and doing another. He had also wished to cite the case of Switzerland as illustrating the economic effect of financial difficulties. He had made it perfectly plain that Switzerland was a wholehearted believer in solidarity; but a country could not practice solidarity alone, least of all a small country. He had said that Switzerland might be compelled to take steps to defend itself against an excess of imports; but he had at the same time frankly recognised that certain countries—he was also thinking of Germany—were forced to increase their exports because they were saddled with the burden of debt payments. Switzerland was not responsible for the war or for the Peace Treaties. Why should she suffer unduly from the effects of them? How, in any case, could it be said that, when a small country of four millions defended itself, it was shattering the economic system of Europe? Moreover, Switzerland was not the first country to have recourse to measures of defence. Others, including Germany, had imposed restrictions on imports. Or was it suggested that "*quod licet Jovi non licet bovi*"?

The Press reports of his speech had misrepresented his attitude in regard to the resolutions before the Committee. His Government did not oppose any of these resolutions; all he had done in his speech was to express some doubts as to their efficacity.

Sir Thomas Wilford (New Zealand) asked for enlightenment as to the meaning of the second paragraph of Chapter IV, No. 2, of the Co-ordination Sub-Committee's report on the subject of public works.[1] Did it mean that, if a demand was made to the League for a big loan —and it would need to be a very big loan, if it was to do the unemployed any good—to finance a programme of public works, it would first be submitted to financial advisers for their report? It was obvious that the League had no funds for the purpose.

He had at different times attended a great variety of committees of the League, and experience confirmed him in his original impression, which was that the League was putting the cart before the horse. Before they could have a United States of Europe, they must develop a united state of mind.

21. Communication from the Sixth Committee: Reference of Certain Technical Questions to the Second Committee (continuation): Second Committee's Reply (Annex 5).

The Chairman referred to the letter from the Sixth Committee,[2] asking whether the organisations of the League were in a position to place themselves at the disposal of the Commission of Enquiry for European Union.

M. Stoppani (Director of the Economic Relations Section) stated that his organisation was in a position to respond to any requests, but that, in view of unknown eventualities, it could not give too categorical an answer.

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[1] Document A.36.1931.VII.
[2] See Annex 4.

Mr. Loveday (Director of the Financial Section and Economic Intelligence Service) stated that the Financial Organisation was technically equipped to meet normal demands for information and assistance, subject always to the limitations imposed by the budget.

The Committee decided to reply to the Sixth Committee in this sense (see Annex 5).

22. Pact of Economic Non-Aggression : Reference to the Second Committee (continuation).

The Chairman understood the opinion of the Committee to be that it agreed with the Sixth Committee's proposal to appoint a special committee to consider the proposal for a pact of economic non-aggression. He further understood that it was desired that the special committee should include representatives of oversea countries. He proposed that they should suggest to the Sixth Committee the inclusion of representatives of Australia, China, India, Japan and Uruguay. He further proposed that the Council should be requested to invite the United States of America to be represented on the special committee.[1]

Agreed.

23. Work of the Financial Organisation : Statement by M. Bernis (Rapporteur) : General Discussion.

M. Bernis (Spain), Rapporteur, made the following statement :

" Since we met last year, the world has passed through a period of very grave economic and financial difficulties. One crisis has succeeded another. Financial problems of the first magnitude have arisen for solution—problems, however, which, at the stage reached until quite recently, have demanded either joint action by banks or day-to-day co-operation between a relatively restricted number of Governments. It is not my function in this speech, the object of which is to record briefly the work of the Financial Organisation of the League during the last twelve months, to make suggestions concerning the work that lies before that organisation in the immediate future. That question will no doubt arise in the course of the discussion which will take place. But to the importance of that work I wish to refer at once.

" As you are all no doubt aware, the Financial Committee is sitting at the moment, having had referred to it during the course of the present month two requests—those of the Austrian and Hungarian Governments—to examine into the difficulties in which the repercussions of the world depression have involved them. The Committee is still at work, and, until it has completed its report to the Council on these subjects, I must content myself with this simple reference to its activities. I hope to be able to report further on the subject during the course of the next few days.

" At the same time, I must ask you to give some consideration to this work which is now in hand. We shall have to decide by Monday night the very serious question of what should be the policy of the League in the face of this unprecedented crisis, and what assistance it should be prepared to offer to its constituent members.

" Whatever your decision may be, it is at least clear that the Council and the Committee which is its financial adviser must be in a position to afford the full measure of help that lies in the power of the League. The present crisis is so acute, its possible further development so widespread and serious, that the Commission will no doubt feel it necessary to emphasise that an ample provision for unforeseen expenditure should be made in the budget for next year, so that the Council may be in a position to meet the calls that may be made upon the League by States Members.

" *Consultations and Enquiries.*

" That part of the Financial Organisation's work on which I am in a position to report to-day has, I am glad to be able to record, been exceptionally wide in its scope. The late Director of what was formerly the Economic and Financial Section visited India in the winter of this year on the request of the Government of that country, and went on directly from India to China. His report on the creation of an Economic Council for India was published simultaneously by the India Government and with its consent by the League of Nations. Its interest in view of the attention which is to-day being paid to this question of Economic Councils and economic planning is of much more than national interest. His visit to China was in response to a request received from the Chinese Government that he should discuss with it the effects of the present depression on China's economic activities. It is, I venture to think, by means of consultations of this sort and by expert enquiries that the League of Nations can perform one of its most useful services. During the course of the past year they have not been confined in the financial field to the Continent of Asia. A financial expert took part in the work of the mission sent to Liberia in the summer of this year by the Committee of the Council in order to study the problem raised by the request for assistance submitted by the Government of that country. Another visited Lithuania on the request of the Lithuanian Government to report on certain outstanding problems arising out of the Memel Convention. The Deputy-Secretary-General and the present Director of the Financial Section paid a visit to Vienna after the request of the Austrian Government, to which I have already referred, was received.

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[1] See Minutes of the Sixth Committee, and meeting of the Council of the League, September 29th, 1931.

" *Agricultural Credits.*

" The most important piece of new constructive work carried out by the Financial Committee until its present session has been in connection with agricultural credits. When the Committee met last year, one of the most insistent problems with which European countries especially were faced was that of providing long-term credits to agriculture.

" Accordingly, the Financial Committee, acting on the instructions it received, elaborated in the first half of the year an International Convention, which has already been signed by eighteen States, for the creation of an International Agricultural Mortgage Credit Company and the Constitutive Charter and Statutes for this institution. This is a sound and practical scheme which is fully described in the report to the Assembly (document A.6.1931), and should come into operation as soon as the conditions of the financial markets permit the capital to be subscribed.

" The financial situation has, it is true, radically changed and worsened since the Convention was drawn up, and new urgent problems have been superimposed on those which occupied our minds last spring.

" Even if these new circumstances should delay the application of the Convention, we must have the mechanism available for use as soon as the appropriate moment has arrived. The attention of the signatory States should therefore be called to the necessity for ratification, and an appeal should be made to the European States which have not yet signed the Convention.

" *Other Long-term Credit Problems.*

" This Convention was designed to meet the special difficulties of the agricultural countries. But, since May, the need for long-term capital has spread far beyond these countries. In view of this new situation, the French Government put forward certain proposals to the Commission of Enquiry for European Union which were afterwards examined by a special Committee appointed by the Council. The report of this Committee (document C.504.M.211.1931.VII) was approved by the Council on September 14th.

" I would draw your particular attention to the document which should be read in conjunction with the report of this Committee last year to the eleventh Assembly.

> " 'The problems of international loans', it is pointed out, 'can no longer be considered by the League solely with regard to their effect on individual borrowing States, but should be viewed rather in connection with the general problem of international credit, and any action likely to promote a flow of capital to-day would promise valuable international advantages.'

" The Committee recommended, therefore, that the League's policy with regard to the issue of loans under its auspices should be developed, and that, as the French Government had suggested, the Financial Committee, acting in accordance with the instructions received from the Council of the League, should be prepared to consider such applications from borrowing States as may be made to it for its assistance. These proposals, it is observed, constitute rather a development of, than a departure from, the policy approved by the Assembly last year. As I have just stated, they have received the approval of the Council, who decided in this connection that the collaboration of Treasury officials should be obtained in all cases where requests from Governments for help or advice involve the examination of questions of public finance. I have no doubt that the Second Committee will desire to emphasise the necessity of giving the Financial Organisation of the League every opportunity to afford all the assistance in its power.

" *Other Work of the Financial Committee.*

" With the other work of the Financial Committee I will deal more briefly. The great undertaking of settling 1,400,000 refugees in Greece has been successfully concluded, and the similar work conducted in Bulgaria is nearing completion. A special enquiry has been conducted on the request of the Bulgarian Government into the co-operative system in that country.

" *Bulgarian Budget.*

" The general depression has had serious consequences for the Bulgarian budget. The 1930-31 financial year closed with a large deficit, which threatened to be renewed in the current year.

" The Financial Committee took active steps to deal with the position. It made urgent representations to the Bulgarian Government on the necessity of taking energetic measures to restore the balance between revenue and expenditure, both by cutting down expenses and increasing the yield from existing taxes or creating new ones. The Bulgarian Finance Minister has submitted to it a detailed plan under which it may be hoped that the budget will be balanced, and the Treasury position, which was compromised by the previous deficit, will be gradually improved.

" *Greece and Estonia.*

" The Financial Committee continued to follow the situation of the Banks of Greece and Estonia, which, with its support, had restored the stability of the currency in these two countries. At its three previous sessions, it heard representatives of the Bank of Greece, which consulted it on the different steps to be taken, and at its last session the President of the Bank of Estonia submitted to it for approval amendments in the statute of his institution.

" At the same time, the Committee kept in touch with the economic and financial situation in these two countries.

" *Counterfeiting Currency.*

" A first Conference of the representatives of the central police offices with a view to the suppression of counterfeiting currency met at Geneva from March 4th to 7th, 1931. This Conference, whose chief aim was to develop international co-operation between these offices for the prevention and suppression of counterfeiting currency, adopted, for this purpose a certain number of recommendations, and a series of administrative regulations.

" *Gold.*

" The Gold Delegation pursued its important work and devoted itself, in particular, to the study of the distribution of gold, to the examination of the influence of fluctuations in the purchasing power of gold on the economic life of nations, and to seeking the most suitable methods of measuring these fluctuations.

" It drew up an important report on the question of the distribution of gold, in which it studied the normal operation of the gold standard.

" The Gold Delegation expects to conclude its work at its next session, and to publish on that occasion a general report on the whole complicated question of the purchasing power of gold and make certain practical proposals in this sphere.

" *Fiscal Committee.*

" During its second year of existence, the Fiscal Committee continued to devote its efforts to numerous and varied tasks. It notably drew up a plurilateral convention for the avoidance of double taxation of the chief categories of income. Owing to the numerous differences which still subsist between the legislations of the various States, it has not yet been able to draft a uniform convention; but it submitted to the Council two model drafts which it recommended to the attention of the Governments.

" Further, the enquiry initiated, with the help of the grant made by the Rockefeller Foundation, into the apportionment of profits of undertakings operating in several countries and the possibility of unifying the methods employed in this connection by the different fiscal administrations is making satisfactory progress. The legislation of several important countries has been carefully examined, and it is hoped to reach final conclusions in the comparatively near future.

" The Committee also dealt with the taxation of instruments of international commerce, double taxation in respect of the turnover tax, and the Customs and fiscal duties on newspapers and periodicals.

" The draft Convention which it had prepared with the help of the Transit Organisation on the taxation of foreign motor vehicles was adopted almost as it stood by the European Conference on Road Traffic, and was signed by twelve countries.

" It seems that, thanks to the efforts made in this sphere by the Financial Organisation of the League of Nations before the Fiscal Committee came into existence, the field of double taxation is being more and more restricted. Certain bilateral conventions of a general nature have recently been concluded between France and Italy, Finland and Sweden, Belgium and France and Belgium and Italy. They are generally based on the model drafts prepared by the Conference of Government Experts in 1928. As regards maritime navigation, numerous agreements have already been concluded between the nations concerned.

" *Committee of Statistical Experts.*

" In January, a new permanent Committee—the Committee of Statistical Experts—was appointed in accordance with the terms of the International Convention relating to Economic Statistics. This Committee held its first meeting in March, when it laid down the lines of the large programme of work that lies before it. At the same time, it took action on two specific and urgent questions—the compilation of a common list of statistical territories to be specified in national statistics of external trade and of a list of commodities entering into such trade.

" *Economic Intelligence Service.*

" (a) *Study of the Economic Depression and Future Studies of Economic Cycles.*—The eleventh Assembly instructed the Economic and Financial Organisation of the League : (1) to undertake an enquiry into the course and phases of the present economic depression; and (2) to examine, after getting in touch with international organisations, advisory councils, research institutes, etc., by what means the work already undertaken on the problem of the recurrence of periods of economic depression might be co-ordinated.

" Professor Ohlin, of Stockholm University, was appointed at the beginning of the year to take charge of the enquiry referred to in the first of these resolutions. He has been assisted by a small special staff and by the existing staff of the Economic Intelligence Service.

" In accordance with the wishes of the Assembly, the enquiry has been carried out in close collaboration with the International Labour Office and the International Institute of Agriculture, which have furnished information relating to the subjects with which they are concerned, and with a number of National Economic Councils and Economic Research Institutes. At the beginning of March last, and again in July, meetings of experts from these councils and institutions, together with representatives from the International Labour Office, the International Institute of Agriculture and the International Chamber of Commerce, were held at Geneva to discuss the plan of the enquiry and certain of the technical problems involved. The majority of the national

organisations represented at these meetings and a number of Governments prepared special memoranda concerning the conditions in their own countries.

"On the second resolution a special report has been drawn up[1] by representatives of those advisory and technical organisations with whom the last Assembly decided contact should be established. In this report, which has received the approval of the Council subject to budgetary provision for the work involved, it is recommended that meetings of representatives of such of these institutes and of any national or international organisations as are engaged upon work on the question and of individual experts should be convened at suitable intervals.

"On the importance of this proposed work this Committee laid special emphasis last year in a striking passage of its report.

> " 'When we consider the magnitude of the losses', it remarked, 'from which the world suffers during a period of economic stagnation similar to that through which the world is now passing, it is impossible not to be impressed by the almost absolute failure of society up to the present to devise any means by which such disasters may be averted. The Committee felt that this problem was one which imperatively demanded co-ordinated and concerted study.'

"It will be observed that the proposal put forward by the representatives of the economic councils, research institutes and other bodies consulted by the Financial Organisation is a conservative one. Such conservatism is wise to-day. What is essential is to begin the work in the hope that we may ultimately—however slowly and falteringly—find means to avert or to lessen depressions such as that which we are experiencing to-day. If the proposal made is approved, a small supplementary credit will be required.

"(b) *Other Publications.*—Lastly, mention should be made of the periodical publications of the Economic Intelligence Service. Since the last meeting of the Assembly, the Service has issued new editions of the *Memorandum on International Trade and Balance of Payments*, the *Statistical Year-Book* of the League of Nations, and the *Memorandum on Production and Trade*. The *Monthly Bulletin of Statistics* has been published regularly and a *Memorandum on Commercial Banks* is now in the press.

"These publications are of exceptional interest and importance at the present day, for accurate and up-to-date statistical information covering, not only a single country, but, so far as possible, the whole world, is the essential condition of any considered action to alleviate the economic crisis."

NINTH MEETING.

Held on Monday, September 21st, 1931, at 9.30 a.m.

Chairman : M. JANSON (Belgium).

24. Applications to the Fourth Committee for Budget Appropriations.

The CHAIRMAN read the following documents relating to requests for appropriations for the work of the Financial Committee to be submitted to the Fourth Committee: *(a)* letter of September 7th, 1931, from the Chairman of the Financial Committee to the Secretary-General (Annex 8); *(b)* extracts from the report to the Council on the work of the Financial Committee, forty-second session, paragraph 8, Budget Provisions (document A.55.1931.II.A); *(c)* extract from the report to the Council of the Norwegian representative on the work of the forty-second session of the Financial Committee, dated September 18th, 1931 (document C.572.1931.II.A).

Mr. LOVEDAY (Director of the Financial Section and Economic Intelligence Service) said that the budget as drawn up in May endeavoured to effect all possible economies. For the normal work of the Financial Committee and its sub-committees and delegations there was an appropriation of 77,000 Swiss francs, which was intended to cover the cost of three ordinary meetings of the Financial Committee and three meetings of special delegations or sub-committees. The Financial Committee had already sat three times, and would probably have to sit once more, as a result of which the estimates were already exceeded by 35,000 francs.

On September 12th, the Council had approved a recommendation of the Credits Committee accepting the French proposal submitted in May with regard to the Financial Committee being in a position to give its opinion or advice, if called upon, in regard to Government loans of an international character. That recommendation implied new expenditure. Again, in the previous week, the Council had approved a resolution to the effect that the Financial Organisation of the League should be prepared, in the event of an extension of the crisis, to intervene if necessary. The budget as it stood contained no appropriation to cover the additional work implied by that resolution.

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[1] Document A.55.1931.

In the previous year, the Assembly had passed a resolution calling upon the Economic Organisation of the League to study the causes of the periodicity of business cycles. In execution of that recommendation, meetings had been summoned of representatives of national economic councils and research institutes, in the course of which a recommendation was passed on the desirability of summoning the representatives of those organisations from time to time and the need of appointing a competent economist with the necessary qualified staff—the latter to be attached permanently to the Secretariat of the League—in order to undertake the necessary scientific preparation for these meetings with a view to the successful conduct of the studies proposed. The latter recommendation was approved by the Council subject to the grant by the Assembly of the necessary appropriations.

To give effect to this recommendation would involve an annual expenditure of 28,000 Swiss francs for the salary of the economist, 12,500 Swiss francs for the staff (who would be engaged on the spot), 19,400 Swiss francs for the organisation of the various meetings, 5,000 Swiss francs for the travelling expenses of the economist, and 400 Swiss francs for printing charges, plus an addition of 10 per cent for unforeseen expenditure—making a total of 71,000 Swiss francs. Next year, however, the appropriation need not amount to this total, since the economist in question would probably be occupied by his own work at any rate until the close of the university year, so that he would not be working for the League for more than six months in 1932. Consequently the appropriation for 1932 need not be more than 45,250 francs.

There was no appropriation in the May budget for the study of the causes of the economic depression, for the reason that no decision on the point had been taken at the time when the budget was drawn up. In the event of any decision as to the principle of the proposal, the appropriation would figure in the special chapter of the budget relating to these questions. The proposal for an appropriation to enable the Financial Organisation to give technical opinions was justified by the probability of unexpected expenditure implied in the case of work of this kind, which would involve a rather different form for these credits.

Sir Arthur SALTER (British Empire) agreed with Mr. Loveday, but was anxious not to exclude the possibility of the Committee's applying for further financial provision, if necessity arose in the course of subsequent discussion.

M. TRIP (Netherlands), speaking as a member of the Fourth Committee, thought he ought to make a distinction between the ordinary work of the Financial Committee, which was of vital importance and for which supplementary credits would certainly be available, and work in connection with the study of the causes of business cycles. However important studies of this sort might be, the result of them could not have any effect on the existing depression. To conform with the principles laid down by the Fourth Committee, the study of the question should be postponed at any rate until 1933.

The CHAIRMAN requested the Rapporteur to draft a letter to the Chairman of the Supervisory Commission.

M. BERNIS (Spain), Rapporteur, agreed.

In reply to M. Trip, he said that, in his opinion, the present crisis was far from having reached its culminating point. It threatened to involve new countries which had hitherto seemed comparatively immune. In these circumstances, he thought the study of the causes of trade cycles had its interest even in connection with the present crisis.

M. TRIP (Netherlands) said he fully recognised the importance of these studies, but it seemed to him that they were studies of the means of avoiding or diminishing future depressions. He thought, therefore, the work should be postponed to 1933 in order not to burden the 1932 budget, which was already so heavily charged with the expenditure for the Disarmament Conference.

Sir Arthur SALTER (British Empire) urged the Commission to insist emphatically on the need for study of the causes of the crisis and the remedies which might be available at this tragic moment. The sum of 50,000 Swiss francs was an insignificant amount in comparison with the hundreds of millions sterling which were at stake.

M. DE VASCONCELLOS (Portugal) agreed with Sir Arthur Salter and the Rapporteur.

Sir Cooverjee COYAJEE (India) protested vigorously against any interruption of the work on the study of the causes of trade cycles. He thought the work in this connection was as important as the work in connection with disarmament.

M. DE ARMENTEROS (Cuba) supported the Rapporteur's proposal.

The CHAIRMAN asked M. Trip if he was prepared to withdraw his objection.

M. TRIP (Netherlands) said that he was in duty bound to put to the Committee the standpoint of the Fourth Committee in regard to economies. If the majority of the Second Committee felt that the study of trade cycles was so important as not to admit of postponement, he was prepared to defer to it.

25. Statement by the Representative of the British Empire in regard to the Suspension of the Gold Standard in Great Britain.

Sir Arthur SALTER (British Empire) said that, in view of the events that had taken place in his country during the previous twenty-four hours he did not propose to say anything on the world crisis; but he had an announcement to make to the Committee on what had happened in his own country. He then read the following statement :

" His Majesty's Government have decided, after consultation with the Bank of England, tha tit has been necessary to suspend for the time being operation of subsection 2 of section 1 of Gold Standard Act, 1925, which requires the Bank of England to sell gold at a fixed rate.

" A Bill for the purpose will be introduced immediately and it is the intention of His Majesty's Government to ask Parliament to pass it through all stages on September 21st. In the meantime, the Bank of England has been authorised to proceed accordingly in anticipation of the Act of Parliament.

" The reasons which have led to this decision are as follows : Since the middle of July, funds amounting to more than two hundred million pounds sterling have been withdrawn from the London market. The withdrawals have been made partly from gold and foreign currency held by the Bank of England and partly from the proceeds of a credit of fifty million sterling which shortly matures secured by the Bank of England from New York and Paris, and partly from the proceeds of the French and American credit amounting to eighty million sterling recently obtained by the Government. During the last few days, the withdrawals of foreign currency have accelerated so sharply that His Majesty's Government have felt bound to take the decision mentioned above.

" This decision will not of course affect obligations of His Majesty's Government or the Bank of England which are payable in foreign currencies.

" The gold holding of the Bank of England amounts to some one hundred and thirty million sterling, and having regard to the contingencies which may have to be met, it is inadvisable to allow this reserve to be further reduced.

" There will be no interruption of the ordinary banking business. The banks will be open as usual for the convenience of customers; and there is no reason why sterling transactions should be affected in any way.

" It has been arranged that the Stock Exchange shall not be open on Monday, the day upon which Parliament is passing the necessary legislation. This will not, however, interfere with the business of current settlement of the Stock Exchange, which will be carried through as usual.

" His Majesty's Government have no reason to believe that the present difficulties are due to any substantial extent to export of capital by British citizens. Undoubtedly the bulk of the withdrawals have been for foreign account.

" They desire, however, to repeat emphatically the warning given by the Chancellor of the Exchequer that any British citizen increasing the strain on the exchanges by purchasing foreign securities himself or assisting others to do so is deliberately adding to the country's difficulties.

" The banks have undertaken to co-operate in the restriction of purchases by British citizens of foreign exchange, except those required for the actual needs of trade or for meeting existing contracts; and should further measures prove to be advisable, His Majesty's Government will not hesitate to take them.

" His Majesty's Government have arrived at their decision with the greatest reluctance. During the last few days, the international financial markets have become demoralised and have been liquidating sterling assets regardless of their intrinsic worth. In these circumstances, there was no alternative but to protect the financial position of this country by the only means at our disposal.

" His Majesty's Government are securing a balanced budget and the internal position of the country is sound. This position must be maintained. It is one thing to go off the gold standard with an unbalanced budget and uncontrolled inflation; it is quite another thing to take this measure, not because of internal financial difficulties, but because of excessive withdrawals of borrowed capital. The ultimate resources of this country are enormous and there is no doubt that the present exchange difficulties will prove only temporary."

He said he had only to add to his statement that the record of Great Britain since the war showed she had been determined to honour her obligations to the full and would continue to do so; that the internal position of Great Britain was wholly sound, thanks to the sacrifices made to secure a balanced budget; that the immediate crisis was due to wholesale liquidation of investments in foreign markets, which forced Great Britain to protect herself; and that the banks were remaining open for ordinary business, which would be continued on entirely normal lines.

He added that no restrictions whatever would be placed on the free disposal of gold held in safe custody in Great Britain for account of foreign customers, or on gold sent to Great Britain for custody on foreign account or for sale in the market.

His Majesty's Government were fully aware that the step which they had taken might cause serious trouble and some confusion, especially in countries which in the past had been particularly dependent upon the London market to supply them with credits and other financial facilities.

His Majesty's Government were most anxious to minimise these difficulties as far as possible, and would be ready to co-operate with any measures which could be devised to attain that end.

The CHAIRMAN was sure he was voicing the feelings of the entire Committee in assuring Sir Arthur Salter of the deep sympathy which they felt for his country in its present difficulties. He was confident that the traditional resolution of Great Britain would enable that great country shortly to emerge from the temporary financial difficulties with which it was assailed.

26. Work of the Financial Organisation : General Discussion (continuation).

Sir Cooverjee COYAJEE (India) said that, with reference to the report by Sir Arthur Salter on Economic Councils in India, he shared the Rapporteur's view that the drafting of economic programmes was of more than national interest, and that a document from such a personality as Sir Arthur Salter must be of quite special value in this connection.

Referring to the report of the Gold Delegation, he said that the crisis had taken the world by surprise at a moment when a solution was being sought for the problems connected with the international operation of the gold standard. The various banking systems had come to realise the task devolving on them in connection with the control of investment and prices. The adoption of the gold exchange standard had been more or less general, and there was every reason to anticipate that they were on the point of evolving a satisfactory system for the international regulation of the functions of gold.

That was the stage reached when they were interrupted by the crisis. The action advocated by the Gold Delegation appeared well calculated to lead to a resumption of the progress already made, in particular the measures proposed with a view to increasing the powers of control of the central banks in relation to the operation of the gold standard. The suggestions for modification of the percentages of gold stocks held in reserve under the legislation of the various countries were of particular interest and importance.

The gaps in the report were explained by its provisional character. The terms of reference of the Gold Delegation did not include the study of the relationship between the present economic depression and the distribution of gold. The final report was still in course of preparation, and the terms of reference might be appropriately widened to enable it to deal with this point.

The account given in the report of the economic depression throughout the world represented a very valuable contribution to the other work done in this connection. The statistical studies of Professor Ohlin should be continued, and special attention should be directed to the trend which the crisis was taking.

Turning to the special report on the periodicity of economic depressions, he welcomed the studies already made and the meetings which had been held by representatives of National Economic Councils and research institutions. He thought it should be possible to prevent the recurrence of depressions by permanent machinery for the adjustment of supply and demand, which might be found in the sustained and continous co-operation of the central banks and the adaptation of production to consumption by measures of rationalisation.

He observed that the resolution with regard to the International Agricultural Mortgage Credit Company treated the proposal as one which was applicable to Europe alone, though the oversea countries were asked to approve it. At the same time, there was no mention in the report of the important co-operative movement. That was a big omission; but he hoped that the proposal might be supplemented on this point in the light of the present discussion.

M. COLIJN (Netherlands) remarked that the majority of those who had been expected to speak felt some reluctance to give expression to their opinions on the subject with which the whole world was preoccupied. Their hesitation was readily intelligible. The situation was changing so rapidly that it was impossible to make any definite pronouncement on any subject whatever. The report of the Basle Committee of August 18th spoke of long-term credits. A month had passed since that time, and he imagined that there could be no single one of the members of the Committee who dreamed any longer of the possibility of placing a long-term loan at the present time.

Another feature of this attitude on the part of the majority of delegates was their reluctance to refer to the world's financial difficulties without at the same time raising the question of political and reparation debts. Those countries which were not directly concerned in these problems were unwilling to add to the difficulties by intervening; and it was only the States directly concerned which had the handling of these problems. The League of Nations was unfortunately precluded from lending its guidance and co-operation in the matter. The time had come, however, to state from the purely economic standpoint that it was impossible to transfer vast sums from one part of the world to another without accepting in exchange any corresponding values, particularly when the creditor was unwilling to accept goods in lieu of cash. Once again he was compelled to point out that there could be no free movement of capital until there was free movement of goods. The rigidity of the present system was at the root of the economic difficulties. The Basle experts had rightly pointed out that the world was at present following two contradictory policies, whereby on the one hand debtor countries paid large sums to creditor countries, while on the other obstacles were raised to the free circulation of commodities. It was this contradiction which was at the bottom of the trouble.

He referred in this connection to M. Francqui's proposal which the Commission of Enquiry for European Union had considered. While he did not believe that the proposal would do away with the current difficulties, he was firmly convinced that it was one of the few practical proposals put forward which might do something to improve the position. The bankers of all countries had been taken by surprise by the course of events, and they were waiting for the moment when it would be possible once again to set free the capital which was at present locked up in the various countries. The six months' truce for the withdrawal of capital would expire in February, and new withdrawals on a large scale would then begin. That consideration gave the Francqui proposal its urgent character, and made it desirable for them to recommend the Assembly and the Council to refer it for study to a committee of experts so that it could be put into force as soon as the need arose.

He had been deeply moved by Sir Arthur Salter's statement; but he felt sure that Great Britain would find means to overcome the difficulties of the moment, as other countries in a precisely similar position had done some years before.

Reverting to the Francqui proposal and the German delegation's proposal with regard to it, he suggested that it was not practical that the establishment of a credit institution to handle short and long-term credits on the lines of the proposal should be dependent on the conclusion of an international convention. The conclusion and ratification of an international convention would take a long time, and immediate action was urgently required. Nor should the Governments have a hand in the matter. It would be better to leave the establishment of the proposed institution to the bankers who had a direct interest in the liquefaction, at the earliest possible date, of the frozen credits.

M. Ritter (Germany) said that, as regards the issue of loans under the auspices of the League, the proposals before the Committee represented a fair compromise between the present practice of the League and the outcome of the discussions of May last of the Commission of Enquiry for European Union. He thought it was a good thing that the establishment of a new organisation of the League had been abandoned and that the Governments were left free to appeal for the co-operation of the League or not as they pleased. Two Governments had already made such an appeal, and it was to be hoped that positive results would be reached in their cases. The fact that the International Agricultural Mortgage Credit Company was on the point of coming into being was a reply to the negative criticism so often put forward with reference to the League. It was a proof that positive results could be reached at Geneva if all the parties interested contributed the necessary modicum of goodwill.

The establishment of a special institution for short-term agricultural credits, which was at present under consideration by the International Institute of Agriculture at Rome, would afford an invaluable supplement to the work already done in this field. It must be remembered that the principal difficulty with which agriculturists were confronted was the necessity of selling their harvests as soon as they were got in without waiting for more remunerative prices. The task of the new short-term agricultural credit institution would be to give advances on the harvests in the autumn.

He was astonished that the Credits Committee of the Commission of Enquiry for European Union should have treated the Francqui proposal as premature. What moment, he wondered, could be more appropriate for the establishment of an organisation of this kind than a moment when all the threads of international financial co-operation were being severed? There were some countries where the banks were not paying any interest on deposits and were even asking for a commission of one-half per cent for holding them, while at the same time in other countries undertakings of the first importance were unable to obtain capital for the most justifiable objects even at the highest rates of interest. The period for which the lenders were prepared to see their capital locked up was too short. Germany, for example, was due to repay 5 milliard marks on February 19th next. Moreover, while this term was too short to be of much use to the debtor banks, it raised great difficulties also for the creditor banks. One of the main causes for the present difficulties of the Bank of England was the fact that the English banks were not in a position to call in the credits they had given to Germany, Austria and Hungary. That was the explanation of the urgency for the Committee and the Assembly to discuss the Francqui proposal. He agreed to M. Colijn's suggestion to amend the German delegation's resolution by the omission of the passage with regard to the conclusion of an international convention. The German Government warmly agreed with the other draft resolutions and was prepared to support them.

There must, however, be no illusion as to the result of these measures. They might perhaps mitigate the position in certain particular points but would not do much to improve the general situation. As M. Colijn had observed, no statement concerning the present depression would be complete if it passed over the grave problem of political debts and reparations. The situation in which Germany was placed as a result of the payments she had to make under this heading forced her to export more and to import as little as possible. In that connection he would refer to the discussion at the previous meeting, between M. Posse and M. Stucki. The German Government was prepared to examine in the most conciliatory spirit any observations the Swiss Government might put forward concerning any changes that it might be desirable to make in certain of the German tariffs. The German Government, however, resisted, and would always resist, any contractual reduction or definite determination of its export figure. It would be ingenuous to suppose that the increase in German exports was due to deliberate action by

the Government or by German industrialists. Germany had at present an export surplus of 3 billions, but that did not suffice, and it would have to be increased still further if she was to be in a position to meet her political debts.

M. Ritter agreed with M. Stucki that Switzerland was not responsible for this state of affairs, but Germany had no other way of coping with the position. M. Stucki was not right in saying that Germany refused to allow Switzerland the rights she arrogated to herself. In the past six years only one import prohibition had been established in Germany—namely, that referred to by M. Stucki. The German Government regarded that prohibition as a measure intended to bring pressure to bear with a view to the reconstitution of an international agreement which had been dissolved. Such were the considerations which had led M. Posse to express himself so frankly.

In conclusion, M. Ritter referred to the report by the Basle experts stating that it was undesirable that Germany should be forced to take active measures to increase her exports. The effects of that position in the financial sphere had found an eloquent illustration in events. It was only by chance that the countries which had to support the burden of the world war had been the first to collapse. Others would certainly follow. The countries in which there was a superabundance of gold and capital were not perhaps in the same situation, but their capital was idle, it produced no interest and did not fulfil its natural role in the capitalist system.

M. Stucki (Switzerland) paid a tribute to the tone of M. Ritter's observations. It was essential that the discussion should remain on the material, as opposed to the personal, plane if results were to be obtained. He did not propose to go further with this " bilateral " discussion: but there were certain figures which he could not refrain from laying before the Committee in connection with the issue between his country and Germany.

The purchase of German goods by the country which was at present Germany's biggest creditor was at the rate of 7 gold marks per head per annum. The purchases of Switzerland (a country to which Germany had no political debt to pay) were at the rate of 161 gold marks per head per annum. The corresponding figures for France were 28, for Poland 9, and for Italy 12 gold marks.

It was said that Germany could pay her political debts only in the form of goods; she should therefore send her goods to the countries to which she was indebted. If that was impossible, the neutral countries should not necessarily shoulder the consequences.

The adverse trade balance of Switzerland had trebled in the last four years. That was a fact to which it was no answer to speak of " international solidarity ".

27. Request for Supplementary Credit.

M. Bernis (Spain), Rapporteur, read a draft letter (Annex 9) which was to be sent from the Chairman of the Supervisory Commission with regard to the draft budget for 1932, and a request for a supplementary credit (Annex 10) (Chapter III, Item 19 A) to be provided under Nos. 2(*a*), 2(*b*) 3(*a*) and 4 for the investigation into the periodicity of trade cycles.

TENTH MEETING.

Held on Tuesday, September 22nd, 1931, at 9.30 a.m.

Chairman : M. Janson (Belgium).

28. Work of the Economic Organisation : Draft Report by M. Rollin (France) (Annex 11).

M. Rollin (France), Rapporteur, in submitting his report, pointed out that there was entire continuity in the League's recommendations in 1927, in 1929 and in 1930. The recommendations had not lost their force, but the course of events had made their application more difficult. The aim was the same, though the means might have to be modified.

The Committee proceeded to discuss the draft report section by section.

A. Introduction.

1. *General Considerations.*

Sir Arthur Salter (British Empire) thought that the paragraph beginning : " Can we allow it to be said . . . " and the next paragraph, beginning : " In the same way . . . " should be connected in such a way as to make the balance of importance equal as between the

Conferences of 1927, 1929 and 1930, on the one hand, and the Commission of Enquiry for European Union, on the other hand. He accordingly proposed that the two paragraphs should be combined into one, the words "they must be brought to a true appreciation of the results obtained" being omitted.

Agreed.

M. BERNIS (Spain) wondered whether it was wise for the Committee to give its approval to the remark of the experts to the effect that the "lack of confidence . . . entails . . . reluctance to lend abroad . . ." (paragraph beginning: "The growing international distrust . . ."). There was no reluctance, as many countries knew, to expatriate capital in certain circumstances.

Section A, 1, as amended, was adopted.

2. *Continuity of the Economic Work of the League of Nations.*

Sir Cooverjee COYAJEE (India) moved to omit the words "which is a totally mistaken one" in the paragraph beginning: "It is important to remove . . ." as being rather too strong an expression of opinion.

Agreed.

Section A, 2, as amended, was adopted. The introduction was adopted as a whole.

B. ECONOMIC ACTIVITY OF THE LEAGUE OF NATIONS AND OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION SINCE THE LAST ASSEMBLY.

1. *Concerted Economic Action: Commercial Convention.*

M. DE VASCONCELLOS (Portugal) was prepared to accept the section as it stood, and the draft resolution relating to it; but he was somewhat sceptical. The appeals not to increase Customs barriers had been quite unsuccessful, and his own country, among others, had suffered as a result.

Section B, 1, was adopted.

2. *Economic "Rapprochements".*

M. FIERLINGER (Czechoslovakia) objected to the first sentence of the second paragraph. He could not agree that the small States were the principal cause of the economic difficulties. On the contrary, the splitting up of the Austro-Hungarian Monarchy had set free powerful economic forces. He proposed for "mainly" to read "in some measure".

He further objected to the next sentence. Customs barriers were rather a symptom of the economic difficulties than a cause of them. He asked the Rapporteur to redraft the sentence more closely in accordance with the phrasing of the experts' report, which he understood to be in the nature of a compromise wording.

M. ROMAN (Poland) and M. ZEUCEANO (Roumania) supported M. Fierlinger's objection.

M. ROLLIN (France), Rapporteur, accepted the words "in some measure" and was prepared to follow the wording of the experts' report in the second passage.

M. FIERLINGER (Czechoslovakia) asked whether the second passage could not be omitted altogether.

M. ROLLIN (France), Rapporteur, asked whether the statements in question were not made by the experts themselves.

M. FIERLINGER (Czechoslovakia) replied that they were, but that other considerations had to be taken into account.

M. ROLLIN (France), Rapporteur, suggested that M. Fierlinger would perhaps be satisfied if the words "one of the obstacles" were used instead of "one of the greatest obstacles".

M. FIERLINGER (Czechoslovakia) was prepared to accept the French delegate's proposal.

M. DE WINCHKLER (Hungary) thought that the changes in the Rapporteur's text requested by the Czechoslovak delegate would be inconsistent with the experts' report, and proposed to maintain the original text submitted by the Rapporteur. The fact that the splitting up of Europe was the cause of the weakness in the economic structure of Europe was the *Leitmotiv* of the experts' report.

M. POSSE (Germany) entirely agreed, and suggested as a compromise that the wording of the experts themselves might be employed and the passage might read:

> "The economic experts recognised that the weakness of the economic structure of Europe is due to the multiplicity of Customs tariffs resulting from the division of Europe into a large number of separate economic units."

M. FIERLINGER (Czechoslovakia) did not dispute the experts' conclusion that:

> "The ultimate goal must be the widest possible collaboration of the nations of Europe in the sense of making Europe a single market for the products of any and every country in it,"

but the present issue was the existing economic structure.

After further discussion, M. ROLLIN (France), Rapporteur, proposed that the text should read :

"The economic experts recognised that the economic weakness of Europe is due, in particular, to the multiplicity of Customs tariffs, resulting from the division of Europe into a large number of separate economic units."

M. FIERLINGER (Czechoslovakia) was prepared to defer to the French delegate; but the Czechoslovak delegation maintained its view on the substantial issue involved.

The paragraph proposed by M. Rollin was adopted.

M. ANDVORD (Norway) proposed that the concluding sentence of Section B, 2, should be amended to read as follows :

"They still consider the regime of the most-favoured-nation clause the essential safeguard of normal commercial relations between nations."

That quoted the experts' own wording.

Agreed.

Sir Arthur SALTER (British Empire) suggested that the fourth paragraph of Section B, 2, should read :

"The Co-ordination Committee refers to the views of the economic experts, which it summarises as follows."

Agreed.

Mr. GUTHRIE (Canada) suggested that the sixth paragraph should read :

"The Second Committee welcomes the fact that Europe is making an effort to bring about the restoration of her economic situation and thereby the improvement of world conditions."

He further suggested that the last sentence of the same paragraph should read :

"It is therefore glad to note that the experts have surrounded their proposals with guarantees for the purpose of safeguarding the interests of other countries . . . "

Mr. DE VILLIERS (South Africa) agreed. He had been very glad to see, both in the Assembly and in the Second Committee, that the interests of the oversea countries were not being overlooked. He was grateful especially for what the first German delegate had said in the Assembly, and other speakers in the Second Committee, in this connection.

Agreed.

Section B, 2, as amended, was adopted.

3. *International Economic Agreements.*

M. DE MICHELIS (Italy) could not help feeling that the Rapporteur—though he congratulated him on the clearness and impartiality of his report—had exaggerated the results which might be expected from these agreements. The wording proposed would have to be modified, more particularly in order to give a faithful rendering of the opinion of the economic experts whose conclusions were under consideration. He would prefer the text of the report to be based rather on that of the resolution proposed by the British delegation. M. Rollin would perhaps modify his wording, taking into account the work of the economic experts, as he had set forth the considerations they had in mind when they dealt with the agreements in question.

M. de Michelis considered that the second paragraph of the third draft resolution at the end of the report ("Bearing in mind also . . . ") and the last paragraph of the same resolution ("While leaving the economic organisation . . . ") should be incorporated in the text. Three points should be brought out—the conditions and guarantees, respect for the interests of third parties, and the spontaneity of the action taken.

M. STUCKI (Switzerland) agreed with M. de Michelis.

M. BERNIS (Spain) said that Spain was not opposed to these arguments in principle, but he was inclined to agree with M. de Michelis as to the Rapporteur's text. He proposed that the first sentence of the second paragraph should be amended as follows :

"It is undoubtedly important, in order to avoid any disadvantages which they are apt to involve and have at times involved, to provide . . . "

He further suggested that the last sentence of section B, 3, should read :

"Such agreements, provided they are concluded for a long period and on a basis balancing the strength of all the national industries concerned, except in so far as they may refuse to come in, might lead to the stabilisation of Customs duties at a reduced rate."

Agreed.

Sir Arthur SALTER (British Empire) agreed in general with the text of the report on this subject. At the same time, he wondered whether the text of the report could not be brought into rather closer line with the text of the resolution. The object should be to endorse and reproduce what, after all, was now a defined and developed doctrine of the League as to the utility, subject to certain conditions, of these agreements. Perhaps it would be well to have a small drafting committee for the purpose.

The CHAIRMAN suggested the appointment of a sub-committee to redraft Section B, 3, as Sir Arthur Salter had suggested, to consist of M. Rollin (Rapporteur), M. de Michelis, M. Bernis, Sir Arthur Salter and M. Posse.

Agreed.

4. *Agricultural Questions.*

Subsections (a) *and* (b) *were adopted.*

Subsection (c).

M. VENNERSTEN (Sweden) proposed the substitution for the last five-words of the subsection (" most seriously affected economic systems "), of the words : " economic systems of the countries concerned ".

Sir Arthur SALTER (British Empire) said that, while the British delegation did not wish to raise any obstacle to these cereal preference proposals, it also did not wish to go beyond what the Commission of Enquiry for European Union had said. The Committee should neither strengthen nor water down the conclusions of the latter. The first four paragraphs of subsection (*c*) consisted in an enumeration of the opposing views. He thought it would be clearer if the following modifications were made :

At the beginning of the third paragraph add the words : " They argue that " before " The granting of a preferential tariff . . . "

In the same paragraph, before the words : " In return ", add the words " They add that ".

At the beginning of the following paragraph, for the words : " Certain delegations ", read, " On the other hand, certain countries ".

He also felt that the final paragraph embodied an endorsement of the preference proposals in question, which went very much further than the Commission for European Union had done, and he proposed accordingly to omit the paragraph altogether.

M. VENNERSTEN (Sweden) withdrew his amendment and accepted Sir Arthur Salter's proposal to omit the whole of the last paragraph.

M. ANDVORD (Norway) agreed with Sir Arthur Salter as to the omission of the final paragraph.

In the last paragraph but one, he proposed to omit the words : " particularly if they were of a general or permanent character ". He disliked any reference to the possibility of these schemes being general or permanent in character.

M. ROLLIN (France), Rapporteur, accepted the Norwegian delegate's proposal.

M. FIERLINGER (Czechoslovakia) admitted that the Committee should not go beyond the conclusions of the Commission of Enquiry for European Union; but, at the same time, they must not pull down what the Commission had built up. If it was proposed to omit the last paragraph, he suggested that there should be a reference in the first paragraph of subsection (*c*) to the Commission's report, stating that the Committee noted its conclusions.

M. NECULCEA (Roumania) was astonished to find a question which had been discussed at such length, and which was substantially *chose jugée* brought up again. All possible reassurances had been offered with regard to the most-favoured-nation clause. Figures had been given—figures which had not been, and could not be, refuted—as to the effect of the preference proposals on third countries. Now they were treated to a funeral oration, and told that the Second Committee should wash its hands of the proposals.

M. KAWASHIMA (Japan) supported the proposal to omit the last paragraph, on the ground that the League should not express any view on a special European proposal of this kind. He sympathised with the position of the countries of Eastern and South-Eastern Europe, but it would be wiser for the Committee to take note of the attitude of those countries without expressing its own view.

Mr. GUTHRIE (Canada) agreed with Sir Arthur Salter's proposal to omit the last paragraph. The Commission of Enquiry for European Union had considered the matter, but it was a body on which the oversea countries were not represented. The Second Committee of the Assembly, on the other hand, was a World Committee, and it ought not to express approval of special treatment for any one region of the world to the prejudice of others. Canada could never agree to the last paragraph of this section. If the Committee desired to reach unanimity, the only way was to omit it.

M. DE MICHELIS (Italy) said that the Canadian delegate's speech was an event of the first importance. Up till then, it had always been understood that the preference proposals were adopted subject to the approval of third countries. It was now learned for the first time that third countries were proposing *a priori* to withhold their approval. It was essential that this important development should find expression in the report, in the actual terms indicated by the representatives of the countries taking that view.

The CHAIRMAN proposed that the last paragraph should be referred to a second sub-committee.

It was agreed after discussion that the second sub-committee should consist of representatives of Canada, France, Germany, Great Britain, India, Italy, Japan, Roumania and Sweden.

ELEVENTH MEETING.

Held on Tuesday, September 22nd, 1931, at 4 p.m.

Chairman : M. JANSON (Belgium).

29. Work of the Economic Organisation : Draft Report submitted by M. Rollin (France) (continuation).

Subsection (d).

M. DE VASCONCELLOS (Portugal) observed that it had been proposed, not merely to give agricultural products other than cereals preferential treatment, but also to consider the possibility of assisting their marketing by other means.

M. STOPPANI (Director of the Economic Relations Section) explained that, in view of the diversity of these products, he had convened a meeting of the Spanish, Portuguese and Greek delegates with a view to arriving at an agreement as to the best means of studying the matter. It was then decided to divide these products into two groups. The first group included wine, cork and hemp; and the Drafting Committee would propose to add these products to the list in the section dealing with economic agreements. As regards raisins and tobacco, he suggested that they should be added in brackets to the paragraph relating to the demand put forward by certain countries for the extension of preferential treatment to agricultural products other than cereals. He suggested that " etc." should be added, so as not to make the list exclusive.

M. BERNIS (Spain) accepted M. Stoppani's proposal. The corresponding passage in the resolution should also mention raisins and tobacco.

M. DE MICHELIS (Italy) pointed out that the Special Committee's study of the question was not limited to particular products. The Governments were, without exception, entitled to ask it to consider the question of preference for any other products in which they might be interested. That was why M. Stoppani had proposed to add " etc.", and he inferred that there were no limits to the Committee's powers with regard to the products in question.

M. ENTEZAM-WEZIRY (Persia) asked whether the extension of preference was to continue to be treated as a purely European question. He was surprised to find the Committee dealing with purely European questions.

M. STOPPANI (Director of the Economic Relations Section) replied that the Special Committee dealing with the matter was a committee appointed by the Commission of Enquiry for European Union. He agreed with M. de Michelis' observation.

M. DE VASCONCELLOS (Portugal) accepted M. Stoppani's proposal.

M. PUSTA (Estonia) was anxious that there should be no restriction to the number of products to which preferential treatment might be given.

M. ROLLIN (France), Rapporteur, replied that the list was not restrictive; the products mentioned were given as illustrations.

M. ENTEZAM-WEZIRY (Persia) wished it to be placed on record that the question under consideration was of purely European interest. He thought it would be better for the Second Committee to deal only with problems of interest to the whole world.

M. ROLLIN (France), Rapporteur, replied that the fate of Europe could not be a matter of indifference to the rest of the world. The Persian delegate would realise that the Second Committee had before it the work and studies of various organs of the League, and one of these organs was the Commission of Enquiry for European Union. It was not possible for the Committee to leave all reference to the work and studies of the latter out of its reports. It was not expressing its own approval of the wishes expressed by certain countries; it was merely drawing attention to them.

M. ENTEZAM-WEZIRY (Persia) observed that he was well aware of the importance of Europe in the world. He suggested reading " Some European countries " instead of " Some countries " in the first paragraph of subsection (*d*).

Subsection (d), *as amended, was adopted.*

Subsection (e).

The Committee adopted the following amended text of subsection (e), submitted by the Australian and Indian delegations.

> " *(e)* Several delegations, voicing the views of a large number of agricultural experts, expressed their belief that the co-operative association of production and consumption has an important part to play in the organisation of the disposal of agricultural products. It also would assist to adjust and regulate production with reference to fluctuations in demand as well as to reduce disparity between agricultural and manufacturing prices. This could further be expected to reduce agricultural costs and the burden of agricultural debts.

"Finally, the collateral effect of the development of such co-operation would be to contribute towards lowering tariffs, especially emergency tariffs.

"The Second Committee considers that this question must be carefully studied by the Economic Organisation with the assistance of its agricultural experts and in close co-operation with the International Institute of Agriculture and the International Labour Office."

Subsection (f).

Subsection (f) *was adopted.*

5. *Veterinary Conventions.*

M. FIERLINGER (Czechoslovakia) proposed to alter the second paragraph so as to make it clear that the facilities which exporting States demand in connection with the live-stock trade relate to most-favoured-nation treatment. He felt that what the trade was afraid of was the possibility of getting round the clause on veterinary measures.

M. STUCKI (Switzerland) admitted that the most-favoured-nation clause had a bearing on the issue in one sense—namely, that the live-stock exporting countries did not want their competitors to receive preferential treatment. That was the one breach in the united front of the live-stock trade, which, during the discussion, had shown so much energy in defending its standpoint. But the object of the Veterinary Conventions was distinct from the question of most-favoured-nation treatment. The real object was to prevent protectionism in disguise in the form of alleged veterinary safeguards. He asked that the text of the report should be maintained in its entirety.

M. ROMAN (Poland) urged the Committee not to confine itself to approving the recommendation of a preliminary draft convention in regard to the import and export of live-stock, meat and other products of animal origin, but also to express a desire for the study of the question by the Economic Committee at the earliest possible date.

M. ROLLIN (France), Rapporteur, admitted the force of the objections which had been made; but he thought it would be difficult to give effect in the drafting to M. Fierlinger's amendment, which, he might point out, was opposed altogether by the Swiss delegate. He therefore asked M. Fierlinger to withdraw his proposal. He was prepared, however, to accept the Polish amendment.

M. FIERLINGER (Czechoslovakia) withdrew his amendment.

Section 5 *was adopted as amended by the Polish delegate.*

6. *Unemployment.*

Sir Arthur SALTER (British Empire) proposed amendments with regard to the financial considerations involved and with regard to the possible economic effect of the public works programme.

Section 6, *as amended, was adopted.*

30. Work of the Communications and Transit Organisation : Final Adoption of Report.

The CHAIRMAN reminded the Committee that the report on the work of the Communications and Transit Organisation had only been adopted provisionally, subject to such amendments as might be found desirable in the light of the discussion on economic questions.

M. ROLLIN (France) said that there was no inconsistency between his report and the report on the work of the Communications and Transit Organisation which had been provisionally adopted.

The report on the work of the Communications and Transit Organisation was finally adopted.

31. Work of the Economic Organisation : Draft Report submitted by M. Rollin (France) (continuation) : Adoption of Report and Resolutions : Appointment of Rapporteur to the Assembly.

M. DE MICHELIS (Italy) observed that the last paragraph of Section 7 embodied approval of the work of the Economic Committee in terms which were too definite, and that the Committee was not in a position to give that approval. The Economic Committee itself had shown more restraint in its report, and he thought that the Second Committee's report should be brought into harmony with the terms of the Economic Committees' report. It was essential to do no more than draw the Government's attention to the Committee's conclusion, without inviting them to bring their commercial policy into conformity with it.

M. ROLLIN (France), Rapporteur, agreed. He proposed the following text :

"The Second Committee is glad to note the results reached by the Economic Committee, and suggests that the Assembly should recommend to the attention of the Governments the conclusions of the Economic Committee."

Section 7, *as amended, was adopted.*

8. *Treatment of Foreigners.*

Section 8 *was adopted.*

9. *Customs Nomenclature.*

M. DE FIGHIERA (Chairman of the Committee of Experts on Customs Nomenclature) gave an account of the work done by the Committee of Experts. It had taken four years. The resulting text had met with the approval of the various countries to which it had been communicated. The object of the Committee of Experts had been to simplify Customs nomenclature, to prevent discrimination, to reduce the number of items and to introduce uniform Customs terminology. The Council had authorised the Secretary-General to send the draft proposals to those countries which had not been directly concerned with their preparation, and to ask them to consider the proposals and submit their observations. The experts hoped that the proposed nomenclature would be adopted by the largest possible number of countries. It would represent the first attempt at unification in Customs matters, and perhaps later in tariff matters. He asked the Committee to approve the draft resolution.

Section 9 *was adopted.*

10. *Indirect Protectionism. Marks of Origin.*

M. POSSE (Germany) wished some mention to be made of the fact that the Economic Committee's conclusions had been communicated by the Council to States which were not Members of the League as well as to States Members.

Section 10, *as amended, was adopted.*

11. *Bills of Exchange and Cheques.*

Section 11 *was adopted.*

12. *National Economic Councils.*

Sir Sydney CHAPMAN (British Empire) proposed the omission of the third paragraph of this section on the ground that the Committee should not recommend the establishment of Economic Councils in countries where they did not at present exist. This was a purely internal matter for the countries concerned.

M. BOTTAI (Italy) observed that, as regards the British amendment proposing to the Council that the collaboration of the National Economic Councils with the League should be effected through the Economic Consultative Committee (with appropriate modifications in the composition of the latter for the purpose), he had no objection to the suggestion with regard to the Economic Consultative Committee, but he thought it would be better to leave the Council to decide the matter. He accordingly suggested that the British delegate should withdraw his proposal, and that the last sentence of Section 12 should include a reference to what the British delegation had suggested.

M. DE WINCHKLER (Hungary) supported the Italian proposal.

Sir Sydney CHAPMAN (British Empire) withdrew the British amendment.

M. BOTTAI (Italy) agreed to Sir Sydney Chapman's proposal to omit the third paragraph.

Section 12, *as amended, was adopted.*

13. *Economic Tendencies liable to influence World Peace.*

Section 13 *was adopted.*

14. *Pact of Economic Non-Aggression.*

Section 14 *was approved.*

C. DRAFT RESOLUTIONS.

Resolution 1.

Resolution 1 *was adopted subject to drafting amendments proposed by the British delegation and two amendments proposed by the Japanese delegation.*[1]

Resolution 2.

Resolution 2 *was adopted subject to the amendment proposed by the Danish, Norwegian and Swedish delegations.*[2]

Section B, 3, *and Resolution* 3.

M. TRIP (Netherlands) wished to be clear as to the meaning of the study of means of ensuring the establishment and operation of international economic agreements in the general interest. If that meant that the League of Nations was to undertake the international control of cartels, the Netherlands delegation would be compelled to oppose the proposal.

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[1] See Minutes of eighth meeting.
[2] See Minutes of seventh meeting.

M. ROLLIN (France), Rapporteur, replied that the League would exercise no control over the cartels, but would merely supervise their activities in order to prevent them from becoming instruments of oppression in the hands of persons with monopolistic tendencies.

M. TRIP (Netherlands) withdrew his objection.

The Committee adopted, with certain drafting amendments, the new text proposed by the Drafting Committee for Section B, 3, and the new text proposed for resolution No. 3 (Annex 12).

Resolutions 4, 5 and 6.

Resolutions 4, 5 and 6 were adopted with drafting amendments.

Resolution 7.

Sir Sydney CHAPMAN (British Empire) proposed that the resolution should be modified so as to harmonise with the amended text of the report. He proposed that the first paragraph should read :

" Considering that it would be desirable to associate with the work of the League of Nations institutions *(National Economic Councils)* representing the most important economic and social elements in certain States."

Resolution 7 was adopted as amended.

Amendment to Section B, 4 (c), of the Report, submitted by the Rapporteur (Annex 13).

M. TODOROVITCH (Yugoslavia) said that the bilateral conventions to which the report referred had already been concluded. He proposed that the text should be amended accordingly.

He further suggested replacing the word " palliative " by the word " remedy " in the third paragraph.

The amendment was adopted with this modification.

The Committee adopted the draft report as a whole.

The Committee adopted the resolutions in the following form :

" 1. The Assembly,

" Recognising that the normal exchange of commodities between the nations is seriously hampered by *frequent changes in Customs tariffs* and, generally, by instability in commercial policy;

" Considering the statement made by the Sub-Committee of Economic Experts to the Commission of Enquiry for European Union to the effect that the increasing disparity of tariffs greatly complicates the task of maintaining stability in the monetary and credit system of the world :

" Earnestly hopes that every country will try to the utmost possible extent to avoid any such change in tariff or commercial policy as would tend to suspend commercial agreements or to increase the economic disequilibrium and further disturb the general balance of payments. It also recommends that such agreements, where they do not exist, should be concluded on as liberal a basis as possible."

" 2. The Assembly,

" Having noted the resolutions Nos. I and III to VI (document A.38.1931) adopted by the Commission of Enquiry for European Union as a consequence of the report of its Co-ordination Sub-Committee;

" Being informed that the Commission of Enquiry did not feel able to put these resolutions into effect until they had been submitted to the Assembly;

" Approves these resolutions and requests the Council to take the necessary action to put them into effect.

" In particular, as regards the report of the Sub-Committee of Economic Experts, the Assembly,

" *(a)* Considering that closer economic co-operation is one of the essential conditions for relieving and overcoming the present economic crisis;

" Considering that the *report of the Sub-Committee of Economic Experts* suggests methods for attaining this object;

" Recognising that the seriousness of the crisis and the distress that the coming months will bring require a speedier application of all useful remedial measures :

" Notes the resolution of the Commission of Enquiry for European Union inviting the European Governments to present, if possible before January 1st, 1932, their observations on the said report; it recommends the report to the attention of all the Governments;

" *(b)* Having noted the resolution adopted by the Commission of Enquiry for European Union regarding the appointment of a special committee to study the *extension of a system of special facilities* to agricultural products other than cereals;

" Considering that such extension would raise difficult questions of principle, in particular as regards the relations between such a system and the most-favoured-nation clause :

" Deems it desirable that the findings of the special committee referred to above should be examined by the Economic Committee before being submitted to the Commission of Enquiry for European Union."

" 3. . The Assembly,

" Considering that among the means likely to contribute to better organisation of production, the World Economic Conference, and more recently the Sub-Committee of Economic Experts, have expressed the opinion that, under certain conditions and guarantees, the development of *international economic agreements* may exercise a beneficial influence on the organisation of production and the regulation of trade :

" Draws the attention of the Governments to the recommendations of the economic experts in this connection.

" It requests, in particular, the Governments and the League of Nations to devote their attention to studying the means of ensuring that international economic agreements should be organised and operated in the general interest and with due regard to all interests concerned in accordance with the recommendations of the economic experts and the relevant chapter in the report of the World Economic Conference.

" It draws special attention to the necessity of measures to ensure as wide publicity as possible for these agreements, making it possible to follow their activities so as to safeguard all legitimate interests, particularly those of consumers, whether countries or persons.

" It further requests the Economic Committee of the League of Nations to resume and push forward its consultations concerning the most important branches of production."

" 4. The Assembly,

" Seeing that, among the measures of international solidarity calculated to mitigate the effects of the economic depression and to assist the resumption of activity which would benefit the workers of all countries, consideration should be given to the execution of important *public works* jointly undertaken by public or private groups on European or extra-European territory;

" Seeing, further, that the problem has already been approached by the Commission of Enquiry for European Union and has been laid before the competent organs of the League of Nations;

" In order to expedite the examination of these programmes, to co-ordinate them on an international scale, to hasten their putting into effect and to follow their execution :

" Invites the Council of the League of Nations to instruct the Committee of Enquiry set up by the Communications and Transit Organisation, to which should be added representatives of the International Labour Office and possibly of the economic and financial organs of the League, to undertake these various tasks.

" This Committee will examine the concrete proposals of the various Governments, particularly from the point of view of the utility and productivity of the works proposed.

" It will report to the Council of the League of Nations. The Commission of Enquiry for European Union will be called on to give its opinion on the proposals relating to Europe."

" 5. The Assembly notes with satisfaction that the draft *unified Customs nomenclature* prepared, after an urgent request from the Assembly, by the Sub-Committee of Experts appointed for the purpose has now been completed.

" It considers that the adoption of an agreement to utilise a uniform Customs nomenclature would facilitate the development of international economic relations.

" Considering that the great advantages resulting from the adoption of such a common instrument will generally compensate for the difficulties of adjustment which its adoption may entail, it agrees with the procedure suggested by the Economic Committee and the Sub-Committee of Experts and approved by the Council.

" It therefore earnestly appeals to all Members and to the States non-Members of the League of Nations to which the draft unified Customs nomenclature will shortly be submitted to examine the draft without delay, so that they may be in a position to forward their replies to the Secretariat as soon as possible."

" 6. The Assembly notes with satisfaction the valuable results of the two International Conferences for the *Unification of Laws on Bills of Exchange, Promissory Notes and Cheques*, and strongly urges the Governments of the States concerned to take steps to ensure that the instruments of ratification of these Conventions shall be deposited as soon as possible, and in any case before the expiry of the time-limits provided."

" 7. The Assembly,

" Considering that it would be desirable to associate with the work of the League of Nations institutions *(National Economic Councils)* representing the most important economic and social elements in certain States;

" Considering that institutions of this nature already exist—although with different methods and with different powers—in a number of countries, especially in Europe;

" Convinced of the desirability of utilising these institutions as much as possible in the work of improving international economic relations :

" Requests the Council to seek the most appropriate means of providing for the co-operation of National Economic Councils in the work of the League of Nations."

The Committee decided to appoint M. ROLLIN *(France) as its Rapporteur to the Assembly.*

TWELFTH MEETING.

Held on Wednesday, September 23rd, 1931, at 3.30 p.m.

Chairman: M. JANSON (Belgium)

(replaced during part of the meeting by M. Bech (Luxemburg).

32. Work of the Financial Organisation : General Discussion (continuation).

The CHAIRMAN read the following draft resolution, submitted by the German delegation in place of its previous draft resolution on M. Francqui's proposal : [1]

" The Assembly,

" In view of the fact that the Sub-Committee of Economic Experts has given favourable consideration to M. Francqui's proposal to establish an institution for long and medium-term credits;

" Decides to request the Council of the League of Nations to instruct the competent organs of the League to examine as soon as possible, with the assistance of M. Francqui, the proposal submitted by the latter to the Sub-Committee of Economic Experts."

M. KAWASHIMA (Japan) paid a tribute to the work of the Financial Committee in connection with the Statutes of the International Agricultural Mortgage Credit Company.

The reports of the Gold Delegation were of the utmost value. He hoped the Financial Committee was studying the question of the stabilisation of silver; and he thought there should at least be some reference to it in the report.

The Japanese delegation proposed that the following passage should be inserted at the end of the report :

" The attention of the Second Committee has been called to the insufficiency of the materials at the disposal of the organisations of the League with regard to the world economic depression in extra-European countries, and considers that the means of remedying such insufficiency might well be studied by the organisations of the League concerned."

M. FLANDIN (France) said there were few who a year previously would have anticipated that the economic crisis was about to be followed by a financial crisis such as had suddenly arisen in a country which for its wealth and credit ranked among the most powerful in the world.

They were convinced that it would surmount its difficulties, that there was no need to indulge in pessimism, no ground for the belief that the process of monetary reconstruction was compromised, or that the gold currencies were about to collapse, to the accompaniment of default, disorder and the surrender of the world to those who wished to build by force a new order on the ruins of the old. Clear-sightedness and the will to live—that was all that was required. Within the framework of the League, where the search for truth did not assume the aspect of political polemics, an endeavour must be made to evolve a collective will.

Mankind paid for its mistakes. The war and the criminal destruction of accumulated capital which it involved were one mistake. The appetite for enjoyment, feeding on falsehoods political, economic and financial, was another. Swollen budgets, over-production, over-consumption and inflated credit—those were the falsehoods to which he referred. Governments and private enterprise had vied with one another in doubling, trebling, quadrupling their budgets. There was no adjustment of requirements to realities. Where the necessary resources were lacking, the future was mortgaged. There was no shortage of gold, no deficiency in the distribution of credit. From the richest Government down to the poorest consumer, all who wanted it had been glutted with credit.

There had even been developed a quasi-mystical philosophy of the social and moral sanctity of consumption which in one form or another was responsible for appalling havoc. In the attempt to maintain an artificial wellbeing, one country had submitted to the ravages of unemployment, another had ruined itself by rationalisation; one had endeavoured to valorise its stocks of commodities and thereby arrested the movement of capital, another had endeavoured to valorise its production and thereby paralysed the circulation of commodities, while a third in defence of the interests of labour had brought to a standstill the movement of men.

Never had there been so much talk, by Governments and peoples, of international solidarity; never had there been so much action on purely national lines. There was talk of security and disarmament; but security meant one's own security, and disarmament meant the disarmament of one's neighbour. They were all to blame; and none of them was in a position to thank God that he was not as other men are.

There were clever theorists who said : " Cancel all inter-Governmental debts. They are the real cause of the economic and financial crisis, and in particular the political debts, where the debtor receives no counterpart for his payments."

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[1] See Minutes of the fifth meeting of the Second Committee.

But when the question of the debtor State's capacity to pay arose, it was of no importance to know whether the cause of the debt was or was not a productive transaction. These proposals to change existing international financial settlements aimed at moral and political, rather than financial, results. Many of the countries whose monetary stability was now threatened carried no burden of financial debt of political origin; and the principal debtor country itself had enjoyed for a number of years undisputed monetary security at a time when its political debts to other countries were very much larger than they were to-day.

The counterpart to the reparation debt was represented by the service of the internal loans of the creditor countries. Relief to the budget of one country merely meant additional burdens on the budget of another. The transfer problem—if there was such a problem—would never have arisen if the creditor countries had, directly or indirectly, agreed to balance the debtor's payments by the commercial equilibrium or by the balance of accounts.

As regards credits, the Basle experts' report showed that the crisis in Germany was due to the withdrawals of short-term credits. Ingenious—not to say ingenuous—arguments were put forward on the theory of credit. But this much was certain, that when a country which for a number of years had been in receipt of an influx of foreign long-term capital proceeded, on the cessation of that influx, to supply its needs by borrowing on short term from foreign banks, it was committing an abuse of credit; and, once the abuse became manifest, there was no sort of tacit agreement which could prevent the short-term credits from being called in on maturity.

When international capital sought refuge in particular countries, it was useless to ask the countries of refuge to offset the inflow of foreign capital by investing their own capital abroad. Why should the nationals of the countries of refuge take their money out of their own national securities and put it into foreign investments which the foreigners were themselves trying to get rid of? How were the Governments of these countries of refuge—however much they might dislike the accumulation of gold and foreign exchange—to induce their nationals to invest their capital abroad? The moment they attempted to do so, they were met with a demand for a Government guarantee. It was easy to preach "international financial co-operation": but international financial co-operation presupposed one of two things—either confidence on the part of foreign capitalists or the guarantee, overt or covert, of a foreign Government.

The first step to be taken was to ensure the continuance of existing short-term credits. Once this was assured, there must be vigorous disciplinary action by the Governments to control spending departments and public bodies, and by the banks of issue to control the supply of private credit.

Such disciplinary action was the essential prerequisite of any monetary consolidation. But was it also sufficient to provoke the return of confidence, the repatriation of expatriated capital, and the influx of new capital in the form of loans to consolidate the existing short-term credits? It might be so in certain cases: but he confessed he thought they must also take into account the possibility of capitalists not being prepared to give their confidence without some further action in the direction of international financial consolidation.

To propose that such further action should be accompanied by the repudiation of the public or private commitments of the debtor to his creditors was to leave out of account the psychological factor on which credit depended.

International solidarity could only mean the offer of an international guarantee for a loan in consolidation of existing foreign credits, such guarantee to be made available as and when the recipient country's own efforts at financial recovery proved adequate. But any such international guarantee was inconceivable and impracticable except on the assumption of the continuance, over a considerable period, of a peaceable spirit and the provision of real and effective safeguards against the use by the recipient of the credits accorded to relax the internal financial disciplinary measures or to embark on adventurous foreign lending.

Another panacea which was sometimes advocated was the redistribution of the world's gold. It was a fact that the United States and France at present held respectively about 40 and 20 per cent of the world's stock of gold. He did not propose to reply to the childish criticisms which had been made in this connection. To the suggestion that there was some direct relation between the accumulation of gold by the Banque de France and the German reparation payments it was sufficient to reply that the accumulation of gold by the Banque de France had proceeded much more rapidly under the Young Plan than under the Dawes Plan, and especially since the previous July 1st, when the Young Plan payments were suspended.

But, it was argued, though the accumulation of gold in the United States and France might have been purely automatic and not responsible for the disturbance of the balance of payments between the debtor and creditor countries, it was nevertheless true that, if the gold standard had been allowed to operate properly, it should not merely have registered the disturbance of the balance of payments but should have corrected it.

What should have been done? The reply was—one of two things, or rather both together.

In the first place, the issue banks with stocks of gold exceeding their legal cover requirements should have proceeded—if necessary amending their statutes for the purpose—to increase their note-issue up to the amount permissible with the existing cover by buying up Government stocks on the national market. The result would have been a rise in the internal price-level, an increase of imports and decrease of exports, and finally an efflux of gold.

But then what of the risks, the constant risks, to the national economy of systematically increasing the adverse trade balance in order to offset the effect of a temporary excessive influx of capital due to psychological factors overriding all the normal elements of economic equilibrium?

In the second place, it was said, the issue banks with a surplus of cover should have given credit to the issue banks whose cover was threatened.

It was, of course, a perfectly natural proceeding for issue banks with a surplus of gold to come to the help of others suffering from a temporary shortage of the metal: and the Banque de France had given accommodation both to the Reichsbank and to the Bank of England in amounts equal to that made available by the Federal Reserve Bank, whose gold reserves were twice as large as those of the Banque de France.

But how was it proposed to regulate such operations in advance by any form of arrangement or agreement? Was the issue bank to be compelled to give credit against its will, and without regard to its estimate of the risks involved or the productivity of the credit, while the recipient was embarking on imprudent policies at home or in relation to other countries without any consideration for his embarrassed position? If so, how would that help to restore the international balance of payments, so long as the crisis of confidence remained?

The essence of the gold standard was its automatic operation. Left to itself, it tended to maintain the balance of international payments and to regulate the distribution of capital, but only for so long as the movements of the latter continued to be governed by economic factors, primarily by the prevailing rates of interest. Once a general crisis of confidence put the economic factors out of operation, the gold standard ceased to perform its regulatory functions. It was no use then to tinker with the machinery of the system. The atmosphere of a room could not be raised by artificially raising the level of the thermometer.

At bottom, the financial and the economic problem were one. What was wanted was to let prices settle themselves free of all constraints of whatever kind. Gradually the State was beginning to regulate every branch of human activity, or alternately was submitting to be governed by combinations of interests. They were on the road to universal constraint, and some already saw at the end of the road a single international control centre in which a few thousand statisticians would decide all the various requirements of mankind.

The world's wealth was in process of re-creation; and in that process it was obvious that for some decades to come certain peoples and certain countries would require a constant influx of capital. It was the duty, as it was in the interest, of the rich countries to supply that capital. But there was no obligation in the matter. The rich countries were not bound to lend without any regard to the profits to be earned, then or in the future, on their capital.

It was equally true, no doubt, that the creditor countries could not hope to make their debtors pay while at the same time they restricted their imports and cut down their credits. But, if the creditor countries were asked to organise and guarantee big international financial operations, one thing was essential—there must be peace.

If the aim was to bring back to the world credit for production—he was thinking of the Francqui proposal—they must first liquidate the losses of the credit inflation and the spirit of the inflation itself. The present generation had to bear the burden of war charges and of post-war mistakes. They could not hope to enjoy more than a relative prosperity and well-being.

Sir Arthur SALTER (British Empire) stated that, grave though the economic crisis was, it was the financial crisis which called for more immediate action, and it was to this that the League should be asked to give its principal attention.

First, he wished to point out certain factors of the situation in Great Britain. The events of the previous few days did not alter the fact that Great Britain was still what she had been throughout modern history, a principal creditor country. Her ultimate resources were immeasurably greater than her liabilities. The freezing of British short-term credits in Germany and the subsequent loss of confidence had resulted in a large withdrawal of short-term foreign credits in England and large sales of foreign holdings of British securities. British investments in foreign countries, on the other hand, were not so liquid, and had not in fact been realised. They still represented a total of thousands of millions sterling, as compared with the hundreds of millions sterling of foreign short-term credits which were the cause of the trouble.

The upshot was that the pound sterling now stood once more where it was in 1925. The Committee was aware of the steps which had been taken to balance the budget: and he had already pointed out [1] the vast difference there was between the position of a country which had suspended the gold standard with a balanced budget and that of a country compelled, in the absence of other sources of revenue, to finance itself by inflation. Great Britain was not in the position of the latter.

What was the financial crisis at bottom? He suggested that it was essentially due to a gap in the balance of payments as between the creditor and debtor countries, a gap which was for the time being unbridged by credit. Certain countries owed more than was owed to them, and were in danger of not being able to pay in any one of the only possible ways—namely, in goods or services, or in gold, or out of the proceeds of new credits or investments.

It was a natural and normal thing at all periods that some countries lacking capital should require and obtain capital from other countries having a surplus; and the process could go on in the ordinary way to the advantage of all concerned, provided that the money borrowed was used for productive purposes and yielded a larger net return each year than the service of the loan, and that the creditor countries were prepared to lend their surpluses to the other countries in the most appropriate form—which in present circumstances meant long-term credits. But, as he had already pointed out, there were some ambitions which were incompatible. It was not possible to be a great creditor country and a great exporter and at the same time a reluctant importer and a reluctant lender.

Why had the system now broken down? He suggested that the breakdown was due to the cumulative effect of the following four factors:

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[1] See Minutes of the ninth meeting of the Second Committee.

In the first place, a great part of the debts represented no productive investment yielding an annual return. Part of it was government debt (war domage, war borrowing and the like); part of it was money recklessly borrowed for unproductive expenditure.

In the second place, the fall in world prices (30 per cent or more in the last few years) had increased the real burden of the debt, both for public and for private borrowers. The Dawes Plan had included corrective machinery which made the gold obligation of Germany vary with the wholesale price level. That was a principle which might with advantage have been extended; but, in fact, it had not been retained in Germany, still less extended elsewhere.

Thirdly, the annual flow of investment from the creditor to the debtor countries was abruptly arrested two years ago, when the unprecedented speculative boom suddenly collapsed in the autumn of 1929 and the economic depression began. The investor suddenly swerved from excessive rashness to extreme prudence. He became reluctant to lend abroad at all and refused absolutely to lock up his money in long-term bonds or investments. Borrowing countries with capital needs and immediate obligations to meet were thereupon compelled to follow one of two courses : either they had to accept short-term credits, or they had to surrender gold stocks. Of these two expedients, the one (the short-term credits) was precarious and the other (the surrender of gold) temporary.

The world had at last learnt that to borrow on short term for long-term purposes was a most dangerous operation, since the credit was bound to be lost at the first shock to confidence, just when it was most wanted.

In the fourth place, the gold standard had gone wrong. Instead of fulfilling its orthodox function of correcting economic disequilibria, gold had first reflected and then consolidated those disequilibria. The gold in the world was sufficient to support a much higher level of prices than the present level; but something like one-third of it was in a form which prevented it from having its normal effect upon prices. The extra accumulation of gold stocks in the last few years under conditions which prevented it from serving (as it normally should) as the basis of a volume of credit and currency structure much greater than itself had been greater than all the new gold mined from the earth. The position of the price-level was roughly what it would be if (under otherwise normal conditions) all the gold-mines in the world were suddenly put out of action for a number of years by a natural catastrophe. Moreover, of the 12,000 million dollars, worth of gold in the world, only 2,500 million dollars altogether, or one-fifth, were held by the debtor countries. That distribution was not, of course, the result of malice or even of deliberate policy. It was the expression of the gap in the balance of payments unbridged by credits to which he had referred.

What was the measure of the gap? The Macmillan Committee had estimated it at 2,000 million dollars a year—that is to say, 2,000 million dollars of new lending were required each year from the creditor countries by the debtor countries if the gap was to be bridged. That was not in itself an impossible sum. In 1928, the amount lent by the creditor countries was actually 2,300 million dollars. But, for the reasons stated, the lending by creditor countries had stopped. How, in these circumstances, was the gap to be bridged?

Certainly not to any considerable extent by further movements of gold. The whole of the gold in the debtor countries amounted only, as stated, to some 2,500 million dollars—*i.e.*, the amount required to bridge the gap of a single year—and the great bulk of it was in any case legally assigned as the cover for the national currencies.

What other alternatives were there?

The debtor countries might to some extent, and would no doubt be forced to, increase their exports in relation to their imports. Failing any other resource, no other course was possible for them—except default. That might mean a still further lowering of the standard of life in the debtor countries, a further fall in world prices, and loss to all countries.

Another possibility which might be technically effective, if it were otherwise practicable, was suggested by the interesting action taken during the last few weeks by the Federal Reserve Bank. Within certain limits, the bank had been putting fresh money into the market by buying up securities. If this were done till prices rose—always within the limits imposed by the necessity of safeguarding the gold parity—and if the process were allowed to work itself out in increased imports and reduced exports, the world situation would be relieved, gold would begin to flow outwards, the balance of trade would turn in favour of the debtor countries, and the gap would be reduced. There would be, of course, the danger of the new credit encouraging speculation in shares instead of increasing commodity prices; and safeguards would be required against the development of a speculative boom on the lines of 1929. The great advantage of this method would be that it would not merely relieve the financial crisis, but it would do what nothing else could do—namely, raise the general level of world prices, and so perhaps mark the turning-point of the economic depression. He did not of course fail to appreciate the legal and practical difficulties in the way.

Again, the gap might be reduced, as it had already been reduced for the time being by the Hoover moratorium, by reductions in the reparation and allied debts, which totalled a little over 400 million dollars, or about one-fifth of the total gap.

Whatever was done in this or in other ways to reduce the gap, it was obvious that the greater part of it would still remain to be bridged; and that could only be by means of loans and credits from creditor countries. What was to be done in this direction?

The run on the short-term credits in Germany had happily been arrested for the moment. The banks concerned realised that if they continued their run they would be acting in a way which would ruin any one of them if their own individual depositors behaved similarly. That was not the last time that the question would arise; nor were the credits in Germany the only ones in connection with which it might arise.

In any case, the short-term credits at present frozen in the debter countries would not be sufficient to bridge the gap. They were therefore faced with the imperious necessity of creating the conditions on which new lending, to a large extent on a long-term basis, would be possible. The Basle experts had given a solemn warning to the Governments that new long-term loans would be required, and that the basis for such loans must be a restoration of confidence by the improvement of political relations and by a settlement of governmental debt on a basis within the capacity of the debtor. The improvement of political relations depended on what the Assembly and the countries not represented in the Assembly could do to restore confidence in the system upon which the peace of the world was now based, in the " universal " principle embodied in the Covenant and in the Pact of Paris. As to the settlement of governmental debt, it was not merely the temporary relief provided by the present moratorium that was required, but (as the Basle experts pointed out) a sufficiently substantial lightening of the existing burden to restore confidence as the basis of new investment.

If confidence could not be restored by these methods sufficiently to attract the investing public, he saw only one other expedient; and that was that the governmental resources of the creditor countries should be made available as security for loans to the debtor countries. He confessed that he himself felt so strongly the immense difficulty of restoring the confidence of the investing public with the rapidity for which the situation called, that he thought the possibility of resorting to this measure should be occupying the urgent attention of the Governments concerned.

To sum up the necessities of the situation, what was needed was, first, a new financial lead making it clear at once that the post-moratorium position would be considered at a very early date; secondly, a new political lead making it clear that all the great countries in the world meant to support the collective system erected against war during the last twelve years; and, thirdly, a readiness to use Government resources as a security for external loans, as and when required.

What could the League do to promote these ends? And what could the Second Committee do?

He offered the following suggestions: The Committee might urge the necessity of the new political and financial leads he had indicated. It might state that the Financial Organisation of the League was equipped, and must (if necessary) be further equipped, to bring emergency help to bear as required. The Gold Delegation might be requested to hasten its final report with the practical conclusions at which it had arrived. The Financial Committee might draw up and publish the principles which should govern public borrowing. If all public loan schemes had been as carefully examined by disinterested advisers as the League's schemes were, the gap in the balance of payments would be much smaller than it was, and the task of restoring confidence would be much easier. But it was also essential that the principal financial markets should discipline themselves in such a manner as to prevent the investing public from borrowing for purposes opposed to the public interest. Effective influence was at present centred in a single institution in London, in little more than half a dozen houses in America and in a few hands in France. He believed they could do something, while the investing public was still reluctant, to make it very difficult for any individual house in future to tempt the investing public to lend its money to public authorities for improper or unproductive purposes. But if nothing was done until the markets were again in a mood of reckless optimism, no effective action would then be possible. This and much else of the League's financial work would, he was sure, be aided by increasing collaboration with the Bank for International Settlements, which the Credits Committee recommended. The work of research, classification and analysis of financial and economic facts which had been done during the past ten years by Mr. Loveday would be indispensable at any future conference, and for the practical control of monetary policy by whatever means.

After all, the present economic crisis was not due to scarcity. It had come in a time of plenty. Famines had made men suffer in the past, and might do so again, if the population of the world increased. But nature had never been so prodigal as now, nor man's skill so highly developed. Where nature was prodigal and man skilful and yet there was impoverishment, the inference was that the system which adjusted supply to demand, the machinery connecting the producer with the consumer, was not operating as it should. That, at any rate, was a problem which should be capable of human solution; and he believed that, if they could solve it, the world would make such a leap forward in prosperity as had never been seen before.

(The Chairman and the Vice-Chairman being obliged to withdraw from the meeting, M. BECH *was elected to the Chair.*)

M. VAN LANGENHOVE (Belgium) referred to the German delegation's suggestion with regard to the Francqui proposal. He said the discussions of the previous week had not been very comforting. No constructive remedies for the economic crisis had been proposed; but the

Francqui proposal was a definite contribution towards the solution of the financial crisis. He urged the Committee to recommend it to the Assembly. The scheme had not been fully worked out in detail and would require further technical study in co-operation with the Bank for International Settlements. But it would constitute an effective supplement to the completed scheme for the Agricultural Mortgage Credit Company.

M. BORBERG (Denmark) drew attention to the effective part which public works programmes had played in Denmark in combating unemployment and arresting the fall of prices. He hoped the necessary capital for public works in other countries would be available from the countries with capital surpluses.

M. FLANDIN (France) said that Sir Arthur Salter's theoretical proposals for filling the gap in the international balance of payments would be unassailable if the world were governed by reason and the distribution of gold were perfect, and there were no psychological factors to take into account. But once the psychological factor—*i.e.*, the factor of confidence or distrust—came into play, the whole of Sir Arthur's machinery would be upset.

Sir Arthur might feel he had answered that criticism by his suggestions of the need for a financial and political lead, coupled with the work of the Financial Organisation and the control by private organisations of the productive character of all credits. He himself was more sceptical. He did not believe that either the harmonising of the Covenant and the Pact of Paris or the visa of the Financial Committee would suffice to cope with the psychological factors involved. He thought this part of Sir Arthur Salter's speech afforded no basis for resolutions by the Assembly.

He disagreed with Sir Arthur Salter entirely, both in regard to reparations and in regard to the distribution of gold; and he did not believe it would ever be possible for the Assembly to evolve a common policy on those subjects.

Apart from any other considerations, the fact that the revision of intergovernmental debts could not be settled without America made it extremely dangerous for the Assembly even to approach these subjects without the co-operation of that country.

He further disagreed with Sir Arthur Salter in regard to the quantitative theory of money and in regard to his qualified approval of inflation as a means of raising world prices. On these subjects also, there was no possibility of general agreement.

On one point, however, he was prepared to agree with Sir Arthur Salter, and he thought it might suitably be made the basis of a resolution. He cordially agreed with the proposal to develop the Financial Organisation and to provide it with such further resources as it might require for its valuable work.

THIRTEENTH MEETING

Held on Thursday, September 24th, 1931, at 4.30 p.m.

Chairman : M. JANSON (Belgium).

33. Communication from the Fourth Committee in Reply to the Second Committee's Application for Supplementary Credits.

The CHAIRMAN read a letter from the Fourth Committee (Annex 14) in reply to the Second Committee's letters applying for supplementary credits (Annexes 9 and 10).

The Chairman was glad to note that the credit of 250,000 francs had been granted. He regretted that the Supervisory Commission had not seen its way to grant the credit of 50,000 francs, but he considered that the Second Committee should not press the matter.

34. Work of the Financial Organisation : General Discussion (continuation).

M. BRAADLAND (Norway) agreed with Sir Arthur Salter's remarks on international payments. The following additional figures threw light on the present situation. The creditor countries had a favourable balance of payments to the amount of a little under 3 milliards of dollars a year, of which only a quarter (or three-quarters of a milliard) was paid in goods, the balance (2 milliard dollars) being covered by new investments which were the basis of the activity of the exporting industries of the creditor countries. The cessation of investment by the creditor countries was giving rise to great difficulties. The effect on the price-level was shown by comparison of the figure 2 milliard dollars with the annual production of gold, which was 400 million dollars, 60 per cent of that amount being used for money purposes.

He agreed with what Sir Arthur had said in regard to the possibility of maintaining a higher price-level on the basis of the world's stocks of gold. The world's holding of gold amounted

in 1890 to 121 pence per person, in 1914 to 226 pence, and in 1929 to 282 pence—representing an increase of 130 per cent between 1890 and 1929.

He hoped that in its final report the Gold Delegation would show how and by what means fluctuations in the production of gold might influence the price-level. He was afraid some members of the Gold Delegation had been inclined up to the present to approach this question in too mechanical and, so to say, arithmetical a spirit.

35. Work of the Financial Organisation : Draft Report submitted by M. Bernis (Spain) (Annex 15): Adoption of Report.

PART I.—GENERAL.

Sir Cooverjee COYAJEE (India) proposed to point out in Part I of the report that financial and economic authorities emphasised the capital importance of a policy of regular and continuous investment by countries in which the world's resources are accumulated. He quoted Professor Sprague on the serious consequences of any interruption of the policy of foreign lending followed in recent years by the United States. He also quoted Professor Ohlin on similar questions.

Agreed.

M. FLANDIN (France) proposed the omission of the word "temporary" in regard to the obligations which the League might be called upon to assume.

He also thought it was undesirable to affirm too definitely the prospect of satisfactory results from programmes of public works in the creditor countries. The results might be unsatisfactory, if they involved too heavy a burden on the budgets of the States in question.

In view of the difficulties which various States were finding in balancing their budgets, was it wise for the League to recommend action calculated to increase budget deficits? Budgetary equilibrium was the first condition for the restoration of the financial and monetary situation of the world. Did the Committee think it desirable that the Assembly, on which the United States was not represented, should give advice to the latter or express approval of its policy? That would surprise many readers of the League of Nations publications.

He further thought it dangerous to recommend measures for encouraging production at a time when the whole world was unanimous in treating over-production as one of the reasons for the present difficulties. He therefore proposed the omission of the entire passage in the report containing a recommendation to that effect.

He did not think it could be said that the League ought to lend its aid, amongst other things, to the elaboration of new schemes of financial reform, because it was undesirable that Governments should be in a position to think that schemes of financial reform elaborated by the League might be imposed on them. He proposed a more flexible wording for the last sentence of Part I, such as would spare national susceptibilities.

The reference to "special . . . meetings" in the same sentence led him to repeat what he had said on the previous day on behalf of the French Government—namely, that the latter did not consider it desirable to summon financial conferences for the study of certain general problems.

M. BERNIS (Spain), Rapporteur, agreed to omit the word "temporary", but asked the Committee to leave the passage with regard to the stimulus to be given by Governments to individual initiative and with regard to the policy of the United States Government.

M. FLANDIN (France) pointed out that, in his opinion, it was not desirable for the League to give advice to a country which was not a member of the League. He also doubted, from the financial and technical point of view, whether it was prudent to recommend measures likely to interfere with budgetary equilibrium. That amounted to an intervention in the internal policy of the countries concerned. The suggestion made was highly disputable, and was not equally applicable to all countries. If the text was maintained, he proposed to maintain his reservations and to ask for their insertion in the Minutes.

M. TRIP (Netherlands) was also in favour of omitting the passage, and desired, on behalf of the Netherlands delegation, to make the same reservations as M. Flandin.

M. Flandin's suggestions were accepted by the Rapporteur and were approved.

M. FLANDIN (France) reminded the Committee of what he had said in connection with the summoning of special meetings. The French Government considered it unprofitable to contemplate, in present circumstances, the summoning of conferences to discuss certain problems which had been raised in the Committee's discussions, such as the question of gold and the revision of intergovernmental debts. Though not objecting to the text before them, he wished to repeat the reservations he had already made on behalf of the French Government, and he desired that they should be inserted in the Minutes.

The last sentence of Part I was adopted with the modification proposed by M. Flandin.

Sir Arthur SALTER (British Empire) proposed that the last sentence of the ninth paragraph should read as follows :

"It would be of the greatest advantage if the League on the one hand and, by their influence, the most responsible authorities in the financial markets on the other, could discourage loans to public authorities or to others for unproductive or improper purposes."

Agreed.

M. TRIP (Netherlands) proposed the omission of the second part of the second sentence of the last paragraph.

Agreed.

M. ROMAN (Poland) did not wish the impression to be given that the Internationa Agricultural Mortgage Credit Company was intended to serve the interests of countries severely hit by the economic crisis. He accordingly accepted the following text proposed by M. Flandin :

"The scheme which the Financial Committee elaborated with the experts which it called upon to assist it for the establishment of an International Agricultural Mortgage Credit Company affords another example of a method by which such Government assistancel may be afforded."

Agreed.

Part I was adopted as a whole.

PART II.—WORK OF THE PAST YEAR.

M. KAWASHIMA (Japan) asked, in connection with the section, "Economic Intelligence Service", that the Committee should draw attention to the problem of the depreciation of silver and to the desirability of applying the League's economic studies to extra-European countries, as the European countries already benefited sufficiently from those carried out under the auspices of the Commission of Enquiry for European Union. The Washington Conference had recommended a conference for stabilising the price of silver. He accordingly proposed the insertion in the report of a passage calling attention to the seriousness in the fall in the price of silver and its effect on the economic depression in all Asiatic countries and emphasising the desirability of information on the question. As regards his second proposal, he did not think it need be specially mentioned in the report and would be satisfied if his observations were included in the Minutes.

Sir Arthur SALTER (British Empire) thought it would be interesting to point out that a number of the leading economists of Tokio had formed, on their own initiative, a small committee to ensure adequate use being made of information collected by the League relating more particularly to Japan and the Far East, and further to assist the League in obtaining useful information on questions specially relating to that part of the world.

M. KAWASHIMA (Japan) took the opportunity to convey to Sir Arthur Salter the thanks of the Japanese Government for his visit to Japan as the representative of the League. He hoped the League would continue to devote attention to the economic situation in the Asiatic countries.

Part II of the report was adopted as a whole.

36. Adoption of the Draft Resolution : Appointment of the Rapporteur to the Assembly.

The draft resolution was adopted in the following form :

"The Assembly,

"(1) At this grave moment of financial and economic anxiety, urges on all Governments to do everything that lies in their power to promote international understanding and make possible the revival on a normal basis of national and international investment.

"(2) It welcomes the decision of the Council laying down the conditions on which the Financial Committee should be prepared to consider applications from States which are desirous to obtain the assistance of the League, and requests the Council to follow closely the evolution of events and to take all measures necessary to assure that, at any moment, the decisions demanded by the situation may be taken without delay, and that the League of Nations may be in a position to render such service as may be demanded of it; and, in particular, to provide that the Financial Organisation of the League of Nations obtains the funds and the technical assistance necessary to permit it to afford to all States Members prompt and effective assistance whenever such assistance be sought, whether by means of delegations or advice or by any other means.

"(3) In view of the fact that the Commission of Enquiry for European Union and its Sub-Committee of Economic Experts have given favourable consideration to M. Francqui's proposal to establish an institution for long- and medium-term credits, it requests the

Council of the League of Nations to instruct the competent organs of the League to examine, as soon as possible, with the assistance especially of M. Francqui, the proposal submitted by the latter to the Sub-Committee of Economic Experts, and, in the event of any practical scheme being recommended under the auspices of the League, to ensure that it will be open for all countries to participate on an equal footing.

"(4) It expresses its appreciation of the valuable work carried out during the past year by the Financial Committee and its special Delegations on Gold and Agricultural Credits and by the Fiscal Committee and by the Financial Organisation as a whole, and notes with special satisfaction the Convention for setting up an International Agricultural Mortgage Credit Company, the recent response to the request submitted by the Austrian and the Hungarian Governments for enquiries into their financial situation, the second interim report of the Gold Delegation and the study which has been published on the course and phases of the economic depression.

"It urges all Governments of signatory States to accelerate their ratification of the Convention of the International Agricultural Mortgage Credit Company, and hopes that those others who, under the terms of the Convention, are enabled to deposit their signatures before September 30th will do so.

"(5) It approves the proposal that, in order to co-ordinate the work now being conducted on the problem of the recurrence of periods of economic depression, the League should convene meetings of experts and representatives of those economic councils, research institutes and other organisations that are actively engaged on this question, and should appoint a qualified economist and adequate staff for this purpose, and decides that this work shall be begun either before or in the year 1933."

In the course of the discussion M. FLANDIN (France) said that the French delegation was not opposed to international consultations of the kind provided for in the draft resolution taking place inside the League, in the event of their proving to be desirable. He urged, however, that, if meetings of this kind were called upon to discuss certain problems, the presence of certain parties which were not members of the League was indispensable. For this reason he reserved the right of all Governments to discuss as they pleased such questions as interested them by direct negotiation. As regards the international consultations which, under the terms of the last paragraph of No. 2 of the original text, were to be convened by the Financial Committee, the French delegation would be obliged to make a formal reservation on the subject and to state at once that there was no certainty of the French Government's agreeing to be represented on conferences of this kind.

Sir Arthur SALTER (British Empire) pointed out that, when the passage of the report relating to these meetings was adopted, it had been understood that the reservation made by M. Flandin did not preclude the possibility of convening international meetings to consider the questions referred to by the French delegate. This possibility would be implied by the words "or by any other means".

M. FLANDIN (France) accepted the British delegate's interpretation.

Sir Arthur SALTER (British Empire) said that the Fourth Committee's decision regarding the credit for the study of the periodicity of economic depressions was not necessarily final, and that the Second Committee had pronounced unanimously in favour of the necessity of undertaking this work within the shortest possible period, and had recognised that it would be disastrous to abandon the idea of the work for a saving of 50,000 francs, when the world had still so much to learn from the study of these economic fluctuations and depressions. He therefore asked whether the Chairman could not take further steps to obtain, if not the whole of the credit requested, at any rate a sufficient sum to enable the work to be begun in 1932.

The CHAIRMAN pointed out that the Committee had decided not to press the point, and to confine itself to expressing satisfaction at the acceptance of its first application for credits. He was prepared, however, to do what Sir Arthur Salter suggested.[1]

M. BERNIS *(Spain) was appointed Rapporteur to the Assembly on behalf of the Committee.*

The CHAIRMAN declared that the work of the Second Committee was concluded.

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[1] For reply to this request, see Annexes 16 and 17.

ANNEX 1.

WORK OF THE COMMUNICATIONS AND TRANSIT ORGANISATION.

REPORT SUBMITTED TO THE SECOND COMMITTEE BY M. COSTA DU RELS (BOLIVIA).

A feature of the work of the Communications and Transit Organisation since the last Assembly has been the success of three international conferences—one for the unification of buoyage and the lighting of coasts, to which the Governments of the maritime countries were invited, and two others on the unification of river law and on road traffic, to which the Governments of the European countries were invited.

The Conference for the Unification of Buoyage and the Lighting of Coasts met at Lisbon from October 6th to 23rd, 1930, on the invitation of the Portuguese Government. It aroused keen interest among specialists. Though the Conference did not completely finish its work, it nevertheless effected very important progress. It adopted an Agreement concerning Maritime Signals, an Agreement concerning Manned Lightships not on their Stations, and a number of recommendations on lighthouse characteristics and radio-beacons. A great many Governments signed these agreements. The problem of the unification of buoyage characteristics raised serious difficulties, and the Conference could not draw up a convention. Nevertheless, the preparatory work required for a convention on this subject was carried so far at the Conference that an agreement, which would be as universal as possible, can almost certainly be reached on this matter when the Conference, which has already expressed the desire, is called upon to resume its work at an early date.

The Conference on the Unification of River Law met at Geneva from November 17th to December 9th, 1930. It adopted, in particular, a Convention for the Unification of Certain Rules concerning Collisions in Inland Navigation; a Convention on the Registration of Inland-Navigation Vessels, Rights *in rem* over Such Vessels and other Cognate Questions; and a Convention on the Administrative Measures to Attest Nationality of Vessels employed in Inland Navigation. The first two Conventions, in particular, were signed by the representatives of the majority of the Governments concerned. The success of this Conference, which dealt with particularly difficult problems requiring methodical and careful preparatory work—which has been carried out by the Transit Organisation's Committee for the Unification of River Law during a number of years—will not only make it possible to prevent certain conflicts of law detrimental to the exercise of maritime navigation, but will also be of assistance to the owners of inland-navigation vessels in obtaining the mortgages which they require.

The European Conference on Road Traffic, which met in March 1931, adopted an International Convention on the Unification of Road Signalling, which is of particular importance for motor tourist traffic and the safety of transport by road; a Convention on the Taxation of Foreign Motor Vehicles, intended to do away with certain formalities and charges to which international motor tourist traffic is at present liable; and, finally, an agreement between the Customs authorities in order to facilitate the procedure in the case of undischarged or lost triptychs. The signatures already given to these various Conventions make it clear that the Conference has obtained complete success on all those points. The Conference also had before it a draft Convention on International Commercial Motor Transport. Owing to the great and steady growth of commercial motor traffic during the past few years, a great many delegations considered themselves unable to form a correct idea of the legal consequences of a convention on this subject, and the Conference decided that it would be better to hold over for a later Conference such solutions as it might be desirable to adopt internationally, after the further necessary enquiries into the legislation of the various countries had been completed.

It would appear to be unnecessary in the present report to examine the work carried out by the Advisory and Technical Committee for Communications and Transit and its organs with regard to the preparation for the fourth General Conference on Communications and Transit, which is to meet on October 12th next. This Conference, which meets, according to the Statutes, every four years, will undertake a general examination of the work of the Transit Organisation. Further, in accordance with the request of a previous Assembly, it will examine the expediency, from an economic and social standpoint, of fixing movable feasts and reforming the calendar. Its results will be brought before the next Assembly, which will be in a better position to examine them.

On the other hand, the special attention of the Assembly should be drawn to the services which the Organisation for Communications and Transit is beginning to render in a sphere which in some respects is new—namely, that of international co-operation for the study and preparation of the great problems of public works. In the past, the Communications and Transit Committee, at the request of the Polish Government, granted the assistance of experts, who submitted a report to the Polish Government on certain questions which had arisen in Poland regarding internal navigation and the draining of marshes.

The National Government of China, following the visit to China of the Director of the Communications and Transit Section of the Secretariat, requested the help of the Transit Organisation in obtaining the services of experts finally to establish a programme for the public works contemplated by the Chinese Government. The programme includes work in the river basin of the Hwai and the river system of Northern China and a scheme for the development of the port of Shanghai. The assistance of the Transit Organisation had also been requested in the organisation and development of a centre for the technical study of public works. The centre is intended to facilitate the technical training of civil engineers, and to assist in the organisation and direction of studies, more especially for the construction of roads and waterworks. It will form the nucleus of an international service of civil engineers. Further, in response to the request addressed by the Government of China to the Council of the League of Nations that the technical organisations of the League may be continuously available for advice to the National Economic Council, which the Chinese Government has set up with a view to a general scheme of reconstruction, the Communications and Transit Organisation may be called upon to assist in establishing a scheme of public works and national technical equipment in China.

The Advisory and Technical Committee, on behalf of the Organisation for Communications and Transit, has agreed to undertake these various duties and has assured the National Government of China that it will spare no effort to justify the confidence placed in it by the Chinese Government and to assist the National Government of China to carry out its work of economic reconstruction in the sphere of communications and public works. A Committee has been appointed to study methods of training civil engineers, and has been asked to examine questions relating to the organisation of the technical centre to be created for this purpose. Further, a Committee of Enquiry, appointed to deal with general questions relating to public works, has been invited to examine any questions raised in the course of the collaboration between the Communications and Transit Organisation and the National Economic Council of China concerning the establishment of a scheme of public works and national technical equipment. All the necessary steps have, moreover, been taken by the Advisory and Technical Committee to facilitate the appointment and despatch of experts required to work on the spot and to ensure, by means of technically qualified officers, seconded for short service in China, the necessary contact between the Transit Organisation and the technical bodies of the Chinese Government, particularly the technical centre entrusted with the study of public works.

Quite recently, the Commission of Enquiry for European Union requested the Council to send to the Public Works Committee of the Communications and Transit Organisation, for its examination, any requests which might be received from various European Governments for the examination of programmes of publics works of interest to those States with a view to promoting international co-operation in the execution of works of proved economic and social interest.

The Assembly will doubtless note with satisfaction the work which the Communications and Transit Organisation continues to accomplish, and will be especially gratified that the Organisation, which at first was obliged to attach special importance to questions of principle relating to the legal settlement of international difficulties in respect of communications, is at present, in view of the economic problems which occupy a predominant position in the minds of all nations, endeavouring more and more to co-operate in the work of economic reconstruction and to carry out the essential task of placing an impartial service for the study of the great economic and technical questions of communications and public works at the disposal of all nations.

I propose to the Second Committee to submit the following resolution to the Assembly for adoption :

> " The Assembly,
>
> " Takes note of the work undertaken by the Organisation for Communications and Transit since the last Assembly, and, in particular, of the success achieved by the Conference for the Unification of Buoyage and Lighting of Coasts, the Conference for the Unification of River Law and the Conference on Road Traffic;
>
> " Expresses its confidence that the Organisation will do its utmost to assure the entire success of the co-operation established with the National Government of China for the study of questions of public works in which its assistance has been requested, and will also take all suitable steps to comply with requests for advice in respect of public works which it may receive from the various Governments."

ANNEX 2.

WORK OF THE COMMUNICATIONS AND TRANSIT ORGANISATION.

AMENDMENTS TO THE DRAFT REPORT SUBMITTED TO THE SECOND COMMITTEE BY M. COSTA DU RELS (BOLIVIA).

Page 69, *line* 13 *of text, read :*

" Nevertheless, the preparatory work required for a Convention on this subject was carried sufficiently far at the Conference for there to be every prospect of reaching an agreement which would be as universal as possible when the Conference, in accordance with the desire it expressed, is called upon to resume its work. The Assembly naturally expects that the Communications and Transit Organisation will not propose the summoning of a second Conference until it has taken every care to ascertain that such a Conference would be likely to meet with complete success."

Page 69, *line* 29, *add :*

" Likewise, in regard to river navigation, the Transit Organisation, in collaboration with the International Labour Organisation, has been able to undertake the study of questions of social legislation concerning inland navigation, particularly of questions of conditions of employment of personnel in inland navigation. It is to be hoped that the studies the experts are now engaged on will enable concrete proposals to be drawn up on this subject."

Page 69, *before the words, " On the other hand ", insert the following paragraph :*

" Nor does it appear necessary to examine in detail the various resolutions adopted by the Committee for Communications and Transit at its last session. It may, however, be pointed out that the Advisory and Technical Committee has taken steps to place and keep on its agenda the question of the transport of agricultural products, to which its attention was drawn by the Conference for Concerted Economic Action. Although for the study of this question to be pursued further we must wait until such time as, in the words of the resolution adopted by the Committee for Communications and Transit, the policy of co-operation between States is sufficiently fixed, it is nevertheless desirable that the Communications and Transit Organisation, with the help of the International Institute of Agriculture, should assemble more precise particulars, which would enable it to select those problems which might be approached with advantage, as well as those categories of agricultural products which appear most likely to benefit from the application of suitable measures.

" The special attention of the Assembly should be drawn . . . "

Page 70, *third paragraph, after the words, " the Commission of Enquiry for European Union ", add:*

" In pursuance of a suggestion put forward by the Director of the International Labour Office . . . "

Page 70, *Resolution, second paragraph, replace by the two following paragraphs:*

" Expresses its confidence that the Organisation will do its utmost to secure the entire success of the co-operation established with the National Government of China for the study of questions of public works in which its assistance has been requested;

" Likewise expresses its confidence that the Transit Organisation will endeavour to take suitable steps to comply with requests for advice in respect of public works which it may receive from the various Governments, such as the requests for advice referred to in the report of the Commission of Enquiry for European Union."

ANNEX 3.

WORK OF THE HEALTH ORGANISATION.

REPORT SUBMITTED TO THE SECOND COMMITTEE BY M. ZDENEK FIERLINGER (CZECHOSLOVAKIA).

The reports submitted to the present Assembly on the work of the Health Organisation of the League of Nations—namely, the annual report of the Health Organisation for 1930 (document A.7.1931.III), the report of the Secretariat on the work of the League of Nations since the last Assembly (documents A.6 and A.6*(a)*.1931) and the report of the Singapore Bureau—are so complete that, with your permission, I shall confine myself to a brief review of those of its activities

which are particularly significant from the point of view of the interesting methods of international co-operation developed by this Organisation. As you will remember, these methods were eloquently described by the Rapporteur to the last Assembly, the honourable delegate of the British Empire. She pointed out that the solution of the questions dealt with by the Health Organisation involved three stages—firstly, study of the question and collection of information; secondly, on the basis of this information pronouncement of a general opinion; and, lastly, the action stage when each Government was called upon to take the necessary measures.

I. Since last year's Assembly, the Health Organisation has developed one of its most important tasks—that of giving its assistance to Governments asking for an opinion on the methods to be employed to solve general or special administrative and medical problems in the sphere of public health. You will excuse me if in this connection I allow myself the pleasure of mentioning, in the first place, the liaison which has been established with the Ministry of Public Health and Physical Education in my country with a view to a study of the health conditions of certain districts. These investigations will, I hope, lead to recommendations which will help to make it possible to draw up a complete public health programme for Czechoslovakia. As an important stage in the putting into force of the plan of health reorganisation adopted by the Greek Government as a result of the request for assistance which this Government had previously addressed to the League of Nations, the School of Hygiene—an integral part of the Athens Health Centre—was opened in March 1931. As regards the other parts of the programme, very satisfactory progress is being made.

In Bulgaria the campaign against various diseases conducted in certain districts of this country in co-operation with the Health Organisation has already begun to bear fruit, thanks to the creation of appropriate establishments and to the efforts made in the sphere of medical assistance and health protection.

At the request of the Roumanian Government, the Health Organisation has assisted in setting up an enquiry into the causes and prevention of infant mortality and still-births on the lines of those already carried out with such excellent results, also under the auspices of the Health Organisation, in various countries of Europe and South America. The results of the enquiry at present in progress will be put into practical application in Roumania.

An expert was appointed by the Health Organisation to take part in the work of the mission sent to Liberia by the Committee of the Council in order to study the problems raised by the request for assistance submitted to the League of Nations by the Government of that country.

As a result of the report of the representatives of the Health Organisation who were sent to Bolivia at the request of that country's Government, the Director-General of Public Health has laid before the Health Committee a programme for the reorganisation of the Bolivian Health Services, and has asked the Health Organisation to co-operate in its application. The Health Committee has decided to lend its assistance to the Bolivian Government, both with a view to the training of a certain number of public health specialists and to co-operating in studies in certain tropical and sub-tropical regions, and giving the Bolivian Government an opinion on the proposed plan of reorganisation. An expert of the Health Organisation will shortly leave for Bolivia.

The report on the enquiries relating to infant mortality undertaken at these countries' requests in the Argentine Republic, Brazil, Chile and Uruguay, which were discussed at the Conference held at Lima in July 1930, has been communicated to the health administrations of the Latin-American countries, most of which had, indeed, been represented at this Conference. The results of the enquiry, which correspond to those obtained by similar enquiries undertaken in Europe, give very valuable indications to the health administrations as to the methods of combating the perils which threaten early infancy.

The report of the Montevideo Conference held in September 1930, thanks to the generosity of the Uruguayan Government and with the assistance of the Health Organisation, also contains particularly instructive information. This information relates to the value of the different methods employed for the serological detection of syphilis, and will be useful, not only to the South American authors of these methods who took part in the practical work of the Conference, but also to the whole scientific world interested in this question. The Montevideo Conference also recommended that this special serological work should be continued by all the South American countries, and should be co-ordinated by the Health Organisation.

I am glad to inform the Committee that the Brazilian Government has offered to create at Rio de Janeiro an International Study Centre on Leprosy, which will be placed at the disposal of the League of Nations. The Council has just accepted this offer and warmly thanked Brazil for her generous action, which will be of great value for the continuation of the international studies contemplated by the Leprosy Commission.

Everyone will remember the information given to the Committee last year by the distinguished delegate of the British Empire regarding the state of the reconstruction work undertaken in China, for which the services of the Health Organisation were placed at the disposal of the Government of that country.

I would remind you that, since that time, as a result of the Secretariat's missions, the assistance of other organs of the League of Nations has been requested, and I will venture to recapitulate the progress achieved in the special sphere of hygiene. The organisation of the Central Field Health Station at Nanking to form the nucleus of the National Health Service provided for in the reorganisation plan is being actively pushed on, and is already partly in operation. The first national hospital, also at Nanking, is already working at full pressure. The Chinese National

Quarantine Service began its task several months ago in a number of localities. An expert appointed by the Health Organisation has visited the Chinese schools of medicine, and has assisted the National Commission in drawing up a standard programme of instruction. His report, with the Health Committee's recommendations, has been communicated to the Chinese Government, and will permit of the organisation and operation of an initial model school at Nanking. The creation of this school will constitute the first stage in the reform of medical teaching. The organisation of the campaign against cholera and smallpox in the Shanghai zone is being effectively pursued. It has also been proposed to ask the Health Organisation's assistance for the solution of other medical and hygienic problems. Moreover, individual study grants have been awarded to the holders of several posts in the new institutions provided for in the plan of health reorganisation, as has also been done in similar cases in other countries.

The work of reconstruction in China, which has extended to questions of intellectual co-operation, economics and communications and transit, after health questions, demonstrates once again the utility of the Health Organisation in the work of the League of Nations. I think I shall be expressing the feelings of all in voicing our admiration for the perseverance with which the Chinese Government, without being discouraged by the disasters which have just visited its country, is continuing to devote all its energy to the work of national reconstruction.

As you have already learnt, the Director of the Chinese National Health Administration has requested the Health Organisation to take urgent steps for concerted action by the health services of China's neighbours to prevent the epidemics by which the flooded regions are threatened. We do not doubt that China's appeal will be favourably received, and we all hope that this action, which is now in course of preparation, will shortly prove its effectiveness.

The measures taken by the Governments who have asked for the Health Organisation's help must, of course, be based on a technical opinion resulting from the experience of numerous countries and constituting a survey of the present state of science and practice in the sphere of public health. The new Health Committee, which met for the first time at the end of September 1930, has instituted a new method of work, which consists in the creation of Reporting Committees, composed of a limited number of experts, to formulate opinions capable of being utilised, not only by these Governments, but by all administrations desirous of reorganising or organising their health services. These Committees are responsible for drawing up a plan of action for the different branches of hygiene. Each subject will be dealt with in an essentially rational manner, this being of great importance owing to the economic crisis which the whole world is going through, and the plan will, at the same time, be capable of adjustment to the natural, social, economic, financial and technical resources of the different countries.

The recommendations contained in the reports of the Leprosy Commission drawn up at this Commission's meeting at Bangkok in December 1930 also represent a series of prophylactic and curative methods of universal value, conceived on the principles I have just indicated and established on the basis of the scientific and practical experience acquired in the last thirty years. Similarly, the report on schools of hygiene drawn up as a result of the meetings of directors of schools of hygiene held at Paris and Dresden in 1930 provides guiding principles of this kind, of great value to Governments which, in their efforts towards reconstruction and progress, desire to train public health officials to co-operate in this work.

The Committee will certainly agree with me in expressing its appreciation of the methods which the Health Organisation has adopted in response to the desire manifested by the last Assembly that the experience acquired by this Organisation should be placed to an increasing degree at the disposal of the States Members.

II. Among the permanent tasks of the Health Organisation, I should like to refer first to the work which it has entrusted to its Eastern Bureau. The value of the Singapore Bureau, which has been recognised by former Assemblies, is continuously increasing through the technical improvement in the transmission of notifications of infectious diseases. This Bureau is at present acting as a centre for epidemiological intelligence, and also for co-ordinating research into questions peculiar to the countries situated within its field of action. I am sure that we all desire to see this action develop so that the Bureau may become, to an increasing extent, the general agent for the East of the health work of the League of Nations. The Epidemiological Intelligence Service of the Health Section of the League of Nations Secretariat is also continuing to prove its value as the basis of an international system for combating epidemics.

Another permanent task of the Health Organisation has been carried out through collective study tours, known as " interchanges ", which provide an effective means of exchanging knowledge acquired by various countries in health matters. A tour of this kind is at present in progress in the United States for the study of questions concerning milk-supply and the fumigation of ships. In this connection, I would draw attention to the welcome offer of the French Government to establish in Paris an International School for Advanced Health Studies for the purpose of continuing and centralising, through a permanent institution available for all nations, the work already carried out in this field by periodical meetings of the directors of the various schools of hygiene, by the " interchanges ", and by the grant of individual study scholarships.

The comparative research into immunisation against diphtheria and scarlet fever undertaken in several countries was discussed at a meeting of experts, bacteriologists, clinicians and serologists held in London this summer. This meeting adopted recommendations with regard to the best methods of vaccination and the most profitable way of applying them for effectively combating these diseases, which are a matter of concern for all health administrations. The Permanent

Commission on Standardisation has again taken an important step forward. This Commission has, during the current year, adopted several new international standards for serological products and for a number of vitamins. These results are very valuable both from the scientific point of view and for the testing of the innumerable preparations on the market. The activities of this Commission are another striking example of the methods of international co-operation adopted by the Health Organisation. As a result of comparative research, international standards are fixed and subsequently adopted by the national authorities as a working basis. Enquiries made by the Malaria Commission in this field have also led to the definition of a standard product of the total alkaloids of cinchona (the " totaquina "), which has the same effect as quinine. The results of these enquiries will meet the necessity of an increase in the supply of the active product, and will probably help to bring about a decrease in the cost of treatment.

III. I was particularly interested in the discussions of the European Conference on Rural Hygiene, which I was able to follow personally, and the report of which has just been adopted by the Council (document C.473.M.202.1931.III). The preparatory work and the discussions of this Conference, which was convened by a decision of the Council on the proposal of the Spanish Government, have made it possible to compare the experiences of various countries in the matter of rural hygiene, which must be regarded as one of the most important factors in the organisation of agricultural districts. Interdependence in economic and social questions, as well as in health conditions, is, in fact, particularly felt in rural districts.

I was struck by the sincere spirit of co-operation shown by all those taking part in this Conference. This spirit made it possible to adopt the recommendations unanimously, thus giving them a moral force which will be a valuable support to the action of those national or local health administrations which wish to apply them. These recommendations are, in fact, a practical guide to effective and economical rural health administration. They deal with the guiding principles and suitable methods for ensuring effective medical assistance in rural districts, the organisation of health services in rural districts, and the improvement of health conditions in such districts. While taking account of the necessity of adapting the measures advocated to local conditions, the Conference fixed a certain number of minimum standards. It emphasised the praiseworthy tendency towards the rationalisation of health organisation.

For the first time in a Conference of such importance, those taking part included representatives of social welfare, health insurance, agricultural associations and the medical profession, as well as agriculturists, architects, hygienists and engineers. Three large international organisations dealing with the protection of rural populations—the Health Organisation of the League of Nations, the International Labour Office and the International Institute of Agriculture—took part in close co-operation in the preparation and work of the Conference. The Conference was attended by eighty-six delegates and experts from twenty-five European countries, and also by eight observers from non-European States. The effect of the recommendations adopted extends far beyond Europe, and their value for overseas countries was recognised by the observers delegated by those countries.

The Conference also put forward a certain number of interesting proposals for international enquiries in the matter of rural hygiene. These enquiries are to deal with the programme and methods to be adopted for the professional training of health visitors and sanitary engineers, the cost of medical services and health services in certain specially selected rural districts, the quality of milk in rural districts, the fight against the hatching of flies, typhoid fever, methods for analysing and testing drinking-water and water used for other purposes. The various European schools of hygiene and similar institutions whose directors met during the Conference will carry out most of these enquiries according to a uniform plan co-ordinated by the Health Organisation.

I have spoken at some length on the results of the European Conference on Rural Hygiene, as I was anxious to draw particular attention to them. I am sure everyone will agree with me in recognising the value of the work accomplished, and will be anxious for its scope to be increased on the basis of the principles which proved so effective during this Conference, so that the rural populations of all countries may benefit by it in the near future.

In conclusion, I will propose the following draft resolution :

" The Second Committee,

" Having noted the reports of the Health Organisation of the League of Nations published since the last Assembly :

" Recognises with satisfaction the value of the methods of international co-operation employed by this Organisation for the accomplishment of the international task of the League of Nations;

" Notes with satisfaction that the experience acquired by this Organisation is being made available to the States Members of the League to an ever-increasing extent;

" Notes with interest the work accomplished in connection with rural hygiene, and expresses the hope that the task undertaken in this field will be developed so that the rural populations of all countries may benefit thereby in the near future;

" Approves the work carried out by the Health Organisation since the last session of the Assembly;

" And congratulates it on the results obtained, which furnish fresh proofs of the concentration of its efforts on definite tasks, and reveal the worldwide scope of its work."

ANNEX 4.

LETTER FROM THE CHAIRMAN OF THE SIXTH COMMITTEE TO THE CHAIRMAN OF THE SECOND COMMITTEE REGARDING THE UTILISATION OF THE TECHNICAL AND ADVISORY ORGANS OF THE LEAGUE BY THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION.

The Sixth Committee, at its meeting on September 16th, decided to refer, for study, to the Second Committee the technical questions—particularly economic and financial questions, as well as questions of transit and communications—dealt with in the reports of the Commission of Enquiry for European Union to the Assembly. The Sixth Committee assumes that the Second Committee, in presenting its reports, will take into consideration the material furnished by the work of the Commission of Enquiry.

The Sixth Committee reserves the right to submit to the Assembly proposals as to the constitution, organisation and methods of work of the Commission of Enquiry. In this connection, it may be observed that, in the course of the past year, the Commission of Enquiry has had to create several special committees for the study of certain economic questions the urgency of which appeared to require this mode of procedure.

The report of the Organisation Sub-Committee set up by the Commission of Enquiry, and now submitted for the consideration of the Sixth Committee, indicates the conditions under which the Commission of Enquiry may have recourse to the co-operation of the technical organs and advisory committees of the League of Nations (see report by the Secretary-General on the work of the Commission of Enquiry for European Union (document A.17), section 2, paragraph 2), a right of which it has already availed itself with the authorisation of the Council of the League.

The Sixth Committee, being aware of the desire of the Commission of Enquiry to limit as far as possible the setting up of special committees and to utilise as a general rule the existing organs of the League, would be grateful to the Second Committee if this latter would give it an assurance that the permanent organs of the League will be in a position to satisfy, with the flexibility and promptitude which may be necessary, any demands the Commission of Enquiry may make.

(Signed) MOTTA,
Chairman of the Sixth Committee.

ANNEX 5.

LETTER FROM THE CHAIRMAN OF THE SECOND COMMITTEE TO THE CHAIRMAN OF THE SIXTH COMMITTEE CONCERNING THE WORK OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION.

In reply to your letter of September 16th, 1931, I have the honour to inform you that the Second Committee, in preparing its reports for the Assembly, will not fail to take into consideration the material furnished by the work of the Commission of Enquiry for European Union.

The Second Committee has also considered whether the financial, economic, transit and health organs of the League would be in a position to satisfy, with the flexibility and promptitude which might be necessary, any demands the Commission of Enquiry might make.

After enquiring into the organisation and methods of work of these permanent organs, the Second Committee considers that, as a general rule—with the exception of certain special cases which may arise—these organs seem to be in a position to afford the Commission of Enquiry for European Union any assistance which it may ask of them.

The budget of the Financial Section and Economic Intelligence Service for the year 1932 does not, however, provide for any meetings beyond the three regular sessions of the Financial Committee and three meetings of special committees which will probably be required for the normal work of the Financial Committee. The preparatory work in connection with the scheme for an International Agricultural Mortgage Credit Company drawn up by the Commission of Enquiry has during the present year necessitated an outlay of 27,981 Swiss francs for meetings and 8,820 Swiss francs for printing expenses. The Financial Section and Economic Intelligence Service will not be able to satisfy any demands involving similar expenditure during the year 1932.

With regard to the problem of a pact of economic non-aggression, the Second Committee entirely agrees with the Sixth Committee that, in view of the special nature of this question,

it would be advisable to entrust it to a special committee to be appointed by the Commission of Enquiry for European Union. It also considers that the question is of interest to the whole world, and it would therefore seem that the non-European States which the Assembly might invite to join this committee should be: Australia, China, India, Japan and Uruguay. The Council of the League of Nations might also be requested to invite the United States of America to join the committee.

(Signed) Paul-Emile JANSON,
Chairman of the Second Committee.

ANNEX 6.

DRAFT CONVENTION FOR THE REGULATION OF WHALING.

NOTE BY THE SECRETARY-GENERAL.

September 12th, 1931.

In Circular Letter 158, dated July 3rd, 1930, the Secretary-General of the League of Nations forwarded to the Members and States non-members of the League the text of a preliminary draft Convention for the regulation of whaling (document C.353.M.146.1930.II), drawn up by the Economic Committee with the assistance of experts.

In another Circular Letter, 259, dated September 27th, 1930, the Governments were invited to communicate their observations on this draft.

At its meeting on May 20th, 1931, the Council authorised the Secretary-General to place the question of a Convention on this subject on the supplementary agenda for the Assembly if the Economic Committee, after considering the replies of the various Governments, was of opinion, at its session in June, that it was desirable to open such a Convention for signature.

Being informed that the Economic Committee is of that opinion, the Secretary-General has placed the question on the agenda of this Assembly.

The Economic Committee felt, however, that a small committee of experts and jurists should be appointed to recast the text of the draft prepared by it in the light of the observations of certain Governments.

This Committee, which sat on September 9th and 10th, 1931, consisted of the following:

Chairman:

Professor E. LE DANOIS, Secretary-General of the Mediterranean Commission, Director of the Office scientifique et technique des Pêches maritimes, Paris (France).

Members:

Mr. J. O. BORLEY, O.B.E., Fisheries Adviser, Colonial Office, London (Australia);
Mr. E. R. DARNLEY, Colonial Office, London (Great Britain and Northern Ireland);
Dr. W. RIDDELL, Dominion of Canada Advisory Officer, Geneva (Canada);
Mr. Charles E. LYON, Commercial Attaché to the United States Legation, Berne (United States of America);
M. D. Manuel MARTINEZ PEDROSO, Professor of Law in the University of Seville (Spain);
M. GRUVEL, of the Museum, Technical Adviser to the Ministry of the Colonies, Paris (France);
M. Salvador MARTINEZ DE ALVA, Permanent Observer at Geneva (Mexico);
Dr. Johan HJORT, Professor in the University of Oslo (Norway);
Dr. J. J. TESCH, Chief of the Sea Fisheries Division of the Netherlands Institute of Oceanic Exploration, The Hague (Netherlands);
Dr. Alfredo DE MAGALHÃES RAMALHO, Director of the "Vasco da Gama" Aquarium, Lisbon (Portugal).

It may not be out of place to refer here to the idea underlying the Economic Committee's draft. Its object was to put an end to the uneconomic exploitation of the greater cetacea which particularly affects baleens or whalebone whales. These comprise two classes. First, there are the species grouped under the general name of "right-whales", which were so unremittingly hunted by the old whalers that they are becoming increasingly rare. In order to make sure of saving these species, the draft provides that their taking or killing shall be totally prohibited.

On the other hand, for the whales known as "fin-backs"—*i.e.*, the *balænoptera*—whaling regulations are proposed which are designed, without injuring the essential interests of the whaling industry—and indeed in order to secure the future of that industry—to concentrate whaling on animals with a large commercial value and to prevent the killing of whales which offer little profit to the whaler but which are capable of continuing the stock.

Further, with the object of avoiding all waste, the draft seeks to ensure the fullest possible utilisation of the whales killed.

This was the idea of the original text, and the recent meeting has only confirmed these provisions, subject to certain subsidiary questions which are set out below.

The draft, as recast by the experts, is appended to this document.

The rules that would be laid down in such a Convention are, in point of fact, not applicable to certain native tribes who lead a primitive life and engage in whaling, when occasion offers, with rudimentary equipment. The losses to the whale population through the operations of these natives are negligible; consequently, certain States to which these natives are subject are anxious, while acceding to the Convention, to retain for them the privilege of whaling by their habitual methods.

A special clause to this effect has been added in the redrafted text.

* * *

Article 7 of the original draft did not contemplate the possibility of a shipowner's belonging to a different nation from that whose flag was flown by his ship. The new draft covers this contingency by specifying the authority competent to issue licences.

* * *

The information in the possession of biologists with regard to the larger cetacea is very incomplete. Accordingly, in compliance with the wishes of certain Governments, Article 10 of the draft (formerly Article 9) provides that whalers shall obtain the fullest possible information and thereby contribute to the progress of science in this field. A certain minimum of particulars is required.

* * *

Since the preliminary draft was drawn up, the International Bureau for Whaling Statistics has been established at Oslo. It has issued its first publication containing information of this kind. The experts unanimously recognised the services already rendered by this institution, and, considering it perfectly fitted for the duties provided for in Article 12, felt justified in naming it in that article.

* * *

The Committee has fixed at eight the number of States which must ratify or accede to the Convention before it could come into force, specifying that those States must include Norway and the United Kingdom of Great Britain and Northern Ireland, whose combined takings represent 80 per cent of the total number of whales killed annually.

* * *

Certain of the experts were apprehensive lest the present Article 20 (formerly Article 18) might—when certain territories under the control of the contracting parties were excepted from the operation of the Convention—enable ships flying the flag of such territories to engage in whaling in contravention of the rules laid down.

The Committee has, however, maintained the text of this article, which is necessary on account of the constitutional law of certain countries; but it has obtained an assurance that each of the countries whose participation is specially to be desired will endeavour to enforce the future Convention as widely and completely as possible.

* * *

In order to ensure the efficacy of the draft Convention, certain Governments had asked that it should include articles explicitly providing penalties for any infringements committed by their nationals.

The experts felt that these were questions either of international customary law, in the case of disputes between nationals of two States, or of the municipal law of each State, in the case of offences against their own legislation, and that it was therefore not possible to make any stipulation more far-reaching than that made in Article 1.

* * *

The Soviet Government had asked that the draft Convention should make provision for the protection of cachalots, especially females.

The experts held that this addition was unnecessary, as the species of cetacea in question is hunted very little owing to the poor quality of the oil it produces, and is therefore unlikely to become extinct.

The same Government, being aware of the attacks on *balænoptera* by the orca (gladiator or killer whale), thought it desirable that whalers should be given an incentive, in the form of indirect bounties, to destroy these harmful cetacea.

The experts took the view that measures of this kind must depend on the initiative of each Government, and that there was no place in the Convention for specific provisions on the subject.

* * *

The Japanese Government has repeatedly pointed out that the prohibition of the hunting of right-whales in the North Pacific would injure the interests of the Japanese whaling industry, and has consequently asked that the provisions of Article 4 (formerly Article 3) should not be applicable to the North Pacific.

On examining the available statistics, the experts were convinced that the number of right-whales killed by Japanese whalers in the North Pacific was small; moreover, other countries bordering upon the North Pacific were anxious that right-whales should be protected. They could not therefore see their way to propose this exception.

Appendix.

REVISED TEXT OF THE DRAFT CONVENTION FOR THE REGULATION OF WHALING.

DRAWN UP BY THE EXPERTS OF THE GOVERNMENTS OF AUSTRALIA, GREAT BRITAIN AND NORTHERN IRELAND, CANADA, SPAIN, UNITED STATES OF AMERICA, FRANCE, MEXICO, NORWAY, NETHERLANDS, PORTUGAL, DURING THE MEETINGS HELD IN GENEVA ON SEPTEMBER 9TH AND 10TH, 1931.

Article 1.

The High Contracting Parties agree to take, within the limits of their respective jurisdictions, appropriate measures to ensure the application of the provisions of the present Convention and the punishment of infractions of the said provisions.

Article 2.

The present Convention applies only to baleens or whalebone whales.

Article 3.

The present Convention does not apply to aborigines dwelling on the coast of the territories of the High Contracting Parties provided that :

(1) They only use canoes, pirogues or other exclusively native craft propelled by oars or sails;

(2) They do not carry firearms;

(3) They are not in the employment of persons other than aborigines nor under contract to deliver the products of their whaling to any third person.

Article 4.

The taking or killing of right-whales, which shall be deemed to include North Cape whales, Greenland whales, southern right-whales, Pacific right-whales and southern pigmy right-whales, is prohibited.

Article 5.

The taking or killing of calves or suckling whales, immature whales, and female whales which are accompanied by calves or suckling whales, is prohibited.

Article 6.

The fullest possible use shall be made of the carcases of whales taken. In particular :

(1) There shall be extracted by boiling or otherwise the oil from all blubber and from the head and the tongue and, in addition, from the tail as far forward as the outer opening of the lower intestine (the provisions of this sub-paragraph shall apply only to such carcases or parts of carcases as are not used for human food);

(2) Every factory, whether on shore or afloat, used for treating the carcases of whales shall be equipped with adequate apparatus for the extraction of oil from the blubber, flesh and bones;

(3) In the case of whales brought on shore, adequate arrangements shall be made for utilising the residues after the oil has been extracted.

Article 7.

Gunners and crews of whaling vessels shall be engaged on terms such that their remuneration shall depend to a considerable extent upon such factors as the size, species, value and yield of oil of whales taken, and not merely upon the number of whales taken, in so far as payment is made dependent on results.

Article 8.

No vessel of any of the High Contracting Parties shall engage in taking or treating whales unless a licence authorising such vessel to engage therein shall have been granted in respect of such vessel by the High Contracting Party whose flag she flies, or unless her owner or charterer has notified the Government of the said High Contracting Party of his intention to employ her in whaling and has received a certificate of notification from the said Government.

Nothing in this article shall prejudice the right of any High Contracting Party to require that in addition a licence shall be required from his own authorities by every vessel desirous of using his territory or territorial waters for the purposes of taking, landing or treating whales, and such licence may be refused, or may be made subject to such conditions as may be deemed by such High Contracting Party to be necessary or desirable, independent of the nationality of the vessel.

Article 9.

The geographical limits within which the articles of this Convention are to be applied shall include all the waters of the world, including both the high seas and territorial and national waters.

Article 10.

1. The High Contracting Parties shall obtain, with regard to the vessels flying their flag and engaged in the taking of whales, the most complete biological information with regard to each whale taken, and in any case on the following points:

(a) Date of taking;
(b) Place of taking;
(c) Species;
(d) Sex;
(e) Length measure, when taken out of water; estimated, if cut up in water;
(f) When fœtus is present, length and sex if ascertainable;
(g) Where practicable, information as to stomach contents.

2. The length referred to in sub-paragraphs *(e)* and *(f)* of this article shall be the length of a straight line taken from the tip of the snout to the notch between the flukes of the tail.

Article 11.

Each High Contracting Party shall obtain from all factories, on land or afloat, under his jurisdiction, returns of the number of whales of each species treated at each factory and of the amounts of oil of each grade and the quantities of meal, guano and other products derived from them.

Article 12.

Each of the High Contracting Parties shall communicate statistical information regarding all whaling operations under their jurisdiction to the International Bureau for Whaling Statistics at Oslo. The information given shall comprise at least the particulars mentioned in Article 10 and (1) the name and tonnage of each floating factory; (2) the number and aggregate tonnage of the whale-catchers; (3) a list of the land stations which are in operation during the period concerned.

Such information shall be given at convenient intervals not longer than one year.

Article 13.

The obligation of a High Contracting Party to take measures to ensure the observance of the conditions of the present Convention in his own territories and territorial waters, and by his vessels, shall not apply to those of his territories to which the Convention does not apply, and the territorial waters adjacent thereto, or to vessels registered in such territories.

Article 14.

The present Convention, the French and English texts of which shall both be authoritative, shall remain open until the thirty-first of March 1932, for signature on behalf of any Member of the League of Nations or of any non-member State.

Article 15.

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League of Nations and to the non-member States, indicating the date of its deposit.

Article 16.

As from the first of April 1932, any Member of the League of Nations and any non-member State, on whose behalf the Convention has not been signed before that date, may accede thereto.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League of Nations and to the non-member States, indicating the date of the deposit of the instrument.

Article 17.

The present Convention shall enter into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the ratifications or accessions on behalf of not less than eight Members of the League or non-member States, including the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland.

As regards any Member of the League or non-member State on whose behalf an instrument of ratification or accession is subsequently deposited, the Convention shall enter into force on the ninetieth day after the date of the deposit of such instrument.

Article 18.

If after the coming into force of the present Convention the Council of the League of Nations, at the request of any two Members of the League or non-member States with regard to which the Convention is then in force, convene a Conference for the revision of the Convention, the High Contracting Parties agree to be represented at any Conference so convened.

Article 19.

1. The present Convention may be denounced after the expiration of three years from the date of its coming into force.

2. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and the non-member States of its receipt.

3. That denunciation shall take effect six months after the date on which it has been received.

Article 20.

1. Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligations in respect of all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate; and the present Convention shall not apply to any territories named in such declaration.

2. Any High Contracting Party may give notice to the Secretary-General of the League of Nations at any time subsequently that he desires that the Convention shall apply to all or any of his territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

3. Any High Contracting Party may, at any time, declare that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under suzerainty or mandate, and the Convention shall cease to apply to the territories or to the parts of their population named in such declaration six months after its receipt by the Secretary-General of the League of Nations.

4. The Secretary-General of the League of Nations shall communicate to all the Members of the League of Nations and the non-member States all declarations and notices received in virtue of this article and the date of their receipt.

Article 21.

The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force.

ANNEX 7.

CONVENTION FOR THE REGULATION OF WHALING.

DRAFT REPORT SUBMITTED BY M. BRAADLAND (NORWAY).

The main object of the draft Convention before the Second Committee is to secure the adoption by the greatest possible number of countries of certain rules intended to prevent, in the interests of the whaling industry itself, the destruction of a source of wealth available to all.

The steady growth of this industry in the last few years, thanks to improvements in equipment and technique, has resulted in an ever larger annual increase in the number of *balænoptera* killed. Estimates obtained from various sources show that for several years past the number taken has varied from 25,000 to 30,000 each season. For the season which has just closed, the enormous figure of 40,000 has been mentioned.

Past experience shows the necessity of making an effort to prevent the extinction of the species which are chiefly hunted by modern whalers.

Biologists are not as yet very well acquainted with this branch of science, and it is impossible to determine the number of these animals which could be taken annually without endangering the species. In view of the fact, however, that certain species of whales are already practically extinct, it will be realised that those species which it is still profitable to capture are exposed to serious danger.

The draft before you is the outcome of work begun in 1925 as the result of an Assembly resolution of the previous year for the creation of a committee of experts " to prepare a provisional list of the subjects of international law, the regulation of which by international agreement would seem to be most desirable and realisable". Among the questions recommended by this Committee for examination was the " exploitation of the riches of the sea ", and, in his report, Professor Suarès emphasised the danger of extermination to which the great *balænoptera* were exposed.

A questionnaire was sent to the various States, and, from the general trend of their observations, it appeared that they recognised the importance of the problem and the desirability of finding a solution by international agreement.

In September 1927, the Assembly asked the Council to instruct the Economic Committee to study the question of the protection of marine fauna and to decide, with the help of experts, " whether and in what terms, for what species and in what areas, international protection of marine fauna could be established ".

In July 1929, the Economic Committee came to the conclusion that international measures might be contemplated to ensure the protection of whales, and that such measures were actually urgent. The Committee added, however, that it could not make proposals in this respect until it had consulted experts.

The Norwegian Government meanwhile had prepared a Bill providing that its whalers throughout the world should observe certain rules with a view to putting an end to the incomplete utilisation of the whales taken. These rules were framed with a view to obtaining valuable biological information. The Norwegian law came into force on June 21st, 1929.

The deliberations of the experts who met in April 1930 resulted in the drawing up of a preliminary draft which was based to a considerable extent upon the Norwegian law, and which, after being recast by the Economic Committee, was submitted by the Council to all Members of the League and to the non-member States for their observations.

The Economic Committee, after examining the communications from the Governments which, as a whole, were favourable to the draft, felt that a committee of experts appointed by the Governments should be entrusted with the revision of the proposed Convention in the light of the observations and suggestions which had been presented.

Thus the draft before you is the result of patient and careful work by qualified persons, and has already been under consideration by the Governments.

The amendments made by the Committee which has just concluded its work are not of vital importance. They are indicated in document A.II/3.1931. I shall not, therefore, go into them.

I should like, however, to draw your attention to the scheme of the draft Convention. It is determined by certain general principles.

To begin with, the Convention will apply to all the waters of the world, including both the high seas and territorial waters (Article 9). This does not imply any restriction of the sovereign rights of States within the territorial waters, for which they may, should they so desire, enact any provisions they consider useful, these provisions being added, if necessary, to those resulting from the Convention. This follows expressly from Article 8, paragraph 2.

It is, moreover, for the contracting parties themselves to take the appropriate measures to ensure the application of the provisions of the Convention and the punishment of infractions of the said provisions by their nationals and by vessels flying their flag (Articles 1 and 13).

Provisions of the Convention apply to baleens or whalebone whales (Article 2), but not to toothed whales.

The Convention absolutely forbids the taking or killing of certain species which have become very rare (Article 4).

For the other species, the prohibition applies to the killing or taking of calves or immature whales, and females accompanied by suckling whales (Article 5).

This provision is intended to prevent waste of the national source of wealth which whales represent by premature and unremunerative exploitation.

It is, indeed, difficult at times to distinguish an adult from an immature whale, and the experts who prepared the draft did not feel able to define the difference. They inserted in their draft, however, a provision under which it is to the interest of harpooners and the crews of whalers to capture adult animals, as their remuneration will depend to some extent on the nature of the whales taken (Article 7).

It was found that, in many cases, factories, whether on shore or afloat, were inadequately equipped for the extraction from the whales taken of the maximum quantity of utilisable products, and that they threw away raw material without turning it to account. With a view to preventing this waste, Article 6 of the draft provides that the fullest possible use shall be made of the animals killed.

It is important, in the interests of effective supervision, that no vessel should engage in whaling unless its owner or charterer has at least notified the Government of the country whose flag the vessel flies of his intention. Article 8 makes this notification compulsory. The same article provides that each of the contracting parties shall have the right to require that any vessel using its territory or territorial waters for the purposes of taking or landing whales, or remaining therein for the purpose of treating them, shall possess a licence issued by its own authorities.

The experience of the Norwegian Government has shown that the co-operation of whalers might be of great assistance in collecting extremely valuable biological data concerning whales, and that the classification and comparison of the information collected should be entrusted to an appropriate central body. As a result of enquiries carried out of its own accord into this matter, the Norwegian Government has been requested by the International Council for the Exploration of the Products of the Sea at Copenhagen to undertake this work regularly. The International Bureau for Whaling Statistics was accordingly founded at Oslo in 1930, and Article 12 of the draft Convention provides that the information collected by whalers shall be regularly communicated to it by the Governments of the contracting parties. A first publication has already been issued.

Among the so-called "formal" clauses of the Convention there are two which call for explanation.

Under Article 17, the entry into force of the Convention is subject to the ratification or accession of eight countries, including Norway and Great Britain. It was considered that, if the Convention was to be of service, it should be put into force by a certain number of countries, which should necessarily include Norway and Great Britain, in view of the fact that their combined takings represent approximately 80 per cent of the total number of whales killed annually.

Article 18 deals with the possibility of revising the Convention at the request of two contracting parties and on the Council's decision. The authors of the draft considered that it should be chiefly of the nature of an experiment, and that its application would probably suggest improvements to be made later. In such a case, it is important that all the contracting parties should participate in the necessary Conference.

As already stated, the draft Convention is based on the provisions of the Norwegian Law of June 21st, 1929, which naturally apply solely to Norwegian vessels and their crews, in whatever seas they are operating. Its object is to generalise the application of the majority of those measures by extending them to the vessels of the other contracting parties.

If it is to produce its full effect, the Convention should, of course, be extended to every country in the world, since it is to be feared that, under the protection of the flags of third States, vessels may engage in operations contrary to the rules adopted by common accord with a view to safeguarding an industry the very existence of which is seriously imperilled. It is therefore to be hoped that the large number of States not directly concerned will co-operate and will become contracting parties to a Convention which is essentially designed to promote general interests and which, in the case of States possessing a whaling industry, involves a voluntary limitation of their activities and positive obligations which they alone are called upon to undertake.

In conclusion, I propose that the Second Committee should transmit to the Assembly the following draft resolution:

> "The Assembly,
>
> "Convinced of the importance and urgency of regulating whaling by means of an international agreement prohibiting the taking or killing of certain kinds of whales which have become extremely rare, and of making the fullest possible use of the animals the catching of which is still permitted;
>
> "In view of the fact that the attached Convention differs from that communicated to the Members of the League and non-member States by Circular Letter No. 158 of July 3rd, 1930, only as regards certain minor points of drafting, and that no substantial changes have been introduced therein:
>
> "Decides to open the said Convention immediately for the signature of Members of the League and non-member States, and expresses the hope that the largest possible number of States will accede thereto without delay."

ANNEX 8.

LETTER, DATED SEPTEMBER 16TH, 1931, FROM THE CHAIRMAN OF THE FINANCIAL COMMITTEE TO THE SECRETARY-GENERAL REGARDING BUDGET CREDITS.

The Secretary-General has the honour to communicate to the Second and the Fourth Committees and to the Supervisory Commission the following letter which was addressed to him by the Chairman of the Financial Committee:

> "I have been asked by the Financial Committee to transmit to you the following statement, with the request that you should send it to the Second and Fourth Committees of the Assembly, and to the Supervisory Commission.

"The Committee has been informed of resolution A.54, passed by the Assembly on September 12th, and has thereupon examined the budgetary provision made for its work during the remainder of this year and in 1932.

"The Committee understands that, for 1931, there is no credit available on the relevant item of the budget for any work beyond its present meeting; and that the draft budget for 1932 now submitted to the Assembly contains provision only for its normal work—viz.,

"Three meetings of the Financial Committee of one week each;

"Three meetings of delegations or sub-committees, together with the necessary printing.

"This is a conservative estimate for the Committee's normal work, and does not include any provision for such extension of the Committee's work as is contemplated in the report of the Credits Committee, adopted on September 12th by the Council.

"In these circumstances, the Committee believes it to be its duty to state plainly its view.

"The financial crisis to-day is unprecedented. It has already affected the public finances of two of the countries—Austria and Hungary—whose finances were reconstructed under the auspices of the League, and their Governments have been authorised by the Council to obtain the advice of the Financial Committee.

"For the finances of a third—Bulgaria—the Council still bears certain responsibilities under the unexpired clauses of an international protocol, on the basis of which an international loan has been issued.

"Unless supplementary funds for the purpose are obtained, the Committee will find itself unable, during the next four months, to execute the mandate of the Council after the conclusion of its present meeting.

"Quite apart from the case of countries which have applied to the League in the past, the Committee will only be able to advise other countries which might appeal to the Council, or take action in any other form (in the event of the Council wishing further action to be taken) if more credits are made available.

"The same holds good of 1932; for the provision in the relevant item of the draft budget now submitted to the Assembly will not enable the Committee to meet any special calls which may be made upon it as a result of the financial crisis.

"But in 1932—and even in 1931—the crisis may well become, gradually or suddenly, more acute and more widespread. In the nature of the case, it is impossible to forecast. It would seem almost inevitable that, as its cumulative effects make themselves felt, calls will be made upon the League for technical advice and assistance, the nature and extent of which cannot be foreseen. It is, indeed, probable that the mechanism of the League will provide the most suitable instrument for meeting many of the pressing financial difficulties of the hour.

"It is not for the Committee to decide whether these calls should be met, or these instruments used. It suggests, however, that the exceptional gravity of the situation warrants sufficient credits, with a suitable margin for unforeseen possibilities, being made available for the remainder of this year for financial work, and a very considerable sum being specially placed at the disposal of the Council in 1932 for unforeseen contingencies in the financial field, so that it may not be precluded in advance from authorising such remedial measures as may seem possible.

"The Committee believes that it would not have discharged its duty had it not drawn attention to the seriousness of the present crisis, the occasions for action through the League to which it may give rise, and the necessity for adequate budgetary provision, if appropriate action is to be taken."

"*(Signed)* SUVICH,
"*Chairman of the Financial Committee.*"

ANNEX 9.

LETTER, DATED SEPTEMBER 21ST, 1931, FROM THE CHAIRMAN OF THE SECOND COMMITTEE TO THE CHAIRMAN OF THE SUPERVISORY COMMISSION REGARDING BUDGET CREDITS.

The Second Committee have taken note of a letter sent by the Financial Committee, which has also been communicated to the Fourth Committee and to the Supervisory Commission, and of the passage on budget provision in the report of the Financial Committee (document A.55.1931).

The Committee has considered amounts included in the draft 1932 budget for work connected with the Financial Committee (document A.4.1931) in the light of *(a)* the work contemplated for 1932; *(b)* the work done in 1931.

The Committee considers that work done by the Financial Committee or for it, including the work of the Economic Intelligence Service (sub-item 3 *(c)*), is of primary importance in the present financial crisis, and that, accordingly, no reduction should be made on the budgetary provision for such work in the draft budget (document A.4,1931).

The Committee proposes, in accordance with Article 16 *(c)* of the Financial Regulations, that, in view of the probability that unforeseen calls may be made upon the Council during the year 1932 for technical financial advice to individual Governments or other action to meet the financial crisis, and the desirability that the Council should be in a position to meet such calls, a supplementary credit of 250,000 Swiss francs should be added to Chapter III, Item 19 *(a)*, sub-item 4 : " Unforeseen expenses in the budget of the Financial Section and Economic Intelligence Service ", and earmarked for these objects. This supplementary credit should only be drawn upon with the authority of the Council.

It is in the nature of the case impossible to make more detailed estimates. The total, so far as the Second Committee is concerned, depends upon an appreciation of the present financial crisis, its possible developments and effects and how far it is technically practicable and desirable for the Council and its technical advisers to contemplate taking action in the matter.

(Signed) JANSON,
Chairman of the Second Committee.

ANNEX 10.

LETTER, DATED SEPTEMBER 21ST, 1931, FROM THE CHAIRMAN OF THE SECOND COMMITTEE TO THE CHAIRMAN OF THE SUPERVISORY COMMISSION.

Last year, the Second Committee addressed to the Commission a report containing the following passage :

> " When we consider the magnitude of the losses from which the world suffers during a period of economic stagnation similar to that through which the world is now passing, it is impossible not to be impressed by the almost absolute failure of society up to the present to devise any means by which such disasters may be averted. The Committee felt that this problem was one which imperatively demanded co-ordinated and concerted study, and recommends, therefore, in a separate resolution . . . that an endeavour should be made to study the causes of the recurrence of periods of prosperity and depression."

As a result of this report, the Assembly of 1931 adopted the following resolution :

> " The Economic and Financial Organisation should put itself in touch with the national organisations, whether consultative or planning councils or research institutes, and should, with their aid, consider by what means the work now being conducted on the problem of recurrence of periods of economic depression may be co-ordinated. "

Two meetings of representatives of these institutions took place this year in connection with the report on the course and phases of the world economic depression. Their report (Appendix to the Financial Committee's report, document A.55 1931) is before the Second Committee and has been endorsed by the Financial Committee and Economic Committee.

These representatives state :

> " It would seem essential for the full success of these concerted studies that a qualified economist, together with an adequate staff of assistants, should be permanently attached to the Secretariat. This expert should undertake especially the scientific preparatory work for the meetings, and ensure continuity of effort and render the work of the meetings as effective as possible."

The Second Committee expressed the opinion that, in view of the serious effects of the present economic depression, this study should be begun at the earliest possible moment, and that effect should be given in 1932 to the resolution of the eleventh Assembly. It proposes supplementary credits totalling 49,550 Swiss francs. No expenditure has been made in this connection in 1931 and, in view of the necessary time required to find qualified staff, it is estimated that none will be incurred for salaries during the first half of 1932.

The figure of 49,550 Swiss francs is made up as follows :

		Initial Salaries
1. Creation of new posts as from July 1st, 1932 (sub-item 3 *(a)*) :		
1 qualified economist	14,000	28,000
1 locally recruited clerk (div. II, cat. I)	3,750	7,500
1 locally recruited clerk (div. II, cat. II)	2,500	5,000
2. Travelling (including removal expenses on appointment (sub-item 3 *(b)*)	5,000	
3. One meeting of representatives of Economic Institutes [1] (3 days, 21 persons) (sub-item 2 *(a)*)	19,400	
4. Printing (1 report by this meeting; 8 pages in length) (sub-item 2 *(b)*)	400	
	45,050	
5. Unforeseen, 10 per cent (sub-item 4)	4,500	
	49,550	

(Signed) JANSON,
Chairman of the Second Committee.

ANNEX 11.

ECONOMIC WORK OF THE LEAGUE OF NATIONS.

DRAFT REPORT SUBMITTED BY M. LOUIS ROLLIN (FRANCE).

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[1] Calculated on the basis of the cost of a similar meeting in 1931.

A. Introduction.

1. *General Considerations.*

The Second Committee's debates this year bear the mark of the extremely grave situation in which we are placed.

Our position as representatives of our sorely-tried countries has in the present circumstances a painful and almost tragic character, since it seems to leave us almost helpless face to face with events beyond our control.

The peoples of the world are going through a crisis without precedent in its extent, duration and intensity, and we are feeling this crisis acutely.

We can discern the causes of the evil and the perils which are already upon us or threatening us. All of us, with the same goodwill, sincerity and fervour, desire to remove them. We have heard appeals pronounced from the Assembly platform by the most qualified authorities, who have drawn attention to the gravity of present problems and the urgency of solving them, and we should like to be able to respond by deeds to these poignant appeals.

We realise that salvation is only to be found in the union of peoples which to-day are so closely dependent on one another that they may be compared to limbs of the same body, none of which can be sick or unhealthy without all the others being immediately affected. We should like to foster their economic relations with the ardent hope that this exchange of interests will pave the way to intellectual and moral *rapprochement.* But we find ourselves faced with difficult barriers on which our intentions stumble, if they do not fall.

Failing a complete solution, we have to look for fragmentary and partial ones; but, when we apply them to realities, we feel that they are fragile and inadequate.

International solidarity calls for sacrifices, but the national communities which have to accept them are immediately filled with unrest and anxiety.

The work before us is long, but our sufferings require immediate relief and time presses. We should like to go full speed ahead; time is a factor which it is impossible to disregard.

We should like to open up ampler communications between the peoples, to multiply and strengthen the bonds which unite them, and to create community of interest between them, but we are hampered at every turn by the prejudices accumulated by age-long selfishness and misunderstandings.

Our great scheme of economic union requires confidence, but it is confidence which is absent.

Cruel is the conflict between human intentions, guided by the spirit of Geneva, and the brutal force of realities. We must not fear to emphasise this conflict, for the nations we represent must realise it.

Does this mean that we must give way to a gloomy fatalism and to purely negative pessimism ?

Can we allow it to be said that nothing can be done but bow before the storm and wait for greater sufferings to bring a useful lesson to mankind? We have no right to do so. Without illusion, but without discouragement, we must apply ourselves to bringing the national communities to an understanding of the principles which the League of Nations laid down in the recommendations it made to them, both at the Economic Conference of 1927 and at the later Conferences of 1929 and 1930 and also in the remarkable studies made by its economic organs.

In the same way, they must be brought to a true appreciation of the results obtained by the Commission of Enquiry for European Union.

We must call upon the Governments to examine with the greatest attention the resolutions adopted by the technical experts with regard to the solutions to be applied to the economic crisis.

Should we confine ourselves to these recommendations? The Second Committee does not think so and it has reached an agreement of principle on several proposals. These—although they certainly do not provide a general and final solution for our present ills—suggest remedies which, although only partial, may none the less be genuinely effective if supported by the goodwill of the peoples.

With great penetration and wisdom, the Committee of Economic Experts recently, at the beginning of its admirable report, emphasised the primary importance of the part played by lack of confidence in aggravating the world situation.

> " The growing international distrust " it says, " is accentuating the effects of the crisis, increasing the obstacles to the normal circulation of capital and obstructing, to an ever-increasing extent, the whole mechanism of international trade. Lack of confidence not only entails stagnation of capital, reluctance to lend abroad and refusal to enter into long-term undertakings, but also tends to paralyse and retard all forms and phases of economic life.
>
> " The result is a flagging of the spirit of enterprise, the postponement of programmes already decided upon, the abandonment of the search for new markets, the limitation of the purchase of raw materials to daily requirements, the dismissal of workers, excessive caution instead of productive activity and stagnation instead of progress."

These wise words must be heard and acted upon. Governments must learn the lesson they contain, must instruct their public opinion and silence the disturbing elements and the authors of hatred, fear and distrust, in order that the peoples, instead of looking backwards with regret and revengeful feelings, may resolutely advance in a new spirit and with free hearts towards a true economic solidarity, the source of well-being and pacification.

2. *Continuity of the Economic Work of the League of Nations.*

Two years ago, the tenth Assembly, noting that the recommendations of the World Economic Conference had been carried out only to a limited extent, took the initiative of drawing up a new programme based on two fundamental ideas—" a Customs Truce " and, by means of that truce, the execution of a detailed scheme of negotiations.

This initiative was termed " *Concerted Economic Action* ".

The eleventh Assembly still held to the same principle.

It is noteworthy, however, that, in the discussions which have taken place in the Second Committee, very little mention has been made of concerted economic action, whereas a prominent place has been given to the work and the programme of the Commission of Enquiry for European Union. This change might give the impression of a certain lack of continuity and coherence, of an unexpected change of direction in the League's economic work.

It is important to remove this impression, which is a totally mistaken one. In point of fact, the change we have observed is really no more than a change of terms. Concerted economic action was conceived by the tenth Assembly on a world-wide scale. All countries were invited to take part in it, and it was only through a process of auto-selection, probably in response to urgently-felt needs, that the successive Conferences with a view to Concerted Economic Action acquired a definitely European character. It may therefore legitimately be said that the work of European solidarity in the economic field had spontaneously begun even before the creation of the Commission of Enquiry.

Moreover, the world aspects of the economic question were not neglected at any time either before or after the World Economic Conference. As we shall see, they reappear in the list of the various activities which follows these general observations. The Assembly and the Council have constantly taken judicious steps to maintain the work relating more particularly to the economic restoration of Europe, within the province and in the spirit of the League.

Thus the development we have witnessed, which started from the general formulæ of 1927 and passed through the various fields of concerted economic action, has now reached its culmination —without, however, losing its close connection with the world aspects of the problem—in the programme of the Commission of Enquiry for European Union.

It would therefore be incorrect to say that the League's economic work lacks coherence or continuity.

B. Economic Activity of the League of Nations and of the Commission of Enquiry for European Union since the Last Assembly.

1. *Concerted Economic Action: Commercial Convention.*

The last Assembly particularly urged the necessity of putting into force the Commercial Convention of March 24th, 1930, and the immediate execution of the programme of negotiation provided for in the Protocol of the same date.

(a) The Assembly this year regrets to note, however, that, despite two successive attempts in November 1930 and March 1931, it has not been possible to bring the Convention into force. The Second Committee fully realises the reasons for the failure to do so. The economic depression was bound to have a considerable influence on the commercial relations between countries. The unprecedented fall in agricultural prices led to protective measures on the part of importing countries, which were anxious as to the fate of their agriculture. It also led the agricultural countries of Central and Eastern Europe to press more and more insistently for more favourable conditions for their exports of cereals. Moreover, the shrinking of the external markets for the industrial products of the various exporting countries compelled the latter to seek on the home market compensation for the diminution of their external markets, thereby causing the parties concerned to call with growing urgency for protection, in some cases even to the exclusion of foreign competition.

Faced with this situation, many countries felt it necessary to preserve their freedom of action in tariff matters. Where that freedom was even in part restricted by agreements, they endeavoured to regain it by a process of deconsolidation, and even by the denunciation of treaties.

In view of this ill-success, the Commission of Enquiry for European Union felt grave misgivings, and at its session in May 1931 made a last effort to save at all events the essential principles of the Convention. It recognised that progress was difficult if the sudden and frequent changes in the basis of international trade could not be checked. Accordingly, the Commission of Enquiry asked the European States to conform as far as possible to the principles laid down by the Convention.

The Second Committee associates itself with that appeal, drawing the attention of all States without distinction to the obstacle to the restoration of the economic situation represented by the growing instability of commercial relations, and accordingly it welcomes the Oslo Convention. The signatory States of that Convention have undertaken to apply amongst themselves certain principles of the Commercial Convention, including notification in advance of negotiations with parties who consider themselves prejudiced by the tariff measures contemplated.

(b) The Protocol regarding Future Negotiations provided for a reduction of Customs tariffs by means of a collective agreement, and also for efforts to devise concerted methods of solving a large number of problems not connected with tariffs, but nevertheless of primary importance for international trade.

After many exchanges of views, the execution of the first of these tasks had to be left to bilateral negotiations. Was the Economic Conference wrong in pointing to collective action as one of the best means of lowering Customs tariffs? We do not think so. At that time, as the result of the conclusion of a number of important international agreements, a relative stability of international relations had been secured, which enabled further possibilities to be envisaged. At the very time when the first steps were taken in that direction, however, the world crisis developed and rendered them practically useless.

Despite the ill-success of this first attempt to regularise international economic relations, the Second Committee is more than ever convinced that a final remedy for the economic ills from which the world is suffering can be found only in common efforts on the part of all States. It is therefore glad to note the attempts which have been made with this object by the Commission of Enquiry for European Union.

2. *Economic* Rapprochements.

It is only natural that the Commission of Enquiry for European Union should be concerned primarily with the improvement of commercial relations among the European countries. It has asked highly qualified economic experts to seek means for providing closer economic co-operation among the countries of Europe with a view to bringing about, in the general interest, a better organisation of production and trade.

The economic experts recognised that the weakness of the economic structure of Europe is due mainly to the fact that it is divided up into a large number of markets. The existence in that continent of numerous tariff barriers which, under the pressure of the existing crisis, naturally and constantly tend to rise even higher, constitutes, in the experts' opinion, one of the greatest obstacles to the improvement of the economic situation of the world and, in particular, of Europe. The efforts which the League has hitherto made to improve international co-operation having achieved very little results, it is necessary, in the experts' opinion, to contemplate entirely new methods :

> " The ultimate goal must be the widest possible collaboration of the nations of Europe in the sense of making Europe a single market for the products of any and every country in it.
>
> " Even, the Co-ordination Committee says, when Europe has emerged from the present crisis, she cannot hope for a real economic revival unless she is prepared gradually to adapt the traditional conception of separate national economic units and to approximate it—with every necessary precaution and possibly in forms as yet unknown—to the conception of one vast market accessible on equal terms to all or most of the producers of Europe."

In this connection, the economic experts were led to contemplate for Europe " economic *rapprochements* " which might even lead to a complete European Customs union.

The Second Committee can only welcome the efforts made by Europe to bring about the restoration of her economic situation, which would, moreover, react favourably upon all countries throughout the world. But the Committee is naturally bound to consider the effects such efforts might have on relations between the European countries and countries in other parts of the world. It is therefore glad to note that the experts have surrounded their proposals with all the guarantees necessary to safeguard the interests of other countries, and that they still consider the regime of the most-favoured-nation clause the normal basis of commercial relations.

3. *International Economic Agreements.*

Among the means contemplated for improving world economy by substituting systematic and co-ordinated organisations for unorganised activity, the experts consulted in recent years, and, still more recently, the Committee of Economic Experts, have urged the development of international agreements. The Second Committee desires to emphasise in particular the happy effects and fruitful results which may be secured by the development of industrial or agricultural agreements between producers with a view to improving the actual conditions of production and regularising trade. Agreements of this kind are not only calculated to reduce the danger of over-production, but also provide a solid basis for international co-operation, thereby paving the way for international economic peace.

It is undoubtedly important, in order to avoid any disadvantages which they might involve, to provide all necessary guarantees in respect of such agreements and their operation. It is essential that the interests of consumers should be adequately safeguarded, and that States should not be left without means of protecting themselves against an influence which might become too powerful.

An enlargement of the European market would in itself constitute, as regards extra-European countries, a very real benefit, by providing those countries with more extensive and more remunerative markets. Similarly, agreements covering more than a single continent might, *a fortiori*, contribute to the better organisation of world production.

Any economic *rapprochement* must, however, be designed to bring about a lowering of tariff barriers in the interests of the parties to the *rapprochement*. Those parties must also take into account the interests of other parties by applying to them a moderate tariff policy. With this two fold object in view, international economic agreements may also play a very useful part. Such agreements, provided they are concluded for a long period and on a basis balancing the strength of the national industries concerned, might lead to the stabilisation of Customs duties at a reduced rate.

4. *Agricultural Questions.*

(a) With the co-operation of the International Institute of Agriculture, a large number of agricultural experts were heard by the Economic Committee in January 1931. The experts' reports were published in the form of a study of the question which enables the world-wide nature of the *agricultural crisis* to be realised.

The gravity of that crisis is such that the agricultural experts must continue to afford their co-operation in the examination of all economic questions affecting agriculture.

(b) Most of the experts attach particular importance to the *organisation of the cereal trade.* Efforts have been made to establish that organisation on a world-wide scale.

The International Institute of Agriculture held, in March 1931, a preparatory conference with a view to a world-conference on wheat. In May 1931, the London Conference, which comprised the wheat-exporting countries of Europe and overseas, did not succeed in reaching any wide measure of international agreement. The Second Committee recommends that active efforts should be continued with a view to reaching world agreement.

(c) As regards Europe, certain countries tried to establish, by bilateral conventions, agreements involving *preference for purchases of cereals* from Central and Eastern European States.

Those countries affirm that they have no wish to infringe the principle of the most-favoured-nation clause, nor any intention of setting up any new economic doctrine, their efforts being directed solely towards granting a temporary and limited exception which is urgently necessary in the present grave circumstances.

The granting of a preferential tariff on cereals would enable countries benefiting by it to sell their cereals at a fairly remunerative price and not, as is the case to-day, at much less than cost price; in this way their economic situation would be improved and their purchasing capacity increased. In return, the advantages granted by the exporting countries would benefit not only the country giving the assistance, but all States without distinction. The agreements would be submitted to the League and would be given wide publicity.

Certain delegations pointed out the drawbacks which might be involved by these departures from the most-favoured-nation clause, particularly if they were of a general or permanent character. In their opinion, the League should not give its approval to special benefits or privileges limited to particular groups of nations.

Taking these various views into consideration, the Committee considers that, in the exceptional conditions of the present time and in view of the economic distress which exists in certain countries but which affects all other countries, preferential tariffs might constitute an exceptional and temporary palliative, and that, subject to the agreed reservations in regard to the previous approval of the agreements, and provided they are given publicity and are in conformity with the principles laid down by the Commission of Enquiry for European Union, they may be regarded as likely to bring an appreciable measure of relief to the most seriously affected economic systems.

(d) Some countries have asked that the possibilities of *extending the preference* to agricultural products other than cereals should be studied.

The report submitted to the Commission of Enquiry for European Union by the Co-ordination Sub-Committee on Economic Questions provided that the study of this question should be entrusted to a special committee such as that on cereals.

The Second Committee notes this recommendation, but observes that the extension of the preference to products other than cereals is likely to give rise to anxiety in the minds of certain delegations who would like the special committee's conclusions to be carefully examined.

(e) Several delegations, voicing the views of a large number of agricultural experts, expressed their belief that the *co-operative association of production and sale* has an important part to play in the organisation of the disposal of agricultural products. The Second Committee considers that this question must be carefully watched by the economic organisation with the assistance of its agricultural experts and in close co-operation with the International Institute of Agriculture and the International Labour Office.

(f) The Second Committee welcomes the establishment of an *International Agricultural Mortgage Credit Company* under the auspices of the League. International agricultural credit would have an important part to play in improving the conditions of agricultural production and trade and in developing markets. It would have most desirable moral and psychological effects in restoring confidence and bringing about, in the financial sphere, effective international co-operation among all countries.

Several delegations expressed a desire that the activities of the International Agricultural Mortgage Credit Company should not be confined to Europe.

The Second Committee hopes that the Conference convened by the International Institute of Agriculture for short-term agricultural credit will soon achieve practical results.

5. *Veterinary Conventions.*

After carrying out lengthy investigations with the assistance of veterinary experts of both importing and exporting countries, the Economic Committee in June last examined three preliminary draft Conventions relating to:

(a) The campaign against contagious diseases of animals;

(b) The conveyance in transit of animals, meat and other products of animal origin;

(c) Exports and imports of products of animal origin other than meat, meat preparations, fresh animal products, milk and products derived from milk.

Although these draft Conventions do not yet seem likely to provide the live-stock trade with the facilities which exporting States have for long been demanding, they nevertheless seem likely to help the transit of and trade in products of animal origin.

The Council therefore considered it desirable to communicate these drafts to the Governments, requesting them to send in their observations on them, and to state whether they considered them suitable to form a basis for an international Conference.

Further, the Committee noted the intention of the Commission of Enquiry for European Union to ask the Council " to request the Economic Committee of the League of Nations to prepare a preliminary draft international Convention on the import and export of animals, meat and other products of animal origin ".

The Second Committee approves this recommendation.

6. *Unemployment.*

(a) Among the measures of international solidarity most likely to remedy the effects of the economic depression and help to restore economic activity for the benefit of the workers of all countries, the Committee thought it desirable to contemplate *the execution of large public works* undertaken jointly by public or private bodies in European or extra-European territories.

Such a programme would primarily have the effect of remedying to some extent the distressing unemployment crisis. The execution of such a programme would be likely to bring relief to branches of trade in which the unemployed are particularly suffering from poverty. It would also be extremely effective in bringing about among the producers concerned the necessary co-ordination of joint efforts, and would thus indirectly help to create bonds of solidarity which could be further developed in the future.

The problem has already been attacked by the Commission of Enquiry for European Union, and the competent organs of the League of Nations are now dealing with it.

(b) The Committee approves the proposals submitted regarding *international placing*, and in particular proposals for the summoning of a technical Conference for that purpose.

(c) It also approves the recommendations of the Commission of Enquiry regarding the suggestions for the *co-operation of factors in production* for the exploitation of undeveloped territories.

7. *Most-favoured-nation Clause.*

The Assembly of 1930, having taken up the question of various divergences of opinion which had been revealed in the interpretation of the most-favoured-nation clause, and, desiring to eliminate this source of disputes and conflicts in inter-State commercial relations, asked the Economic Committee to study certain contested points relating to application, such as *Customs quotas, anti-dumping and compensating duties, nationality of goods* and *like products.*

The Assembly will now see that the Economic Committee has carried out most of its task. With the help of experts appointed by the countries which had laid these important questions before the Assembly, the Committee reached, in regard to Customs quotas, the nationality of goods and like products, certain conclusions which amplify and define more closely the doctrine of the most-favoured-nation clause which it formulated in 1929. It has still to give its decision with regard to the problem of anti-dumping and compensating duties.

On the other controversial points, the Economic Committee expressed a view which is in no way a rigidly theoretical one, but is based on essentially practical conceptions.

The Committee is glad to note the results reached by the Economic Committee, and suggests that the Assembly should urgently recommend Governments to take as the basis of their commercial policies the principles laid down by the Committee. It feels sure that those principles will reconcile, in the most equitable way, the legitimate interests of each country with the no less legitimate interests of international trade.

8. *Treatment of Foreigners.*

In the Final Protocol of the International Conference on the Treatment of Foreigners signed at Paris on December 5th, 1929, the delegates of the countries there represented urged the desirability of drafting the proposed Convention on the most liberal lines, with the possibility of allowing for the special situations of certain countries by granting them certain exceptions.

The Committee was informed that, although the enquiries made with regard to the documentation of the Paris Conference from the Governments which had taken part therein had not been completed within the prescribed time-limit, the interval had nevertheless been made use of by a certain number of Governments to initiate negotiations with a view to an agreement on a draft Convention which, in their opinion, would constitute an important progress as compared with the present situation.

The Committee was glad to hear that these negotiations were on the point of reaching a successful conclusion.

The Commission of Enquiry for European Union expressed the opinion that " a system of co-operation between European States is inconceivable unless the nationals and undertakings of one State receive in the territory of the other States equitable treatment approaching as nearly as possible to that accorded to the nationals and undertakings of the States concerned ".

The Committee entirely shares this view, but it considers that this equitable treatment should extend to all countries, and at any rate to all Members of the League. It hopes that

the agreement which is on the point of being reached between a certain number of countries will facilitate the preparatory work for the second session of the Conference, and the conclusion of an international Convention established on such a basis as to provide solutions which will be likely to further the development of economic relations and international *rapprochement* to the various problems raised by the draft originally submitted to the Conference.

9. *Customs Nomenclature.*

The Sub-Committee of Experts appointed by the Economic Committee to study the unification of Customs nomenclature has to-day virtually concluded its work, after four years' assiduous labour.

Accordingly, the Council, in a resolution dated September 1st, 1931, authorised the Secretary-General to forward the draft unified Customs nomenclature, for examination, to all States Members or non-members of the League of Nations, these States being requested to say, within six months from the receipt of the draft, whether they are, in principle, prepared to adopt it, and to communicate their observations, if any, to the Secretary-General after consulting agricultural, industrial and commercial circles in their respective countries.

It considers it highly desirable that the different Governments should respond without delay to the invitation thus addressed to them, in order to allow the Economic Committee to revise the draft on the basis of the comments received from the Governments. Once this revision has been effected, the Economic Committee will have to prepare a draft international Convention for the adoption of the unified nomenclature.

The Committee is aware that the adoption of the unified Customs nomenclature will entail certain difficulties for the majority of States; but it is convinced that the adjustments which may be necessary will be amply compensated by the considerable advantages resulting from its adoption.

10. *Indirect Protectionism : Marks of Origin.*

The Economic Conference of 1927 pointed out that Customs tariffs did not constitute the sole obstacle to the development of commercial relations between the different countries, but that Customs barriers were often reinforced by administrative measures constituting one of the manifestations of indirect protectionism, the effects of which were often more injurious even than those of high tariffs.

In this connection, attention was drawn to a large number of similar measures. The studies which the Economic Committee had devoted to them related notably to the complaints aroused in industrial and commercial circles by the application of national laws prescribing the affixing of marks of origin to the goods themselves or to their make-up or packing.

The Economic Committee took care to examine this question in all its aspects and endeavoured to find both equitable and practicable remedies. The consultation of specially qualified experts to which it proceeded enabled it to draw up a series of conclusions which, without denying countries the right to take steps to enable consumers to distinguish between home and foreign goods, nevertheless stipulate that the means employed by States for this purpose should be chosen in such a way as to reduce to a minimum the obstacles and drawbacks which the resulting regulations may impose on the trade and industry of the exporting countries.

The Committee drew from this principle a series of conclusions which the Council has communicated to the Members of the League of Nations, recommending them to adopt the same.

The Committee is convinced that the observation of the Economic Committee's recommendations in this connection will have the most satisfactory results.

11. *Bills of Exchange and Cheques.*

The League of Nations achieved a further success during the year 1931 in the sphere of the unification of laws of the so-called " continental " type relating to cheques. The Conference held during the winter, like that of last year with regard to bills of exchange and promissory notes, succeeded in concluding three Conventions, which were signed within the prescribed time-limit by twenty-six States (the Convention concerning stamp duty in regard to cheques was signed by twenty-seven States).

The time-limit for the deposit of ratifications of the Conventions on Bills of Exchange and Promissory Notes expires on September 1st, 1932, and that for the Conventions regarding Cheques on September 1st, 1933.

It is to be hoped that the Governments of the States concerned will take without delay the necessary steps for the instruments of ratification to be deposited within the prescribed periods. It is true that, as the application of these Conventions involves a change in the national legislation of States, Governments will have to proceed first of all to consultations and studies which cannot be effected very rapidly. It is to be hoped that, despite this difficulty, these States will be able to avoid a delay which might compromise the success of a work from which the most excellent results may be anticipated.

12. *National Economic Councils.*

International economic co-operation could no doubt attain more considerable results if the principal elements in each of the national economic systems, having been associated in good time with the preparation of these results, were disposed to accept the obligations which their Governments might enter into in the international sphere.

Furthermore, a more or less direct participation of the different economic circles in the studies, researches and debates initiated by the League of Nations with regard to problems of common interest would be likely to prepare in each country an enlightened body of public opinion giving international agreements the best chances of success.

The Committee therefore considers that it is in the interests of international co-operation to encourage the creation in countries where they do not yet exist, and the development in those where they do, of national consultative institutions representing in each country the most important elements in the national economic life.

During the year 1931, two meetings have already been held at Geneva between the representatives of national economic councils with a view to the common study of the causes of the present economic depression, and it appears that they have already given good results. The Committee considers that further steps should be taken in this direction. When organisations of this kind function in a larger number of countries, having studied the same questions, meetings of these organisations under the auspices of the League of Nations will bring a particularly valuable contribution to the examination of grave problems of the present day.

The Committee thinks it sufficient to draw the Council's attention to the utility of ensuring the co-operation of these national economic councils int he work of the League of Nations, leaving it to the Council to seek the best means of carrying this idea into effect. It considers, however, that this aim might be achieved by means of a suitable modification in the existing Economic Consultative Committee.

13. *Economic Tendencies liable to influence World Peace.*

Realising the connection which exists between economic policy and peace, the Second Committee is of opinion that the study begun in this connection by the Economic Organisation at the suggestion of the Economic Conference of 1927 should be pursued.

14. *Pact of Economic Non-aggression.*

The Committee shares the Sixth Committee's opinion that the proposal aiming at the creation of a Pact of Economic Non-aggression submitted to the Committee of Enquiry for European Union is a question of world-wide importance.

Leaving it to the proposed special committee to examine the substance of the question, the Second Committee is of opinion that the extra-European Members of the League of Nations should be requested to take part in the work of the special committee, particularly Australia, China, India, Japan and Uruguay. Furthermore, the Committee asks the Assembly to request the Council to invite the United States of America to be represented on this committee.

C. Draft Resolutions.

In conclusion, the Second Committee submits the following draft resolutions to the Assembly :

" 1. The Assembly,

" Recognising that the normal exchange of merchandise between the nations is seriously hampered by *frequent changes in customs tariffs* and, generally, by instability in commercial policy;

" Considering the statement made by the Sub-Committee of Economic Experts to the Commission of Enquiry for European Union to the effect that such changes greatly complicate the task of maintaining stability in the monetary and credit system of the world :

" Earnestly hopes that every country will try to the utmost possible extent to avoid any such change in tariff or commercial policy as would tend to increase the economic disequilibrium and further disturb the general balance of payments."

" 2. The Assembly,

" Having noted the resolutions adopted by the Commission of Enquiry for European Union as a consequence of the report of its Co-ordination Sub-Committee;

" Being informed that the Commission of Enquiry did not feel able to put these resolutions into effect until they had been submitted to the Assembly :

" Approves the said resolutions and requests the Council to take the necessary action to put them into effect.

" In particular as regards the report of the Sub-Committee of Economic Experts (document C.510.M.215.1931.VII) the Assembly,

" *(a)* Considering that closer economic co-operation is one of the essential conditions for relieving and overcoming the present economic crisis;

" Convinced that the *report of the Sub-Committee of Economic Experts* suggests the right methods for attaining this goal;

" Recognising that the seriousness of the crisis and the distress that the coming months will bring require a speedier application of all useful remedial measures :

" Notes the resolution of the Commission of Enquiry for Economic Union inviting the European Governments to present, if possible before January 1st, 1932, their obser-

vations on the said report, and recommends all the Goverments concerned in their future decisions to take account of the principles proposed by the report; [1]

" *(b)* Having noted the resolution adopted by the Commission of Enquiry for European Union regarding the appointment of a special committee to study the *extension of a system of special facilities* to agricultural products other than cereals;

" Considering that such extension would raise difficult questions of principle, in particular as regards the relation between such a system and the most-favoured-nation clause :

" Deems it desirable that the findings of the special committee referred to above should be examined by the Economic Committee before being submitted to the Commission of Enquiry for European Union."

" 3. The Assembly,

" Considering that among the means likely to contribute to better general organisation, the experts consulted during the last few years, and more recently the Sub-Committee of Economic Experts, have expressed the opinion that under certain conditions the development of *international* industrial *agreements* may exercise a beneficial influence on the organisation of industry and the regulation of trade;

" Bearing in mind also the relation which these experts descry between such industrial agreements and the lowering of customs barriers :

" Draws the attention of the Governments to the recommendations of the Economic Experts in this connection.

" It requests in particular the Governments and the League of Nations to devote their attention to studying the means of ensuring that international economic agreements should be established and should operate in the general interest in conformity with these recommendations and with the principles formulated in the report of the International Economic Conference.

" It draws special attention to the necessity of measures to ensure as wide publicity as possible for these agreements, making it possible to follow their activities so as to safeguard all legitimate interests, particularly those of consumers, whether countries or persons.

" It further requests the Economic Committee of the League of Nations to resume and push forward its consultations concerning the most important branches of production.

" While leaving the Economic Organisation to appreciate the conditions in which these meetings would offer the greatest chances of success and to select the products in respect of which agreement appears to it most easily obtainable, the Assembly calls its attention to the following commodities which seem to it likely to fulfil most satisfactorily the conditions for this purpose : Cereals, coal, wood, paper, artificial silk, leather, hides and skins, electrical material, motor cars and chemical products."

" 4. The Assembly,

" Seeing that, among the measures of international solidarity best calculated to mitigate the effects of the economic depression and to assist the resumption of activity which would benefit the workers of all countries, consideration should be given to the execution of important *public works* jointly undertaken by public or private groups on European or extra-European territory;

" Seeing, further, that the problem has already been approached by the Commission of Enquiry for European Union and has been laid before the competent organs of the League of Nations;

" In order to expedite the examination of these programmes, to co-ordinate them on an international scale, to hasten their putting into effect and to follow their execution :

" Invites the Council of the League of Nations to instruct the Committee of Enquiry set up by the Communications and Transit Organisation, which needs to be completed by representatives of the International Labour Office and possibly of the economic and financial organs of the League, to undertake these various tasks.

" This Committee will examine the concrete proposals of the various Governments, particularly from the point of view of the utility and productivity of the works proposed.

" It will report to the Council of the League of Nations. The Commission of Enquiry for European Union will be called on to give its opinion on the proposals relating to Europe."

" 5. The Assembly notes with satisfaction that the draft *unified Customs nomenclature* prepared, after an urgent request from the Assembly, by the Sub-Committee of Experts appointed for the purpose, has now been completed.

" It considers that the adoption of an agreement to utilise a uniform Customs nomenclature would facilitate the development of international economic relations.

" Being convinced that States will understand that the great advantages resulting from the adoption of such a common instrument will amply compensate for the difficulties of adjustment which its adoption may entail :

" It agrees with the procedure suggested by the Economic Committee and the Sub-Committee of Experts and approved by the Council.

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[1] The delegations of Denmark, Norway and Sweden proposed the following amendment to the latter portion of this sentence :

" It recommends the report to the attention of all the Governments."

"It therefore earnestly appeals to all Members and to the States non-members of the League of Nations, to which the draft unified Customs nomenclature will shortly be submitted, to examine the draft without delay, so that they may be enabled to forward their replies to the Secretariat as soon as possible."

"6. The Assembly notes with satisfaction the valuable results of the two International Conferences for the *Unification of Laws on Bills of Exchange, Promissory Notes and Cheques*, and strongly urges the Governments of the States concerned to take steps to ensure that the instruments of ratification of these Conventions shall be deposited as soon as possible and, in any case, before the expiry of the time-limits provided."

"7. The Assembly,

"Considering that it would be desirable to encourage the formation and development of national institutions *(National Economic Councils)* representing the most important economic and social elements in every State;

"Considering that institutions of this nature already exist—although with different methods and with different powers—in a certain number of countries, especially in Europe;

"Convinced of the desirability of utilising these institutions as much as possible in the work of improving international economic relations:

"Requests the Council to seek the most appropriate means of providing for the collaboration of National Economic Councils in the work of the League of Nations and suggests that this end might be secured by an appropriate modification of the composition of the Economic Consultative Committee."

ANNEX 12.

ECONOMIC WORK OF THE LEAGUE OF NATIONS.

SECTION B, 3: INTERNATIONAL ECONOMIC AGREEMENTS.

TEXT OF THE REPORT PROPOSED BY THE DRAFTING COMMITTEE.

Among the means contemplated for improving the organisation of production and for substituting systematic and co-ordinated organisations for unorganised activity, the World Economic Conference and, still more recently, the Committee of Economic Experts have mentioned the development of international agreements. The Second Committee agrees with the opinion expressed by them that, under certain conditions and guarantees which they define, the development of international economic agreements may exercise a beneficial influence on the organisation of industry, agriculture and trade. Agreements of this kind may reduce the danger of over-production, and also provide a basis for international co-operation. In this connection, the Second Committee looks forward with interest to the publication of the report by the specialised experts who have studied the problem of international industrial agreements under the direction of the Economic Committee.

It is undoubtedly important, in order to avoid any disadvantages which they might involve, to provide all necessary guarantees in respect of such agreements and their operation. Is is essential that the interests of consumers should be adequately safeguarded, and that States should not be left without means of protecting themselves against an influence which might become too powerful, and that, moreover, any combines formed should be sufficiently adaptable to avoid permanently crystallising the existing conditions of manufacture in the various countries, and to give the economic life of various countries legitimate scope for expansion.

While leaving the Economic Organisation to appreciate the conditions in which these meetings would offer the greatest chances of success, and to select the products in respect of which agreement appears to it most easily obtainable, the Committee *calls its attention to the fact that, in the discussion, the following commodities were mentioned by several delegations as being likely to fulfil most satisfactorily the conditions* for this purpose: cereals, wine, cork, hemp, coal, wood, paper, artificial silk, leather, hides and skins, electrical material, motor cars and chemical products.

TEXT OF RESOLUTION 3 AS PROPOSED BY THE DRAFTING COMMITTEE.

Considering that, among the means likely to contribute to better economic organisation, the *World Economic Conference* and, more recently, the Sub-Committee of Economic Experts have expressed the opinion that, under certain conditions and guarantees, the development of *international* economic *agreements* may exercise a beneficial influence on the organisation of production and the regulation of trade:

(The second paragraph is suppressed.)

Draws the attention of the Governments to the recommendations of the economic experts in this connection.

It requests, in particular, the Governments and the League of Nations to devote their attention to studying the means of ensuring that international economic agreements *should be organised and operated in the general interest and with due regard to all interests concerned in accordance with the recommendations of the economic experts and the relevant chapter in the report of the World Economic Conference.* It draws special attention to the necessity of measures to ensure as wide publicity as possible for these agreements, making it possible to follow their activities so as to safeguard all legitimate interests, particularly those of consumers, whether countries or persons.

It further requests the Economic Committee of the League of Nations to resume and push forward its consultations concerning the most important branches of production.

(The last paragraph has been embodied in the Report itself.)

ANNEX 13.

ECONOMIC WORK OF THE LEAGUE OF NATIONS.

AMENDMENT TO SECTION B, 4 (*c*), OF THE DRAFT REPORT SUBMITTED BY THE RAPPORTEUR.

4. AGRICULTURAL QUESTIONS.

. . . . . .

(c) As regards Europe, certain countries tried to establish, by bilateral conventions agreements involving preference for purchases of cereals from Central and Eastern European States.

These countries affirm that they have no wish to infringe the principle of the most-favoured-nation clause, nor have they any intention of setting up any new economic doctrine, their efforts being directed solely towards granting a temporary and limited exception, which is urgently necessary in the present grave circumstances. They also expressed the opinion that the granting of a preferential tariff on cereals would enable countries benefiting by it to sell their cereals at a fairly remunerative price, and not, as is the case to-day, at much less than cost price. In this way, their economic situation would be improved and their purchasing capacity increased. They add that the advantages granted in return by the exporting countries would benefit, not only the country giving the assistance, but all States without distinction. The agreements would be submitted to the League and would be given wide publicity.

Those countries consider that, in the exceptional conditions of the present time, and in view of the economic distress which exists in certain countries but which affects all other countries, preferential tariffs might constitute an exceptional and temporary palliative, and that, subject to the agreed reservations in regard to the previous approval of the agreements, and provided they are given publicity and are in conformity with the principles laid down by the Commission of Enquiry for European Union, they may be regarded as likely to bring an appreciable measure of relief to the economic systems concerned.

On the other hand, certain countries pointed out the drawbacks which might be involved by these departures from the most-favoured-nation clause. In their opinion, the League should not give its approval to special benefits or privileges limited to particular groups of nations.

The Second Committee notes the report drawn up on this matter by the Commission of Enquiry for European Union.

ANNEX 14.

LETTER, DATED SEPTEMBER 24TH, 1931, FROM THE CHAIRMAN OF THE FOURTH COMMITTEE TO THE CHAIRMAN OF THE SECOND COMMITTEE.

With reference to the letter sent by you on September 21st to the Chairman of the Supervisory Commission, I have the honour to communicate to you herewith the report of the Supervisory Commission, which was adopted by the Fourth Committee at its meeting of September 23rd.

Endorsing the Supervisory Commission's conclusions, the Fourth Committee has decided to enter a credit of 250,000 francs in the 1932 budget for the work of the Financial Committee in 1932; on the other hand, it has not been able to accept the Second Committee's proposal to enter in the budget a supplementary credit of 50,000 francs for the study of the question of the recurrence of periods of economic depression.

(Signed) POLITIS,
Chairman of the Fourth Committee.

ANNEX 15.

DRAFT REPORT OF THE SECOND COMMITTEE OF THE ASSEMBLY ON THE FINANCIAL WORK OF THE LEAGUE.

PART I.—GENERAL.

During the past year, since the last meeting of the Assembly, the world has been subjected to an economic depression of unparalleled severity. Month by month the effects of this depression have become more acute; its scope has become more widespread. Since the early summer of this year, the financial structure within which the mechanism of production and distribution must operate has been shaken by shock succeeding shock. During the week in which the Second Committee was occupied with financial questions, events of the gravest import have taken place. How far-reaching their effects may be it is too early to foresee. Certain it is only that the problems of primordial importance to-day, the problems to the solution of which the efforts of all must be devoted, are essentially financial. Economic recovery is dependent, and must be dependent, on a betterment of the financial situation.

The Second Committee has been faced during its deliberations by the difficulty that the day-to-day evolution of events during this past week, and, indeed, during the weeks immediately preceding its session, have been too rapid and have been too largely determined by that public sentiment which in times of stress it is more easy to comprehend than to control. In these circumstances, the Committee desires to draw special attention to the Minutes of its discussions and to the important statements made by a number of delegates who took part in those discussions.

But, in spite of this momentary difficulty, the Second Committee is convinced that the League of Nations, during the months to come, may contribute much, and must be equipped and prepared to render the utmost contribution in its power. Indeed, it has already entered upon this task.

Financial problems of the first magnitude have arisen for solution—problems, however, which, at the stage reached until quite recently, have demanded either joint action by banks or day-to-day co-operation between a relatively restricted number of Governments. Such limited joint action and banking co-operation are always required, and very much still remains to be done by this means in the near future. But, in recent weeks, a further stage has been reached at which the aid of the Financial Organisation of the League is urgently demanded. Both the Austrian and the Hungarian Governments have called in the aid of the Council. Measures have already been taken with a view to solving the Austrian difficulties, and a delegation of the Financial Committee is to visit Hungary almost at once.

Similar or other action may be required elsewhere. The League must not only support and reinforce the financial reconstruction schemes already undertaken; if other countries need emergency aid or advice the League must be ready to give it. The demands that may arise cannot be foreseen; but, in the opinion of the Second Committee, it is imperative that the Council and the Committee which is its financial adviser should be in a position to afford the full measure of help that lies in the power of the League. Provision must be made for prompt and effective action. The Second Committee has accordingly recommended that a special fund now voted by the Fourth Committee should be made available in the budget of the League for this purpose. It recommends, further, that the Assembly should suggest to the Council the desirability of arranging for a special procedure for prompt action. If the existing organisation and equipment proves insufficient to bear the temporary strain which may be placed upon it, it must be strengthened and expanded.

Existing difficulties, however, will not be overcome by such special international action alone. International action on a wider scale may be required; national efforts must be made. The technical position may gradually improve by the natural impulse of economic forces; it may worsen. Individual initiative is essential, but a stimulus to such initiative may be, and, in our opinion, should be, given by Governments. When individual demand is weak and lacking in confidence, it may be necessary for Governments to stimulate social demand. We believe that such is the financial situation to-day, and that the policy of the Government of the United States of America, where monetary conditions permit and unemployment is serious, in taking the initiative in the matter of public works, might have happy results. Such a policy will create a direct demand for material and for labour. The labour employed on such works will itself create a further demand for goods, and thus may the whole mechanism of production be gradually restarted.

Active measures of this sort in the financially stronger countries cannot but have, in existing circumstances, beneficial effects. But they will need to be accompanied by a direct stimulu

to production in other countries, a stimulus which can only be given by the gradual extension of foreign lending as conditions permit. Such lending will depend, not only on the willingness of those who have available funds to lend, but on the success of the efforts made by borrowing countries to create and maintain the necessary conditions. For these reasons, the Second Committee recommends that the Assembly urge all Governments to do everything that lies in their power to promote international understanding and such domestic, social and political conditions as will facilitate the movement of capital.

By all, to-day, sacrifices must be made; national endeavour must precede or accompany international aid. Foreign capital will not flow readily to countries whence domestic capital is exported owing to the lack of confidence of its citizens. But conditions may arise in which countries are so directly and so seriously affected by the economic depression that, without extraneous aid, they can hope neither to borrow without aid nor to maintain their financial equipment without borrowing. If such circumstances arise, there may be no alternative to an international guarantee by Governments of foreign loans granted. For special cases, and subject to special safeguards, such a procedure might have, in the opinion of the Second Committee, to be contemplated in the future. The scheme which the Financial Committee elaborated with the experts which it called upon to assist it for the establishment of an International Agricultural Mortgage Credit Company affords an example of one method by which such Government assistance may be afforded. In other cases, direct Government guarantees may be required.

In other cases, again, it may be possible to promote international lending by establishing special machinery for that purpose. The Second Committee had before it the outline of such a scheme prepared for the Commission of Enquiry for European Union by M. Francqui, which is designed to promote lending on medium term. In the recommendations put forward at the end of this report will be found one suggesting that this scheme should be studied. But by whatever procedure the flow of international lending may be restarted, it is of vital importance to secure that the moneys advanced should be used for real productive purposes. The League will be performing a service of the greatest value if, by the measures it adopts, it can prevent the loan of moneys to public authorities or to others for unproductive or improper purposes.

The recommendations put forward in this report are concerned in part with the necessary implementing of work already undertaken by the Financial Organisation during the past year or of the resolutions adopted by the eleventh Assembly last September. That work is described and those resolutions referred to in the second part of this report.

With reference to the recommendations concerning the work which is likely to arise in connection with the present financial crisis, the Second Committee desires to emphasise again one point.

During the coming months, questions of the gravest importance must arise for solution. The arrangements which have been made concerning existing international debts are of short duration. It is the business of the creditors and debtors immediately concerned to find means for prolonging, modifying or terminating those arrangements on their expiration in such a way as to permit of a more normal conduct of business and in such a way as to avoid a further shock to confidence. The measures which they will find most appropriate to the moment must depend on the underlying economic conditions and on the state of public sentiment. The general public, no less than the banker and the *entrepreneur*, can thus contribute much to the amelioration of the general situation.

But the problems which arise for solution are manifold and difficult, and Governments and their international machinery at Geneva must be ready to act. It is, above all, important, in the opinion of the Committee, that the League should be prepared and equipped to help promptly and efficiently; that it should be in a state of constant alertness; that it should consider no task too great to assume, and, when the circumstances demand, no risk too great to take. Its aid will be sought, and that aid must be freely given, whether by special enquiries and advice, by the elaboration of new schemes of financial reform, by the erection of new financial machinery, or by special discussions and meetings.

PART II.—WORK OF THE PAST YEAR.

The work of the Financial Organisation during the past year has been exceptionally wide in its scope. The late Director of what was formerly the Economic and Financial Section visited India in the winter of this year on the request of the Government of that country, and went on directly from India to China. His report on the creation of an Economic Council for India was published simultaneously by the Indian Government and, with its consent, by the League of Nations. Its interest, in view of the attention which is to-day being paid to this question of economic councils and economic planning, is of much more than national interest. His visit to China was in response to a request received from the Chinese Government that he should discuss with it the effects of the present depression on China's economic activities. Expert enquiries have not, however, been confined in the financial field to the Continent of Asia. A financial expert took part in the work of the mission sent to Liberia in the summer of this year by the Committee of the Council in order to study the problem raised by the request for assistance submitted by the Government of that country. Another visited Lithuania, on the request of the

Lithuanian Government, to report on certain outstanding problems arising out of the Memel Convention. The Deputy Secretary-General and the present Director of the Financial Section paid a visit to Vienna after the request of the Austrian Government, to which reference is made below.

Agricultural Credits.

The most important piece of new constructive work carried out by the Financial Committee until its present session has been in connection with agricultural credits. When the Committee met last year, one of the most insistent problems with which European countries especially were faced was that of providing long-term credits to agriculture.

Accordingly, the Financial Committee, acting on the instructions it received, elaborated, in the first half of the year, an International Convention, which has already been signed by eighteen States, for the creation of an International Agricultural Mortgage Credit Company and the Constitutive Charter and Statutes for this institution. This is a sound and practical scheme which is fully described in the report to the Assembly (document A.6.1931), and should come into operation as soon as the conditions of the financial markets permit the capital to be subscribed.

It is to be hoped, therefore, that the signatory States will ratify the Convention at an early date, and that all European States which have not yet signed the Convention will do so before the end of this month.

Other Long-term Credit Problems.

This Convention was designed to meet the special difficulties of the agricultural countries. But, since May, the need for long-term capital has spread far beyond these countries. In view of this new situation, the French Government put forward certain proposals to the Commission of Enquiry for European Union, which were afterwards examined by a special Committee appointed by the Council. The report of this Committee (document C.504.M.211.1931.VII) was approved by the Council on September 14th.

> " The problems of international loans ", it is pointed out, " can no longer be considered by the League solely with regard to their effects on individual borrowing States, but should be viewed rather in connection with the general problem of international credit, and any action likely to promote a flow of capital to-day would promise valuable international advantages."

The Committee recommended, therefore, that the League's policy with regard to the issue of loans under its auspices should be developed, and that, as the French Government had suggested, the Financial Committee, acting in accordance with the instructions received from the Council of the League, should be prepared to consider such applications from borrowing States as may be made to it for its assistance. These proposals, it is observed, constitute rather a development of than a departure from the policy approved by the Assembly last year. They have received the approval of the Council, which decided, in this connection, that the collaboration of Treasury officials should be obtained in all cases where requests from Governments for help or advice involve the examination of questions of public finance. The Second Committee desires to emphasise the necessity of the Financial Organisation of the League being ready to meet all calls that may be made upon it.

Other Work of the Financial Committee.

The other work of the Financial Committee has been largely connected with the reconstruction schemes instituted in early years. The great undertaking of settling 1,400,000 refugees in Greece has been successfully concluded, and the similar work conducted in Bulgaria is nearing completion. A special enquiry has been conducted, on the request of the Bulgarian Government, into the co-operative system in that country.

Bulgarian Budget.

The general depression has had serious consequences for the Bulgarian budget. The financial year 1930-31 closed, owing to a falling-off in receipts, with a large deficit, which threatened to be renewed in the current year.

The Financial Committee has taken active steps to deal with the position. It made urgent representations to the Bulgarian Government concerning the necessity of taking energetic measures to restore the balance between revenue and expenditure, both by cutting down expenses and increasing the yield from existing taxes or creating new ones. The Bulgarian Finance Minister has submitted to it a detailed plan, under which it may be hoped that the budget will be balanced and the Treasury position, which was compromised by the previous deficit, will be gradually improved.

Greece and Estonia.

The Financial Committee continued to follow the situation of the Banks of Greece and Estonia which, with its support, had restored the stability of the currency in these two countries.

At the same time, the Committee has kept in touch with the economic and financial situation in these two countries.

Counterfeiting Currency.

A first conference of the representatives of the central police offices with a view to the suppression of counterfeiting currency met at Geneva from March 4th to 7th, 1931. This Conference, the chief aim of which was to develop international co-operation between these offices for the prevention and suppression of counterfeiting currency, adopted for this purpose a certain number of recommendations and a series of administrative regulations.

Gold.

The Gold Delegation has pursued its work and devoted itself, in particular, to the study of the distribution of gold, on which question it issued a report in the spring of this year.

The Gold Delegation expects to conclude its work at its next session and to publish on that occasion a general report on the whole complicated question submitted to it.

Fiscal Committee.

During its second year of existence, the Fiscal Committee continued to devote its efforts to numerous and varied tasks. *Inter alia*, it drew up two model drafts for a plurilateral convention for the avoidance of double taxation of the chief categories of income, which it recommended to the attention of the Governments.

Further, the enquiry initiated, with the help of the grant made by the Rockefeller Foundation, into the apportionment of profits of undertakings operating in several countries and the possibility of unifying the methods employed in this connection by the different fiscal administrations is making satisfactory progress. The legislation of several important countries has been carefully examined, and it is hoped to reach final conclusions in the comparatively near future.

The Committee also dealt with the taxation of instruments of international commerce, double taxation in respect of the turnover tax, and the Customs and fiscal duties on newspapers and periodicals.

The draft Convention which it had prepared, with the help of the Transit Organisation, on the taxation of foreign motor vehicles was adopted almost as it stood by the European Conference on Road Traffic and was signed by twelve countries.

It seems that, thanks to the efforts made in this sphere by the Financial Organisation of the League of Nations before the Fiscal Committee came into existence, the field of double taxation is being more and more restricted. Certain bilateral conventions of a general nature have recently been concluded between France and Italy, Finland and Sweden, Belgium and France and Belgium and Italy; they are generally based on the model drafts prepared by the Conference of Government Experts in 1928. As regards maritime navigation, numerous agreements have already been concluded between the nations concerned,

Committee of Statistical Experts.

In January, a new permanent committee—the Committee of Statistical Experts—was appointed in accordance with the terms of the International Convention relating to Economic Statistics. This Committee held its first meeting in March, when it laid down the lines of the large programme of work that lies before it. At the same time, it took action on two specific and urgent questions—the compilation of a common list of statistical territories to be specified in national statistics of external trade and of a list of commodities entering into such trade.

Economic Intelligence Service.

The eleventh Assembly instructed the Economic and Financial Organisation of the League :

(1) To undertake an enquiry into the course and phases of the present economic depression, and

(2) To examine, after getting in touch with international organisations, advisory councils, research institutes, etc., by what means the work already undertaken on the problem of the recurrence of periods of economic depression might be co-ordinated.

Professor Ohlin, of Stockholm University, was appointed at the beginning of the year to take charge of the enquiry referred to in the first of these resolutions.

In accordance with the wishes of the Assembly, the enquiry has been carried out in close collaboration with the International Labour Office and the International Institute of Agriculture, which have furnished information relating to the subjects with which they are concerned, and with a number of national economic councils and economic research institutes. At the beginning of March last, and again in July, meetings of experts from these councils and institutions, together with representatives from the International Labour Office, the International Institute of Agriculture and the International Chamber of Commerce, were held at Geneva to discuss the plan of the enquiry and certain of the technical problems involved. The majority of the national organisations represented at these meetings and a number of Governments prepared special memoranda concerning the conditions in their own countries.

On the second resolution a special report has been drawn up (document A.55.1931.IIa) by representatives of those advisory and technical organisations with whom the last Assembly

decided contact should be established. In this report, it is recommended that meetings of representatives of such of these institutes and of any national or international organisations as are engaged upon work on the question and of individual experts should be convened at suitable intervals.

On the importance of this proposed work, this Committee laid special emphasis last year in a striking passage of its report.

> " When we consider the magnitude of the losses ", it remarked, " from which the world suffers during a period of economic stagnation similar to that through which the world is now passing, it is impossible not to be impressed by the almost absolute failure of society up to the present to devise any means by which such disasters may be averted. The Committee felt that this problem was one which imperatively demanded co-ordinated and concerted study."

It will be observed that the proposal put forward by the representatives of the economic councils, research institutes and other bodies consulted by the Financial Organisation is a conservative one. Such conservatism is wise to-day. What is essential is to begin the work in the hope that we may ultimately—however slowly and falteringly—find means to avert or to lessen depression such as that which we are experiencing to-day.

In spite of the large amount of work falling upon it in connection with the enquiry into the course and phases of the economic depression, the Economic Intelligence Service has, during the last year, issued new editions of the *Memoranda on International Trade and Balance of Payments* and on *Production and Trade*, and the *Statistical Year-Book*. The *Monthly Bulletin of Statistics* has been published regularly and a *Memorandum on Commercial Banks* is now in the press.

Draft Resolution.

In conclusion, the Second Committee submits the following draft resolution to the Assembly :

" The Assembly,

" (1) At this grave moment of financial and economic anxiety, urges on all Governments to do everything that lies in their power to promote international understanding and such domestic conditions as to facilitate lending both at home and abroad.

" It draws the attention more especially of the Governments of creditor countries on long- and short-term account where unemployment is serious to the imperative need of taking active and prompt measures to revive economic activity by the stimulation of demand by means of the initiation of public works or by any other means.

" (2) It welcomes the decision of the Council that the Financial Committee should be prepared to consider applications from borrowing States for assistance, and requests the Council to follow closely the evolution of events and to take all measures necessary to assure that at any moment the decisions and action demanded by the situation may be taken without delay, and that the League of Nations may be in a position to render the full measure of service that may be demanded of it, and, in particular, to provide that the Financial Organisation of the League of Nations obtains the funds and the technical assistance necessary to permit it to afford to all States Members prompt and effective assistance whenever such assistance be sought, whether by means of delegations or advice or by any other means; and to provide, further, that the Financial Organisation may be able to arrange for such international consultations as may prove to be desirable.

" (3) In view of the fact that the Sub-Committee of Economic Experts has given favourable consideration to M. Francqui's proposal to establish an institution for long- and medim-term credits, it requests the Council of the League of Nations to instruct the competent organs of the League to examine, as soon as possible, with the assistance of M. Francqui, the proposal submitted by the latter to the Sub-Committee of Economic Experts.

" (4) It expresses its appreciation of the valuable work carried out during the past year by the Financial Committee and its special Delegations on Gold and Agricultural Credits and of the Fiscal Committee and the Financial Organisation as a whole, and notes with special satisfaction the Convention for setting up an International Agricultural Mortgage Credit Company, the recent response to the request submitted by the Austrian and the Hungarian Governments for enquiries into their financial situation, the second interim report of the Gold Delegation and the study which has been published on the course and phases of the economic depression.

" It urges all Governments of signatory States to accelerate their ratifications of the Convention of the International Agricultural Mortgage Credit Company, and hopes that those others who, under the terms of the Convention, are enabled to deposit their signatures before September 30th will do so.

" (5) It approves the proposal that, in order to co-ordinate the work now being conducted on the problem of the recurrence of periods of economic depression, the League should convene meetings of experts and representatives of those economic councils, research institutes and other organisations that are actively engaged on this question, and should appoint a qualified economist and adequate staff for this purpose, and decides that this work shall be begun in the year 1933."

ANNEX 16.

LETTER, DATED SEPTEMBER 25TH, 1931, FROM THE SECRETARY OF THE SECOND COMMITTEE TO THE CHAIRMAN OF THE FOURTH COMMITTEE.

M. Janson, Chairman of the Second Committee, has instructed me to acknowledge receipt of your letter of September 24th, 1931, informing him that the Fourth Committee has decided to include in the budget for 1932 a credit of 250,000 francs for the work of the Financial Committee in 1932; but that, on the other hand, it has not seen its way to accept the Second Committee's proposal to include in the budget a supplementary credit of 50,000 francs for the study of the periodicity of economic depressions.

This last question was again studied by the Second Committee at its meeting yesterday afternoon. The Second Committee decided to ask its Chairman to approach the Chairman of the Fourth Committee again, requesting that Committee to reconsider the possibility of including in the budget for 1932 a sum of 50,000 francs, or a smaller sum, for the study of the periodicity of economic depressions. The Second Committee is of opinion that, in the present circumstances, that problem is of particular urgency and importance.

(Signed) KERNO,

Secretary of the Second Committee.

ANNEX 17.

LETTER, DATED SEPTEMBER 26TH, 1931, FROM THE SECRETARY OF THE FOURTH COMMITTEE TO THE SECRETARY OF THE SECOND COMMITTEE.

I am instructed by the Chairman of the Fourth Committee to inform you that, at its Meeting on September 25th, the Fourth Committee decided not to revoke the decision it had taken to refuse the approval of the credit requested for the study of the periodicity of economic depressions.

(Signed) J. H. BIELER,

Secretary of the Fourth Committee.

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ABBREVIATIONS

Co. = Company.
Comm. = Commission.
Cttee. = Committee.
Govt. = Government.
Int. = International.
Org. = Organisation.
Resol. = Resolution.
Sec. Gen. = Secretary-General.

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RECORDS

OF THE

TWELFTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

THIRD COMMITTEE

(REDUCTION OF ARMAMENTS)

GENEVA, 1931

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Norway :	M. Birger BRAADLAND, M. Erik COLBAN (Substitute).
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Paraguay :	His Excellency Dr. Ramón V. CABALLERO DE BEDOYA.
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Sweden :	His Excellency Baron S. G. F. T. RAMEL, M. R. J. SANDLER, M. K. I. WESTMAN.
Switzerland :	M. Gottfried KELLER, M. Max HUBER (Substitute).
Uruguay :	His Excellency Dr. Enrique E. BUERO, His Excellency Dr. Alfredo DE CASTRO (Substitute).
Venezuela :	His Excellency Dr. Diogenes ESCALANTE, His Excellency Dr. C. PARRA-PÉREZ.
Yugoslavia :	His Excellency M. Iliya CHOUMENKOVITCH.

Took part in the discussions on the truce of armaments :

Brazil :	His Excellency M. R. DE RIO BRANCO.
Costa Rica :	M. FIGUEREDO.
Egypt :	His Excellency FAKHRY Pacha.
United States of America :	The Honourable Hugh R. WILSON.
Turkey :	His Excellency Cemal HÜSNÜ Bey.

THIRD COMMITTEE

(Reduction of Armaments.)

AGENDA.

I. Questions referred to the Third Committee by the Assembly at its Meeting on September 7th, 1931.

(*a*) Report of the Special Committee to frame a Draft General Convention to improve the Means of preventing War (Item No. 12 on the Agenda of the Assembly).

(*b*) Part of the Report on the Work of the League since the Last Session of the Assembly concerning the Organisation for Communications and Transit (Item No. 17 on the Agenda of the Assembly).

II. Questions referred to the Third Committee by the Assembly at its Meeting on September 12th, 1931.

(*c*) Draft Resolution of the Spanish Delegation concerning the Co-operation of Women and of the Press in the Work of the League of Nations.

(*d*) Draft Resolution of the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland, concerning an Armaments Truce.

FIRST MEETING.

Held on Saturday, September 12th, 1931, at 5.30 p.m.

Chairman : M. MUNCH (Denmark).

1. Constitution of the Bureau.

On the suggestion of M. BENEŠ (Czechoslovakia), Sir Thomas WILFORD (New Zealand) *was elected Vice-Chairman.*

2. Publicity of Meetings.

The Committee decided that, in accordance with precedent, its meetings would be public, unless otherwise decided in special cases.

3. Agenda.

The Committee adopted its agenda and the order of discussion of the items on the agenda.

4. Presence of the Special Committee's Rapporteur during the Discussion of the Draft General Convention to improve the Means of preventing War.

The CHAIRMAN pointed out that it would be a great advantage for the Committee if a representative of the Special Committee which dealt with this question were present at the meetings in which the draft general Convention was discussed. As M. Politis, the Chairman of that Special Committee, was Chairman of the Fourth Committee, Dr. Lange, Rapporteur of the Special Committee, might be requested to be present at the meetings in order to supply any information which the members of the Committee might desire.

The proposal was adopted.

5. Election of Rapporteurs.

M. DE MADARIAGA (Spain) and M. BUERO (Uruguay) *were appointed Rapporteurs,* M. de Madariaga for questions (*a*) and (*d*) of the agenda and M. Buero for questions (*b*) and (*c*).

6. Communications of Importance to the Working of the League in Times of Emergency.

The CHAIRMAN reminded the Committee that four questions came under this general heading :

1. Facilities to be granted to Aircraft.
2. Facilities to be granted to Motor Transport.
3. Construction of a League Wireless Station.
4. Layout of an Aerodrome near the Seat of the League of Nations.

At its previous session, the Assembly had adopted a resolution laying down rules regarding the facilities which should be granted by the States to air and motor transport of importance to the working of the League in times of emergency. This resolution provided that, on the one hand, the Council should decide on certain measures of detail relating to the identification of aircraft employed on the League's work, and, on the other hand, regarding the application of the rules established by the Assembly, negotiations should be undertaken between the Secretary-General and the Governments.

No new question had arisen on this subject, but the Assembly could no doubt note with satisfaction, in view of the information contained in the Secretary-General's report and of the supplementary information which the Secretariat could supply, that the discussions had given rise to no difficulty; on the contrary, the replies from the Governments showed that the regime desired by the Assembly could be put into application immediately. Moreover, the Council, at its previous session, had taken the necessary measures regarding the identification of aircraft employed by the League.

With regard to question 3, the Committee would be interested to know that, in view of the present state of its work, the station would be ready at the latest by the beginning of 1932.

The Committee might then note with satisfaction the progress achieved on these three questions.

With regard to question 4, the Assembly had received a final technical report. The technical examination appeared to be terminated, but it would appear that the discussions necessary for regulating non-technical questions had not yet been pursued between the Swiss Government and the Secretariat of the League. It was for the Committee to enquire whether, under these circumstances, the Assembly should not wait until it was in a position to have the more complete technical and non-technical information necessary for its decision.

It would be advisable to reserve this question for the next Assembly, which, after examining the detailed report, would be in a position to give its opinion on the entire scheme.

The Chairman opened the discussion on questions 1, 2 and 3.

M. FRANÇOIS (Netherlands) stated that his Government, while approving the proposed rules in principle, wished to draw attention to the advisability of the League having a distinctive emblem or mark for identifying its means of transport; this mark might also be used on other occasions.

M. MASSIGLI (France) asked that M. Haas should state the present position in regard to the questions under discussion.

M. DE MADARIAGA (Spain) pointed out that, according to the Council's resolution regarding aircraft, it would appear that the League of Nations would only use aeroplanes placed at its disposal by third parties and that such machines would retain their nationality; while the resolution of the last Assembly stated that the advisability of the League of Nations having aircraft of its own should not be prejudged.

He urged the necessity for the League to have its own organs and a separate personality. In this respect, he also asked that the agents or staff of the League of Nations, when on offi ial missions, should be furnished with identification documents issued by the Council of the League of Nations and not by their country of origin.

Lord CECIL (British Empire), while regarding the problems raised by M. de Madariaga as of interest, thought that the only question to be discussed related to the identification of aircraft placed at the disposal of the League of Nations in times of emergency. If the League subsequently possessed aeroplanes, different provisions would then have to be made.

M. HAAS (Secretary-General of the Communications and Transit Organisation) explained that the regime adopted was essentially as follows. At times of emergency the States undertook to permit aircraft of the League of Nations, bearing certain distinctive marks, to fly over their territory. If their national defence required it, they might cause such aircraft to land at a frontier aerodrome if they undertook to provide for the continuation of the air transport. It might be concluded from the numerous replies received from the Governments that this regime would not give rise to any difficulty. Some countries had not yet replied, but there was no reason to expect that they would raise real difficulties. It might therefore be concluded that the proposed system would work. With regard to the question of identification of the aircraft, the Council had adopted a resolution which only applied to aircraft possessing a nationality. The Council had not thought fit to raise the question of aircraft belonging to the League of Nations. If this case arose, the Council could obviously settle the question of their identification.

The identification of persons was referred to in paragraph 7 of the resolution passed by the last Assembly, to the effect that " the Secretary-General will communicate the names of the persons on board — the crew and the passengers to be provided with documents certifying their status and mission ". Agents of the League of Nations would be provided with credentials signed by the Secretary-General. Members of delegations would be provided with identification documents supplied by the Governments.

There was no difficulty regarding motor transport; this method of transport did not raise the same questions of national security as air transport. The resolution regarding motor transport would certainly be applied integrally.

The CHAIRMAN repeated his proposals *re* questions 1, 2 and 3.

These proposals were adopted.

The CHAIRMAN opened the discussion on question 4, the construction of an aerodrome.

M. KELLER (Switzerland) agreed with the Chairman's proposals. He hoped, however, that, as in the past, the Secretariat would consult the Federal Government with regard to questions which had not yet been settled in order to obtain practical solutions.

Lord CECIL (British Empire) asked whether it was necessary to begin the discussion if the Committee adopted the Chairman's proposal to adjourn a decision till next year.

M. COLBAN (Norway) approved the Chairman's proposal to postpone the discussion until the following year. It would at the present time be impossible to ask for a credit for the aerodrome, but it should be clearly understood that the entire question should remain in its present state and that what might be done next year, after the preparatory study had been completed, would not be prejudged.

General DE MARINIS (Italy) also agreed that the question should be postponed until the next Assembly.

M. MASSIGLI (France), while not objecting to the postponement, wished to emphasise the urgency of the question. It was illogical to deal with identification marks on aircraft placed at the disposal of the League if such aircraft could not land at or leave Geneva. According to the experts' report, improvements were essential for normal traffic. Under

such circumstances, it would appear that the League should not bear a substantial part of the expense necessary for improving the aerodrome.

M. DE MADARIAGA (Spain) thought that even if it were impossible to vote credits this year, it would be useful to discuss the question. Such a discussion might show the necessity for further study which might take a certain time and might be better commenced now.

Lord CECIL (British Empire) asked what was the purpose of the military hangars shown on the plan attached to the report (document A.21.1931.VIII), what was the area and the capacity of the aerodrome, its distance from Geneva and the area of the surface to be subject to servitude.

M. HAAS (Secretary-General of the Communications and Transit Organisation) pointed out that the technical study was completed and its results were to be found in document A.21.1931.VIII. Some questions, however, in particular legal questions regarding the status of the aerodrome in times of emergency, were still unsettled. It had always been the custom of the Transit Committee to settle such questions with the co-operation of the Swiss authorities but, as it was difficult to do so during the Assembly, a postponement was necessary. With regard to the League's financial contribution, he wished to point out that this principle was not admitted in any document. The postponement of the question should, therefore, not be regarded as a result of a lack of credits, as this would imply that the League of Nations was henceforward prepared to make a substantial contribution.

In reply to Lord Cecil, M. Haas stated that the military hangars on the plan were already in existence, and there was no relation between their purpose and the use of the aerodrome by the League of Nations. The experts had not provided for any fresh construction of hangars, as they considered that in view of the present methods of manufacturing aircraft and the conditions under which the machines would remain at the aerodrome they could remain in the open air.

The aerodrome was situated about six kilometres from the centre of Geneva, but the town extended in that direction so that the enlargement of the aerodrome was somewhat expensive. In any case, it was near the boundaries of the town. M. Haas did not know exactly what area would be subject to servitude, but he would furnish this information later.

The Committee decided to reserve the question for the next Assembly.

(The meeting rose at 7.20 p.m.)

SECOND MEETING.

Held on Monday, September 14th, 1931, at 5.15 p.m.

Chairman : M. MUNCH (Denmark).

7. Draft General Convention to improve the Means of preventing War : General Discussion.

The CHAIRMAN reviewed the history of the draft Convention. He thought it advisable to begin with a general discussion on the draft Convention and on Dr. Lange's report together, with the exception, however, of the recommendation submitted by the Polish delegation regarding the danger which might arise, in cases of international emergency, from irresponsible Press campaigns and the publication of incorrect and tendentious information. This recommendation was in harmony with a suggestion made by the Swedish Government. The members of the Committee would no doubt agree that the Polish delegation's recommendation should be discussed in connection with item (*c*) of the agenda — namely, Collaboration of Women and of the Press in the Work of the League (draft resolution submitted by the Spanish delegation).

The proposal of the Chairman was adopted.

M. D'AVILA LIMA (Portugal) paid a tribute to the excellent intentions of the authors of the draft, the principle of which must meet with general approval. The prevention of war was in accordance with the aspirations and general spirit prevailing among the peoples, and the task so well described in the preamble of the draft should be energetically pursued.

The speaker wished, however, to submit some observations.

The draft was restricted to the application of Article 11 of the Covenant. While appreciating the motives which had led the Special Committee to restrict the scope of the draft, he pointed out that the threat of war was also referred to in other articles of the Covenant, in particular in Article 15 as a whole, the introductory paragraph of Article 12, and the last paragraph of Article 10. All these articles referred to action by the Council. It should, however, be remembered that the maintenance of peace was the common task of the Assembly and the Council.

The speaker had some doubt as to the distinction to be drawn between a threat of war and a state of war. Should it be considered that a concentration of troops near the frontier,

or blockade operations, or even hostile acts in the economic or financial sphere, constituted a threat of war, or the beginning of a state of war ? The Portuguese delegation considered, with the British delegation, that the Polish proposal relating to Article 2 deserved the greatest sympathy and might usefully be discussed on another occasion. In view of the extreme importance of air forces in modern warfare, it was regrettable that this arm was not expressly mentioned in the first paragraph of Article 2.

The Portuguese delegation recognised that the wording of Article 3 was entirely justified. It also agreed with the text of Article 4, while admitting that the question of the application of Article 16 of the Covenant was unaffected.

Lastly, Article 8 confirmed his previous remarks on the application of the draft Convention to Articles 13, 15, and 16 of the Covenant. Moreover, this article appeared to be unnecessary, since Article 20 of the Covenant abrogated all obligations or understandings which were inconsistent with the terms of the Covenant.

The general discussion was then closed.

8. Draft General Convention to improve the Means of preventing War : Discussion of the Articles.

PREAMBLE.

The Committee decided to postpone the discussion of the preamble until the end.

ARTICLE 1.

" The High Contracting Parties undertake, in the event of a dispute arising between them and being brought before the Council of the League of Nations, to accept and apply the conservatory measures of a non-military nature relating to the substance of the dispute which the Council, acting in accordance with the powers conferred upon it by the Covenant of the League of Nations, may recommend with a view to preventing the aggravation of the dispute.

" The Council shall fix the period of duration of these conservatory measures. It may extend this period should circumstances render it necessary. "

Article 1 was adopted.

ARTICLE 2, FIRST PARAGRAPH.

" In the event of a threat of war, the High Contracting Parties, parties to the dispute shall comply without delay with such measures as the Council, acting in virtue of the provisions of Article 11 of the Covenant of the League of Nations, and without prejudice to the other powers it derives from that article, may prescribe to ensure the withdrawal of the land or naval forces of that High Contracting Party which has entered the territory or waters of another High Contracting Party, or zone demilitarised in virtue of international agreements. "

The CHAIRMAN pointed out that the British delegation had proposed the two following amendments:

(1) Insert the word " territorial " before the words " waters of another High Contracting Party " ;

(2) After the words : " another High Contracting Party ", insert the words : " with which it is in dispute ".

M. DE MADARIAGA (Spain) submitted some observations on the idea of a threat of war. He drew attention to the following declaration by M. Sokal :

" The Polish delegation is of opinion that, in case of an invasion of a territory by hostile forces, Article 16 of the Covenant, and not the Convention, should come into play. "

The distinction between threat of war and state of war, although it was clear in the minds of people, was not clear in practice. It had happened that there had been an invasion and it was Article 11 of the Covenant that had come into play. It might be to the interest of an invaded country not to regard itself as being at war.

M. de Madariaga did not suggest any change in the text ; he merely wished to draw attention to this position.

M. SOKAL (Poland) stated that the Polish view had not changed. The Polish Government was convinced that Article 2 might lead to dangerous interpretations of the Pact of Paris. In connection with Article 2, paragraph 1, the question arose whether an accidental entry, or a mass invasion, was referred to. If this paragraph referred to minor frontier incidents, Article 11 of the Covenant was sufficient. If it referred to a forcible invasion, this would certainly constitute a violation of the Pact of Paris. The occupation of foreign territory by force of arms was equivalent to a declaration of war. The Polish Government could not admit that an armed invasion did not constitute war. Would this be the moment to take preventive measures ? Should the Council not then apply the common action provided for by the Covenant ? The adoption of the Convention by the Assembly would imply that it did not consider an invasion as a violation of the Pact of Paris.

These objections only referred to the first paragraph of the article. The other paragraphs would be very useful in case of political tension, both for avoiding incidents and for helping to decide which party was the aggressor. The Polish Government therefore proposed to omit the first paragraph.

The Polish delegation had already submitted the following text to be inserted in Article 2 to the Special Committee :

> " If, in the event of a threat of war, events should occur which might constitute a violation of an international obligation, the Council shall call upon the High Contracting Parties to put an end to the said violations, and the High Contracting Parties undertake to comply therewith without delay. "

As this text had been found to be too general, the Polish delegation now submitted a more precise text, which restricted the case to that where a contracting party violates its undertakings in respect of armaments. Such a violation would, in fact, be obvious proof of the hostile intentions of that party. This text was especially justified on the eve of the Disarmament Conference and would arm the Council with special powers for ensuring the maintenance of the undertakings given. The Conference might not be in a position to establish these powers itself, as some States participating in the Conference would be non-member States. This text would have the further advantage of emphasising the connection between the draft Convention and disarmament.

If it were adopted, Article 3 would have to be amended, in particular as regards providing for the despatch of a commission for the purpose of verifying that the contracting parties had re-established the *status quo ante*, in case of the violation of armament obligations.

M. Sokal submitted the following text of Article 2 :

> " 1. In the event of a threat of war, the Council may, if it should deem it necessary fix lines which must not be passed by the land, naval or air forces, and, where necessary in order to avoid incidents, by the civil aircraft of the High Contracting Parties, parties to the dispute. The High Contracting Parties undertake to comply with such recommendations as the Council, acting in virtue of the provisions of Article 11 of the Covenant of the League of Nations, and without prejudice to the other powers it derives from that article, may prescribe for that purpose.
>
> " 2. The lines referred to in the previous paragraph shall, if possible, be fixed by agreement with the parties to the dispute.
>
> " 3. Failing such agreement, the Council shall fix the lines with the consent of the party whose forces are affected, provided that this does not involve the withdrawal of the forces further back than the exterior lines of the defence organisations existing on the frontiers of the High Contracting Parties concerned at the time when the Council of the League of Nations takes its decision, and that the lines do not involve the abandonment of any other work, position or line of communication essential to the security or the supplies of the party concerned.
>
> " 4. It shall in every case rest with the Council to determine the period within which the said lines shall be fixed under the conditions specified above.
>
> " 5. In the event of the Council deciding that an international obligation concerning the state of a High Contracting Party's armaments has been violated, it shall call upon the High Contracting Party to restore the situation in accordance with the said obligation. The High Contracting Parties undertake to comply with such invitation without delay.
>
> " 6. The High Contracting Parties further agree to give strict orders to the commanders of their forces, if the Council so recommends, to take all necessary precautions to avoid incidents. "

Dr. Lange (Rapporteur of the Special Committee) thought his task would have been much better carried out by M. Politis, as it consisted principally in explaining the ideas by which the Special Committee had been guided when drawing up the text.

In reply to M. de Madariaga's remarks, he drew attention to the word " entered " (*pénétré*), used in the first paragraph of Article 2 : " the land or naval forces which have entered the territory ". The word " entered " was intended to refer to an accidental case, whereas the word " invaded " would imply a deliberate purpose. It might happen that troops or warships accidentally found themselves in the territory of a neighbouring State. This might be a threat of war, but was not certainly a state of war. The latter presupposed belligerent acts on both sides. If one of the parties refrained from any belligerent act, it would appear that a state of war did not exist.

The Special Committee confined its task to the threat of war. According to instructions received from the Assembly, it had developed Article 11 of the Covenant, without touching upon Article 16.

With regard to the Polish proposal regarding the violation of undertakings in respect of armaments, the Committee had thought that this violation, if it were incidental to a threat of war, would be a subsidiary factor which it was not necessary to provide for in the draft Convention. It thought also that the draft Convention should not provide for such violations taken by themselves.

The Minutes of the Special Committee explained why the Polish proposal was not adopted. M. Sokal submitted it again in a different form, as he was entitled to do, but Dr. Lange, as Rapporteur of the Special Committee, did not consider himself authorised to give his opinion on this new text.

Lord CECIL (British Empire) agreed with M. de Madariaga as to the possible difficulty of defining a threat of war. The conclusion to which the numerous previous discussions on this subject had led was that the Council must be given latitude to decide, in each case, what position had arisen. He thought this the wisest and most practical method.

M. Sokal's proposal included, firstly, a proposal to omit the first paragraph of Article 2 and, secondly, an amendment to cover the case of the violation of a Disarmament Convention. He regretted that M. Sokal had introduced the second point, as this question would be more in place in a Disarmament Convention than in the draft Convention now under consideration. The discussion should be confined to the first point.

The omission of the first paragraph of Article 2 would seriously weaken the Convention. M. Sokal had placed the Committee in the following dilemma : the entry of armed forces into foreign territory was either unimportant, in which case it was negligible, or it implied the invasion of the territory by large forces, in which case a state of war had arisen. This statement was doubly wrong. Frontier incidents should not be neglected unless they were quite insignificant. Their seriousness might vary and might involve a threat of war. On the other hand, a state of war would not necessarily arise, as a result of the entry of considerable forces into foreign territory, unless this was expressly stated in special treaties. In several cases, such incidents had not been regarded by the Council as constituting a state of war. It had been, and it frequently would be, much wiser not to regard such situations as constituting war and involving all the procedure laid down in the Covenant for a state of war. The object of the Convention was merely to make what had hitherto been the constant practice of the Council compulsory for States which agreed to sign and ratify this Convention.

He did not, like M. Sokal, admit that this draft Convention was contrary to the spirit of the Pact of Paris, which laid down the principle that the States abandoned war as an instrument of their national policy; the Pact did not, however, apply any sanctions. This principle would remain unaffected by any measures taken to deal with cases of the threat of war.

In conclusion, Lord Cecil again pointed out that the omission of the first paragraph of Article 2 would be a serious retrograde step.

(The meeting rose at 7 p.m.)

THIRD MEETING.

Held on Tuesday, September 15th, 1931, at 3.30 p.m.

Chairman: M. MUNCH (Denmark).

9. Communication from the President of the Assembly regarding the League's Finances.

The CHAIRMAN announced that the President of the Assembly had communicated to him the following resolution voted on September 14th :

> " The Assembly,
>
> " Being convinced that it is imperative not further to increase the budget of the League for 1932, which will have to provide for the expenses of the International Disarmament Conference, and hoping that it will even be possible to reduce the draft budget;
>
> " Makes a strong appeal to its Committees to follow the principles of economy dictated by present circumstances;
>
> " Requests these Committees to limit and, if possible, to reduce to the indispensable the programme of work to be undertaken in 1932, and especially to abstain as far as practicable from making recommendations which might involve avoidable expenditure. "

10. Draft General Convention to improve the Means of preventing War: Discussion of the Articles (continuation).

ARTICLE 2, FIRST PARAGRAPH *(continuation).*

The CHAIRMAN opened the discussion on Article 2, first paragraph of the draft general Convention. He proposed to discuss first the omission suggested by the Polish delegation, then three British amendments, and, lastly, the addition regarding disarmament proposed by the Polish delegation.

Dr. LANGE (Rapporteur of the Special Committee) pointed out that the omission of the first paragraph of Article 2 would compromise the entire structure of the draft, the essential point in which was that the Council acted in virtue of the provisions of Article 11 of the Covenant.

M. Sokal (Poland) agreed that the first paragraph formed the basis of the draft Convention and that its omission would change the structure of the draft. He would explain later why he had proposed this important change. He pointed out, however, that his amendment preserved the reference to Article 11 of the Covenant.

Dr. Lange (Rapporteur of the Special Committee) replied that it should be clearly pointed out at the beginning of the draft that the Convention was concluded in order to apply Article 11 of the Covenant. He did not think the Polish amendment made this fact evident.

M. Hiitonen (Finland) was also surprised that the entry of armed forces into a foreign territory should be considered as a mere threat of war. He thought that this would considerably restrict the scope of the prohibition of war and of the obligation to use peaceful means for settling international disputes. Conventions already existed, such as the Rhine Agreement, which regarded the entry of armed forces into a foreign territory, or a demilitarised zone, as an act of war. He found it difficult to believe that, in the event of a flagrant violation of such a provision of an international agreement, the parties would still agree to rely on the Council providing for the withdrawal of the forces. He approved the Polish proposal as it gave greater consideration to Articles 10 and 11 of the Covenant. The principle should be laid down that any violation of Article 10 of the Covenant was a very grave occurrence. Nevertheless, it might sometimes be opportune for the Council to be given the possibility of employing conciliatory measures, even at that time. He proposed accordingly that the first paragraph of the Polish amendment be followed by the text given below :

> " In the event of the continuous entrance of the land, naval, or air forces of one of the High Contracting Parties into the territory or territorial waters of another High Contracting Party, or a zone demilitarised in virtue of international agreements, if the Council considers that the present Convention is still applicable and lays down measures for ensuring the withdrawal of the said forces, the High Contracting Parties, parties to the dispute, shall comply with these measures without delay. "

M. Colban (Norway) was in favour of maintaining the first paragraph of Article 2 for the reasons given on the previous day by Lord Cecil.

M. Massigli (France) thought the apprehensions expressed by M. Sokal and M. Hiitonen were due to a misunderstanding. The text did not mean that in all cases where a territory was violated the Council would consider that there was only a threat of war. It simply meant that in certain cases it might be considered that there was merely a threat of war, and it was for these cases that the Council was given certain powers by the Convention. M. Massigli was in favour of endeavouring to find a formula which would make this point clearer.

M. Hiitonen (Finland) recognised that M. Massigli's explanations were calculated to lessen his anxiety. He had been particularly afraid that the Great Powers might seem to be entitled to undertake armed intervention, without declaring war, in order to bring pressure to bear on small States, which in their tum would hesitate to declare war even in such circumstances.

M. de Madariaga (Spain) thonght the present wording of the first paragraph had the disadvantage of appearing to define a threat of war by assimilating it, in all cases, with an invasion of territory. He proposed to make Article 2 into two articles, the first consisting of the first paragraph and not including the words " in the event of a threat of war ", and the second beginning with these words and including the remainder of Article 2.

M. Schmidt (Estonia) stated that his Government had had similar apprehensions to those expressed by M. Sokal and M. Hiitonen. The explanations given by Lord Cecil and M. Massigli had to a great extent relieved his mind. He thought that these explanations could be incorporated in a new text.

Lord Cecil (British Empire) was very reluctant to make any change in the text, which was the result of lengthy consideration ; he was afraid a new text would give rise to still greater difficulties. If the words " in the event of a threat of war " were omitted from the beginning of the paragraph, the result would be that the provisions of the paragraph would also apply to the case of war, for which the powers given to the Council were obviously insufficient.

The text as drafted applied to serious occurrences which constituted a threat of war only if the invaded country considered them as such, and took measures in consequence. The League of Nations had already experienced such cases. He would be glad to be able to give satisfaction to his colleagues whose fears appeared to him to be groundless.

M. Choumenkovitch (Yugoslavia) thought M. Sokal had clearly stated the dilemma : either the incidents in question were insignificant, in which case the Convention was useless, or an invasion with large forces had taken place, in which case other measures would have to be applied. Another point which would make it difficult for the Parliaments to ratify the Convention was that the obligations imposed on the contracting parties were clearly defined, while the rights given to the Council were indefinite.

M. SANDLER (Sweden) expressed his Government's satisfaction at the preparation of this draft Convention. A radical change in the draft, such as that proposed by M. Sokal, would compel the Governments to undertake a further thorough investigation.

The CHAIRMAN thought that in order to continue the discussion, a decision should be arrived at on the principle laid down in the Polish delegation's amendment. He therefore wished to take a vote on the omission of the first paragraph, without prejudice to any amendments which might subsequently be made to this paragraph.

M. BUERO (Uruguay) was in favour of omitting the first paragraph. Article 11 of the Covenant dealt with war and the threat of war, while the draft, the object of which was to facilitate the application of Article 11, only referred to the threat of war. It would therefore seem to be admitted that certain acts, really calculated to give rise to war, might be considered as not involving this consequence. This was a dangerous weakening of Article 11.

M. SOKAL (Poland) noted that his doubts were to some extent justified as they had found such an echo in the Committee. He therefore thought the question should be referred to a Drafting Committee without voting on the omission of the paragraph. If the Convention were to be unanimously accepted, it was essential to draft a clear text whatever delay this procedure might involve. The explanations given by M. Massigli and Lord Cecil had convinced him that the invasion of the territory would only be considered as a threat of war if the invaded country regarded it as such. But there was nothing in the text to authorise such an interpretation. On the other hand, he was uneasy at the numerous expressions used, such as " hostilities ", " penetration ", etc., to express the intermediate stages between peace and war. This new terminology merely weakened the Covenant and, in particular, Article 16, which did not establish any procedure for these intermediate stages. This was a danger which might affect in particular the Disarmament Conference.

Lord CECIL (British Empire) did not object to the text being referred to a Drafting Committee, but he must reserve full liberty of action if the new text arrived at weakened the powers given to the Council by the present text.

Colonel Ali Khan RIAZI (Persia) wished to submit the following suggestion to theDrafting Committee : The large number of countries which had no fortified line of defence on their frontiers might agree in time of peace to fix the neutral line which the draft Convention empowers the Council to define in case of conflict. Since the Convention was to be concluded for only five years, this proposal would apparently not be difficult to put into practice.

M. MELAS (Greece) thought the difference in opinion had been greatly reduced, and that an agreement might be reached on the proposal to omit the words " in the event of a threat of war " from the beginning of the article, and to place them after the expression " enter the territory ".

M. SANDLER (Sweden) suggested that the Drafting Committee should consider the insertion of " air forces " after the expression " land or naval forces ".

M. CABALLERO DE BEDOYA (Paraguay) had only one objection to the Polish proposal; it made no mention of the withdrawal of land or naval forces, a measure which he thought it essential should be maintained among the powers granted to the Council.

The CHAIRMAN, in accordance with Lord Cecil's request, opened the discussion on the British amendment to insert the word " territorial " before the word " waters ".

Lord CECIL (British Empire) said that, as some delegations had wished the Convention to apply both to the land and sea forces, attempts were made to find the greatest possible analogy between the measures to be laid down for each of these forces. One of the difficulties was that the high seas belonged to nobody; the question arose as to when a fleet could be said to have invaded the territorial waters of the other contracting party. There was at present a difference of opinion as to the extent of territorial waters; some held that they extended three miles from land, while others said twelve miles. As the Special Committee could not settle this dispute by an article in this Convention, it used the vague term " waters ". The British Government considered that this solution was unsatisfactory, as no one could tell what the term meant. It therefore proposed the expression " territorial waters ". It would be easy for the Council in case of need to select the distance to be laid down. To choose an arbitrary distance at the present time would have the disadvantage of prejudging the question of territorial waters and would probably be inapplicable in the case of straits, channels, etc.

M. COLBAN (Norway) asked Dr. Lange to explain to the Committee why the present text had been drafted as it had been. He was not himself convinced that a distance of three miles would be sufficient for the case referred to in the draft Convention.

Dr. LANGE (Rapporteur of the Special Committee) replied that Lord Cecil had given an objective summary of the reasons which led the Special Committee to adopt the present text

Nevertheless, as it was a question of avoiding contact between the armed forces, and as at the present time the range of weapons of naval forces considerably exceeded a three-mile limit, it would be in accordance with the object of the Convention to authorise the Council not to keep to this minimum distance. It was best to leave the Council full latitude on this point. He also pointed out that the terms " *eaux d'un pays* " and " waters of a country " might not have exactly the same meaning.

M. Massigli (France) saw certain dangers in leaving any doubt as to the application of the measures laid down by the Council, in view of the grave consequences which would be involved, particularly in the matter of sanctions, by the *prima facie* evidence of aggression against the State which had not complied with those measures.

The expression territorial waters was clear, but in practice its interpretation varied considerably. If this expression were employed here, countries which had hitherto employed the narrowest interpretation might find it to their interest to adopt the opposite interpretation. Three miles was too short a distance for the Council to authorise the stationing of a war fleet so near to the coast of the other contracting party. There were two possible solutions, either to rely on the judgment of the Council, or to fix an arbitrary distance, at the same time making it clear that this did not prejudice the solution of the divergence regarding the interpretation of the expression " territorial waters ".

Lord Cecil (British Empire) urged that the sea forces should be treated in the same manner as the land forces. With regard to the latter, the Council was authorised to demand their withdrawal behind their own frontier, but if it wished these forces to withdraw beyond a certain line inside their territory, the consent of the party concerned was required. If, therefore, it were demanded that the fleets should withdraw far outside territorial waters this analogy would no longer hold good. This is what would happen if the words " the waters " were left in the text. It was therefore impossible to give full latitude to the Council, which could only be limited between the two notions of territorial waters — namely, three miles and twelve miles. The fixing of an arbitrary distance, as M. Massigli proposed, would in many cases give rise to difficulties of application.

M. Goeppert (Germany) supported the British proposal. It was considered that the frontier was violated if the military forces entered the territory of the other party; by analogy the naval forces committed a violation if they entered the territorial waters of the other party. The solution proposed by M. Massigli involved the further difficulty that it would not be known from what point of the coast the arbitrary distance fixed by the Council should be calculated.

M. François (Netherlands) stated, as Rapporteur of the Commission of the Conference on the Codification of International Law, which discussed the question of territorial waters, that the term " waters " alone was ambiguous. The use of the expression " territorial waters " was quite unobjectionable, provided the question of their extent was not touched.

General de Marinis (Italy) said that it was in regard to the object of these provisions that the analogy should be sought for. The provision regarding the withdrawal of armed forces was intended to reassure public opinion. Would this result be obtained if a fleet remained outside territorial waters but at a short distance from the coast ? In the absence of a common definition of territorial waters, and especially in view of the above consideration, he thought it preferable to rely on the judgment of the Council.

M. de Madariaga (Spain) thought it was a mistake to consider that the object of the first paragraph was to prevent battle from breaking out. The real object of the paragraph was to bring to an end the violation of the Covenant committed by the party which had entered the territory of the other country. In order to convey this idea, each country's definition of its own territory should be given in the text, and consequently territorial waters should be included, and the evacuation of this territory or territorial waters by the forces which had entered it should be provided for. The word " withdrawal " should therefore be replaced by the word " evacuation ".

The Chairman declared the discussion closed, and proposed to submit the first paragraph to the Drafting Committee, with the Polish and British amendments which had just been discussed.

This proposal was adopted.

11. Constitution of the Drafting Committee.

The Chairman proposed that the Drafting Committee should consist of the representatives of Germany, the British Empire, Spain, France, Italy, Poland, Sweden and Uruguay.

This proposal was adopted.

(The meeting rose at 7 p.m.)

FOURTH MEETING.

Held on Wednesday, September 16th, 1931, at 3.30 p.m.

Chairman: M. MUNCH (Denmark).

12. Draft General Convention to improve the Means of preventing War : Discussion of the Articles (continuation).

ARTICLE 2 *(continuation).*

The CHAIRMAN stated that, as the Drafting Committee had not finished its examination of the questions referred to it, it was impossible to continue the discussion of Articles 3 and following of the draft; the Committee could, however, discuss the following amendment proposed by the British delegation :

Add to the first paragraph of Article 2 :

" It is understood that the measures referred to in the first paragraph of Article 2 of the present Convention shall not prejudice the right of free passage through the Suez Canal provided for in the Convention respecting Free Navigation of the Suez Maritime Canal signed at Constantinople on October 29th, 1888. "

Lord CECIL (British Empire) explained that, as the Suez Canal formed the most important means of communication between the East and the West, his amendment concerned all sea-going countries in whose interest it was that the canal should remain open under all circumstances, and that the Convention of Constantinople regarding the statute of the canal in time of war should be applied.

Dr. LANGE (Rapporteur of the Special Committee) thought the entire Committee agreed that the British amendment was well-founded. But unless the Suez Canal were an absolutely unique case, of which he was unaware, such a provision should not be inserted in the Convention but mentioned in the report.

The British amendment was referred to the Drafting Committee.

The CHAIRMAN opened the discussion on the Polish proposal to insert in Article 2 provisions for the case of a State violating its undertakings in respect of armaments (see second meeting, No. 8).

General DE MARINIS (Italy) found it difficult to admit that even a minor violation of an undertaking in respect of armaments might *ipso facto* constitute a threat of war. The draft Convention for the Reduction of Armaments provided for the existence of a Commission to supervise the execution of the Convention. If that Commission worked normally, a violation serious enough to constitute a threat of war could not take place.

Moreover, measures to be applied in case of an infringement of disarmament undertakings should be contained in the Disarmament Convention itself. If such a violation were placed on the same footing as a refusal to withdraw troops which had violated foreign territory, the Council might be placed in an impossible position.

Like Lord Cecil, he thought great caution should be shown in making changes in a text which had been under discussion for three years, and that attempts should be made to avoid introducing proposals which would involve a postponement until next year and would have a bad effect on public opinion.

Sir Thomas WILFORD (New Zealand) said he had no instructions to accept the radical proposals made by the Polish delegation; he could only accept the text as it stood with some minor amendments. In order to avoid such situations in future, it might be well to fix a time-limit for the receipt of proposed amendments, so that Governments of distant countries might have time to consider them and to instruct their delegations.

M. MASSIGLI (France) could hardly admit that delegations should not have the right to submit amendments during the discussion. Moreover, the Polish delegation's proposals had been known for some time and were included in the Special Committee's report.

The Polish proposal was of great interest; a violation of a limitation of armaments might, in certain cases, constitute a serious threat of war. The draft Convention, however, did not apply to all cases of threats of war, but only to those defined in the first paragraph of Article 2. He therefore proposed to refer the Polish proposal to the Disarmament Conference.

M. SOKAL (Poland) supported M. Massigli's remarks regarding the right of delegations to submit amendments.

He did not object to the proposal being referred to the Disarmament Conference, but pointed out that that Conference would include non-member States who did not recognise the Council's authority. His proposal therefore ran the risk of not being taken into consideration. As it could only affect Member States, it could be more suitably included in the draft under discussion than in the Disarmament Convention.

Moreover, he could not admit that the Convention should be restricted to the case of a threat of war accompanied by an invasion. If it were desired to prevent war, all cases of threats of war should be provided for, and the violation of an undertaking in respect of armaments certainly constituted such a threat.

The Drafting Committee was experiencing difficulty in drafting the first paragraph of Article 2, because invasion came so near to war that it was impossible to draw a line between the threat and war itself. On the other hand, the Polish proposal made it possible to take really preventive action in cases where war was still only threatening and there had been no invasion.

Lord CECIL (British Empire) thought the entire Committee agreed that the principle of the Polish proposal should be included in a Convention. But the Preparatory Commission had already laid down a procedure in this connection which was more effective than that now proposed by the Polish delegation. The two methods should be discussed, and this could more usefully be done at the Disarmament Conference.

M. SOKAL (Poland), in order to show his desire for conciliation, agreed to withdraw his amendment if the Committee accepted the principle. The sympathetic reception given to his proposal by Lord Cecil and M. Massigli was a sign that it would be favourably examined by the Disarmament Conference, and would have a satisfactory result.

The CHAIRMAN stated that it was for the Rapporteur to express the feeling of the Committee on the Polish proposal, the discussion of which was closed.

(The meeting rose at 4.45 p.m.)

FIFTH MEETING.

Held on Thursday, September 17th, 1931, at 4 p.m.

Chairman : M. MUNCH (Denmark).

13. Draft General Convention to improve the Means of preventing War : Discussion of the Articles (continuation).

ARTICLE 2 *(continuation).*

M. DE MADARIAGA (Spain), as Chairman of the Drafting Committee, stated that the latter had succeeded in drawing up the following text for the first paragraph of Article 2, to which the Polish delegation, while maintaining its own point of view, would, in a spirit of conciliation, not object.

> " If, in circumstances which, in the Council's opinion, do not create a state of war between the powers in question, which are parties to the present Convention, the forces of one of these powers have entered the territory or territorial waters of the other (or a zone demilitarised in virtue of international agreements) or have flown over such territory, the Council may prescribe measures to ensure its evacuation by these forces. The High Contracting Parties undertake to carry out without delay the measures so prescribed without prejudice to the other powers vested in the Council under Article 11 of the Covenant. "

This text obviated the Polish delegation's difficulty, which was that the original text might imply that all cases of invasion would, *a priori*, be regarded only as threats of war. Moreover, in order to make it clear that, when the Council had to take a decision, the injured party could be heard, the report would mention this question in the following words proposed by Lord Cecil :

> " It must be remembered that this is a Convention for the Prevention of War. It does not apply when war has broken out. When that has happened, other remedies and sanctions are provided by the Covenant. No doubt, theoretical difficulties may be raised as to when war actually has broken out. Probably nothing better can be said on the subject than the following passage in the report by M. de Brouckère . . . "

This paragraph would be followed by an extract of M. de Brouckère's report stating the conditions which must be fulfilled before a country can be regarded as having resorted to war (document A.14.1927, page 69, paragraph 5).

The present text of the first paragraph included the word " territorial ", before the word " waters ", but the report would make it clear that this was without prejudice to the solution of the difference of opinion on the extent of these waters.

The words " acting in virtue of the provisions of Article 11 " had been replaced by the words " without prejudice to the other powers vested in the Council under Article 11 of the Covenant ", and placed at the end of the article in order to show that the measures provided for were taken without the consent of the parties to the dispute. The Committee proposed to deal with the question of the Suez Canal in a special protocol attached to the Convention, but before doing so, to enquire whether there were other similar cases of channels remaining open in war-time, even when the sovereign power was itself at war.

The British proposal to insert the words " with which it is in dispute " had become unnecessary, since the present text only referred to the case which the British delegation had in view — namely, an invasion with hostile intention. The question of air forces had also been regulated. In addition, the report would make a reference in this connection to the last paragraph of Article 2, which might apply in particular to aircraft flying over a territory.

Lastly, the French delegation had proposed an amendment which would take into account the special conditions of certain demilitarised zones. The Drafting Committee had not thought fit to take a decision on this subject.

The CHAIRMAN reserved for the present the question of demilitarised zones, which did not affect the remainder of the Convention, and opened the discussion on the text proposed by the Drafting Committee.

M. CABALLERO DE BEDOYA (Paraguay) thought the wording proposed might give rise to difficulties of application in the case of countries whose frontiers had not been delimited. In such cases, it would be difficult to state whether troops had entered the territory of a foreign country or not. He thought M. Buero had had occasion to acquaint the Drafting Committee with this situation, which existed in certain countries in America.

M. BUERO (Uruguay) replied that the situation referred to by M. Caballero had not escaped his attention, and that he had intended to draft a suitable text, but the discussions in the Drafting Committee had convinced him that it was impossible to bring the numerous cases of threats of war within the sphere of application of the Convention. He had therefore abandoned the idea of referring to this particular case in order not to complicate a very delicate wording. He thought it preferable to ignore the situation referred to by M. Caballero.

M. DE MADARIAGA (Spain) thought that the Council would be justified, in principle, in considering the territories referred to by M. Caballero as neutral. Their invasion would be prohibited in the same way as that of demilitarised zones, and the invading country would be obliged to ensure the evacuation of these territories by its troops. Such a suggestion was possible, but it was a case of such delicacy that the final decision should be left to the wisdom of the Council.[1]

M. CABALLERO DE BEDOYA (Paraguay) agreed with M. Buero's suggestion, and stated that he had only wished to make a general remark and not to refer to special cases.

The first paragraph of Article 2 was adopted as proposed by the Drafting Committee.

The Committee decided to ask the Legal Section of the Secretariat to prepare a draft Protocol regarding the Suez Canal, corresponding exactly with the British amendment.

ARTICLE 2 *(continuation).*

" . . . . . .

" Further, should the Council deem it necessary to fix lines which must not be passed by their land, naval or air forces and, where necessary in order to avoid incidents, by their civil aircraft, the High Contracting Parties undertake to comply with the Council's recommendations in this matter.

" The lines referred to in the previous paragraph shall, if possible, be fixed by agreement with the parties to the dispute.

" Failing such agreement, the Council shall fix the lines with the consent of the party whose forces are affected, provided always that this does not involve the withdrawal of the forces further back than the exterior lines of the defence organisations existing on the frontier of the High Contracting Parties concerned at the time when the Council of the League of Nations takes its decision, and that the lines do not involve the abandonment of any other work, position or line of communication essential to the security or the supplies of the party concerned.

" It shall in every case rest with the Council to determine the period within which the said lines shall be fixed under the conditions specified above.

" The High Contracting Parties further agree to give strict orders to the commanders of their forces, if the Council so recommends, to take all necessary precautions to avoid incidents."

[1] This observation of M. de Madariaga did not appear in the provisional minutes.

M. DE MADARIAGA (Spain) stated that the word " further " should be replaced at the beginning of the second paragraph by the words " in all cases of a threat of war ", so that the measures laid down in the above texts should apply to all cases of a threat of war, even if there were no invasion.

M. SOKAL (Poland) did not agree with this change.

Lord CECIL (British Empire) supported the proposed change which was indispensable. In reply to M. Sokal, he pointed out that the measures in the first paragraph, which referred only to the case of invasion, were taken without the consent of the parties, while the measures subsequently referred to in the article, which applied to all cases, required the consent of the parties.

M. SOKAL (Poland) wished to reserve his opinion until the final reading of the draft.

M. DE MADARIAGA (Spain) thought it advisable for the Council to study in advance the lines referred to in Article 2. This did not mean that demilitarised zones should be established, but if there were a threat of war and urgent action became necessary, discussions on the position of these lines might involve the loss of valuable time. He thought it would be possible to insert a paragraph in the report to this effect.

Article 2 was adopted with the reservation of the Polish delegation.

ARTICLE 3.

" The Council shall, if it thinks fit, or if one of the parties to the dispute so requests before the Council has reached any of the decisions referred to in Article 2, appoint commissioners for the sole purpose of verifying on the spot the execution of the conservatory measures of a military character recommended by the Council under the conditions specified in the preceding article.

" When regulating the execution of the measures it has prescribed, the Council shall, at the reasoned request of a High Contracting Party which is a party to the dispute, cause that execution to coincide with the arrival of the commissioners on the spot, so far as it may think necessary.

" The High Contracting Parties undertake to afford these commissioners every facility for the performance of their duties.

" The commissioners may not make a more extensive inspection than is necessary to enable them to carry out the duty defined in paragraph 1. Nor may they make any inspection of a naval or air base, nor may they inspect military works or establishments for any purpose other than to verify the withdrawal of the forces.

" The rules to be followed for the composition and working of commissions of control shall be embodied in executive regulations which shall be prepared by the competent organs of the League of Nations, so as to enter into force at the same time as the present Convention."

Article 3 was adopted.

ARTICLE 4.

" If any violation of the measures defined in Article 2 is noted by the Council, and continues in spite of its injunctions, the Council shall consider what means of all kinds are necessary to ensure the execution of the present Convention.

" Should war break out as a consequence of this violation, such violation shall be regarded by the High Contracting Parties as *prima facie* evidence that the party guilty thereof has resorted to war within the meaning of Article 16 of the Covenant. "

M. SANDLER (Sweden) thought the text of the second paragraph was not quite clear. It was uncertain whether it only constituted evidence, or also considered the application of sanctions without the other conditions of Article 16 being fulfilled — namely, recourse to war contrary to the undertakings of Articles 12, 13 or 15 of the Covenant. For his part, he had no objection to extending the sanctions to cases where a State had violated the unanimous decisions of the Council, even if it had not infringed Articles 12, 13 or 15 of the Covenant. Such an extension of the sanctions had moreover been approved by the Swedish delegation during the discussions for bringing the Pact of Paris and the Covenant of the League of Nations into harmony.

Dr. LANGE (Rapporteur of the Special Committee) replied that this question had been thoroughly discussed by the Special Committee and was dealt with in its report, which stated that " the question of the methods of application of Article 16 of the Covenant remains intact ". A violation of the measures laid down by the Convention was not calculated to bring about automatically the application of sanctions. It was only *prima facie* evidence of aggression and formed an element for the Council's judgment, so long as proof to the contrary, which was possible, had not been brought.

Lord CECIL (British Empire) was also of opinion that the application of sanctions was not extended by the Convention. For Article 16 to come into force, a number of conditions

were necessary, but the final condition was that one of the parties had resorted to war. The paragraph under discussion merely stated that the signatories of the Convention agreed to regard it as *prima facie* evidence that a country had resorted to war if it had violated the decisions of the Council. But this was only *prima facie* evidence and not proof.

M. François (Netherlands) said that the Netherlands delegation did not maintain the reservation mentioned on this point in Dr. Lange's report. It was understood that any Member of the League of Nations had full right to decide whether Article 16 was applicable or not to a definite case. Nevertheless, the fact that the violations in question constituted *prima facie* evidence was not opposed to the provisions of the Covenant.

M. Sandler (Sweden) said he had quite understood that the article referred to *prima facie* evidence, and although his remark went further, he would be satisfied with an explanation in the report.

M. Colban (Norway) proposed that, in view of the importance of this paragraph which concerned the Covenant, the First Committee of the Assembly should be consulted with regard to the wording.

Lord Cecil (British Empire) suggested that, in order not to delay the work, the legal adviser of the Secretariat should be consulted.

M. Barandon (member of the Legal Section of the Secretariat) thought it unnecessary to make a fresh study of the text, which had been drawn up by a committee composed largely of lawyers. The part of Dr. Lange's report relating to constitutional questions had been drawn up by M. Rutgers with the assistance of the Legal Section.

M. Colban (Norway) did not insist on his proposal, though he considered that the text might be improved by specifying, in the second paragraph, that the violation referred to in that paragraph was the same as that mentioned in the first paragraph — *i.e.*, a violation noted by the Council.

Article 4 was adopted.

Article 5.

" In the cases referred to in Articles 1, 2, 3 and 4, the Council's decisions and recommendations shall, except as otherwise provided in those articles, be binding for the purposes of the present Convention, provided that they are concurred in by all the Members voting, other than the parties to the dispute. "

Article 5 was adopted.

Article 6.

" The High Contracting Parties undertake to provide, by the means at their disposal, such publicity as the Council may recommend for its proceedings, decisions and recommendations, when a dispute is brought before it in the cases contemplated by the present Convention. "

M. de Madariaga (Spain) thought the article was too weak. It was a question of putting before the public opinion of the countries concerned the point of view of such a high authority as the Council in the very words of the Council. The article, however, confined itself to the statement that the parties undertook to provide such publicity as the Council might *recommend*. He proposed to replace the word " recommend " by the expression " think fit".

Dr. Lange (Rapporteur of the Special Committee) supported this amendment.

This amendment was adopted.

M. Massigli (France) thought the provisions of Article 5 should be extended to this article in order to exclude from voting the parties to the dispute.

Dr. Lange (Rapporteur of the Special Committee) thought publicity was a question of procedure which the Council could decide by a majority vote.

M. Massigli (France) wished in particular to exclude the vote of the parties concerned, especially as, if he had correctly understood M. de Madariaga, the Council might draw up a special text with a view to producing certain political effects.

Lord Cecil (British Empire) thought the intention of the author was to be satisfied with a majority vote, and for that reason the text used the word "recommend" rather than the word " decide ".

M. de Madariaga (Spain) agreed with M. Massigli that, if the Council wished to exercise moral authority over public opinion, the text which it published should be drawn up unanimously without the vote of the parties concerned.

Baron RAMEL (Sweden) pointed out that this article had been inserted at the suggestion of the Swedish delegation, which considered that a majority vote was sufficient. If there were any doubt about this question, however, he proposed to refer it to the Drafting Committee.

M. DE MADARIAGA (Spain) urged the importance of the question. It was of little consequence that the Council decide by a majority vote as to the mechanical procedure of publication. There should, however, be unanimity on the substance of the publication.

Dr. LANGE (Rapporteur of the Special Committee) thought M. de Madariaga overestimated the importance of the question. He agreed with Baron Ramel that, if unanimous decisions were taken on the substance of the dispute, there would be no difficulty in respect of the publication of these decisions.

General DE MARINIS (Italy) pointed out that unanimity was a fundamental rule of the Covenant, that the drafters of the Convention under discussion were very careful not to restrict the Council's powers, and that, under these circumstances, it was not advisable to change the rule regarding unanimity.

Dr. LANGE (Rapporteur of the Special Committee) thought the question was of no importance, and that the Committee could decide it in either sense without referring it to the Drafting Committee.

M. DE MADARIAGA (Spain) regretted it should be stated that the Committee attached no importance to this question. This article was possibly the most necessary of the entire Convention. If a country were in a warlike state of mind it would not be stopped by the threats of Article 16 but by changing its state of mind. The article was badly drafted, and there was confusion in the use of the word " publicity ". This word implied in the first place the publication or distribution of documents, for which he agreed the Council might decide by a majority vote; but it also implied the form in which the Council brought its opinion to the knowledge of the countries concerned. In this sense, unanimity was required. In order to preclude this ambiguity, he proposed that the paragraph should be worded as follows :

> " The High Contracting Parties undertake to provide by means at their disposal such publicity as the Council, on a *majority* vote, may think fit for its proceedings, decisions, recommendations and *opinions.* "

It would thus be clear that the Council's opinions should also be given unanimously without the vote of the parties concerned. M. de Madariaga agreed that this amendment should be referred to the Drafting Committee.

Lord CECIL (British Empire) strongly urged his colleagues not to refer to the Drafting Committee a question which could be settled immediately in one way or another, without in any way altering either the value or scope of the Convention.

Baron RAMEL (Sweden) said that although he had proposed the text calling for a majority vote he was prepared to adopt Lord Cecil's opinion and did not insist on his proposal.

M. TUMEDEI (Italy) agreed with M. de Madariaga that the question was extremely important. It was for the Council itself to decide, in each case, whether the question was one of procedure or of substance. This could not be decided by the Convention. If the Council desired to publish only the final text resulting from its discussion there was no doubt that this was a mere question of procedure; if, on the other hand, the Council wished to take special political action, which might influence public opinion, by special means such as were used, for instance, for commercial publicity, it would have to decide first whether this was a question of procedure or of substance. Under these circumstances, the article should be left unchanged.

Lord CECIL (British Empire) did not share M. Tumedei's opinion, the result of which would be that the objection of one party would be sufficient to prevent publicity. A choice must be made between unanimity without the parties concerned or a majority vote.

Dr. LANGE (Rapporteur of the Special Committee) thought that any of the three solutions proposed could be accepted — namely, that of the Special Committee supported by M. Tumedei, Baron Ramel's proposal, or the proposal of unanimity, but he wished to make reservations regarding M. de Madariaga's proposal to add the word " opinions " to the expressions describing the Council's acts; this word had never been used up to the present to express one of those acts.

The Committee adopted the principle of unanimity.

The CHAIRMAN stated that this decision involved a change in the order of Articles 5 and 6, and a reference to Article 6 in the first line of Article 5.

ARTICLE 7.

> " The provisions of the present Convention shall only apply as between the High Contracting Parties. "

Lord CECIL (British Empire) stated that in the Minutes of the Special Committee (document A.14.1931.VII, page 32), he was alleged to have made a certain statement. This statement did not make sense as applied to Article 7. As it might give rise to some misconception, he asked that it should be treated as non-existent.

Mr. MURPHY (Irish Free State) said that, as representative of the Irish Free State on the Commission, he was very grateful to Lord Cecil for his remarks regarding the misleading paragraph attributed to him in the Minutes of the Special Committee. It was, of course, no more necessary to have an article in the Convention making it clear that Great Britain's signature was not binding upon the Irish Free State than it was necessary to have an article in the Convention making it clear that an Irish signature was not binding on any other Member of the League of Nations. The Irish Free State could only become a contracting party to a Convention by virtue of the signature of an Irish plenipotentiary. When the Irish Free State accepted a convention, whether by way of ratification or accession, it did so as a separate contracting party.

Mr. Murphy asked that Lord Cecil's statement, as well as his own remarks, be included in the Minutes of the Commission.

Mr. TE WATER (Union of South Africa), in regard to the Union of South Africa, associated himself with Mr. Murphy's remarks.

Article 7 was adopted.

ARTICLE 8.

" The present Convention may not be interpreted as restricting the task or the powers of the Council of the League of Nations as laid down in the Covenant. "

Article 8 was adopted.

ARTICLE 9.

" The present Convention shall remain open until ..... for signatures on behalf of any Member of the League of Nations or of any non-member State to which the Council of the League of Nations has communicated a copy of the Convention for this purpose. "

Mr. CADOGAN (British Empire) suggested that the date February 2nd, 1932, should be inserted in this article.

Dr. LANGE (Rapporteur of the Special Committee) pointed out that the Special Committee had left the date blank, as also in Article 11, so that the Assembly might insert it. He supported Mr. Cadogan's proposal.

Article 9 was adopted with the amendment by the British delegation.

ARTICLE 10.

" The present Convention is subject to ratification. Ratifications shall be deposited with the Secretariat of the League of Nations.

" The Secretary-General shall give notice of the deposit of each ratification to the Members of the League of Nations and to the non-member States mentioned in Article 9, indicating the date of its deposit. "

Article 10 was adopted.

ARTICLE 11.

" As from ..... (date), any Member of the League of Nations and any non-member State mentioned in Article 9 on whose behalf the Convention has not been signed before that date may accede thereto.

" Accession shall be effected by an instrument deposited with the Secretariat of the League of Nations. The Secretary-General of the League of Nations shall give notice of each accession to the Members of the League of Nations and to the non-member States mentioned in Article 9, indicating the date of the deposit of the instrument. "

Article 11 was adopted with the date February 3rd, 1932.

(The meeting rose at 7 p.m.)

SIXTH MEETING.

Held on Friday, September 18th, 1931, at 3.30 p.m.

Chairman : M. MUNCH (Denmark).

14. Draft General Convention to improve the Means of preventing War : Discussion of the Articles (continuation).

ARTICLE 12.

" A *procès-verbal* shall be drawn up by the Secretary-General of the League of Nations as soon as ratifications or accessions on behalf of ..... Members of the League of Nations or non-member States have been deposited.

" A certified copy of this *procès-verbal* shall be sent by the Secretary-General of the League of Nations to each Member of the League of Nations and to each non-member State mentioned in Article 9."

M. MASSIGLI (France) pointed out that the Convention imposed on the Council, if not new obligations, at any rate new responsibilities. There must therefore be the certitude that the Council would accept these responsibilities. Two solutions were possible : either the Convention could be put into force only after all the members, or at any rate all the permanent members, of the Council had ratified it ; or, as soon as a small number of States — say, three or five — had ratified, the Council would be called upon to declare whether it accepted the responsibilities devolving from the Convention. He preferred the second solution, which would appear capable of a more rapid application.

M. DE MADARIAGA (Spain) wondered to what extent future non-permanent members of the Council would be bound by the acceptance of a solution by the Council as at present composed.

M. MASSIGLI (France) pointed out that, if new members of the Council were not bound by its previous decisions, each new Council would have to repeat all the work hitherto accomplished.

He proposed to add the following phrase to the end of the first paragraph of Article 12 :

" . . . and as soon as the Council has accepted the responsibilities which will fall upon it in respect of the application of Articles 1, 2, 3 and 4 of the present Convention ".

General DE MARINIS (Italy) proposed to suppress, in M. Massigli's amendment, the reference to Articles 1, 2, 3 and 4.

M. MASSIGLI (France) agreed.

Dr. LANGE (Rapporteur of the Special Committee) thought the Council's responsibilities would not be increased by the Convention, which, on the contrary, would help it to apply measures for which, in certain cases, it was already responsible. Nevertheless, he did not object to drawing the Council's attention to this new instrument which was placed at its disposal.

M. MASSIGLI (France) continued in thinking that, even if the Council's responsibilities were not increased, they would at any rate be more clearly defined, especially by Article 3.

M. SANDLER (Sweden) thought M. Massigli's amendment required further reflection. Under the Convention, the Council could take grave decisions. Provision should therefore be made for cases where members of the Council might not all be in the same situation as regards the Convention. He proposed that, before the Convention could enter into force, the ratifications of four permanent members of the Council should be required.

The CHAIRMAN proposed first to fix the number of ratifications required.

M. GOEPPERT (Germany) proposed that the number should be twenty. Such a high figure would have the advantage of binding a great number of States ; he thought this preferable for a general convention, and that it would induce States to send their ratifications in more quickly.

Lord CECIL (British Empire), on the contrary, thought the Convention should be put into force as quickly as possible so that States so desiring might have the benefit of it. He proposed that the number should be five.

On M. Goeppert's new proposal, the Committee adopted the number ten.

The CHAIRMAN opened the discussion on M. Sandler's amendment to add the words " four of whom must be permanent members of the Council ". This amendment, if accepted, would make M. Massigli's proposal unnecessary.

Lord CECIL (British Empire) pointed out that this Convention would be of much greater value to the small Powers than to the big Powers; it would be a disadvantage for the small Powers to have to wait for the ratification of four big Powers.

M. MASSIGLI (France) did not think his amendment and that of M. Sandler were in contradiction. The fact that four permanent members had accepted the responsibilities would not mean that the Council as a body had accepted them.

Dr. LANGE (Rapporteur of the Special Committee) pointed out that this was a political question and the Special Committee had therefore not discussed it.

Under M. Massigli's amendment, the Council might postpone the putting into force even if M. Sandler's proposal were adopted; while, on the other hand, each State, in applying the third paragraph of Article 13, might specify that it made the coming into force dependent on the accession of four permanent members of the Council. Under these conditions, he was not certain that M. Sandler's proposal was very useful.

M. SANDLER (Sweden) recognised that Dr. Lange's argument was logical, but he would have preferred that a general rule should be established in Article 12. He wondered whether, under M. Massigli's amendment, a State not bound by the Convention was compelled to apply the rule regarding *prima facie* evidence contained in Article 4.

M. MASSIGLI (France) would try to reply to this particularly delicate question and he hoped his explanation would not give rise to any objections.

In so far as the application of Article 16 depended on a free decision by each State, he did not see how the provision in question could change in any way the rights granted in this matter to any Member of the League.

In so far as this provision would serve to help the Council to determine the aggressor, a State member of the Council could obviously not fail to take it into account and could not restrict, so far as it was concerned, the import which the contracting parties intended to give to this provision.

M. Sandler's amendment was rejected by eighteen votes to three.

M. Massigli's amendment was adopted.

M. SANDLER (Sweden) asked if the ten ratifications required would include those deposited subject to a reservation.

M. BARANDON (Legal Section of the Secretariat) thought the Committee would unanimously agree that, in accordance with precedents, ratifications were valid if they were deposited unconditionally or if the conditions of any reservation were fulfilled. He proposed to leave the text unchanged but to mention the interpretation in the report.

Article 12, as amended, was adopted.

ARTICLE 13.

" The present Convention shall enter into force on the ninetieth day after the date of the *procès-verbal* mentioned in Article 12 as regards all Members of the League of Nations or non-member States on whose behalf ratifications or accessions have been deposited on the date of the *procès-verbal*.

" As regards any Member of the League or non-member State on whose behalf a ratification or accession is subsequently deposited, the Convention shall enter into force on the ninetieth day after the date of the deposit of ratification or accession on its behalf.

" Each of the High Contracting Parties shall have the right to inform the Secretary-General of the League of Nations at the moment of the deposit of his ratification or of the notification of his accession, to the exclusion of all other reservations, that he makes the entry into force of the Convention, in so far as he is concerned, conditional on ratification or accession on behalf of certain countries named by him. "

Mr. MURPHY (Irish Free State) said that, under Article 18 of the Convention, a treaty could not come into force between the parties until it was registered. Article 15 of the Convention stated that it would only be registered after it had come into force. These statements were contradictory. He proposed that, while Article 15 should be omitted, Article 13 should be worded as follows:

" The present Convention shall be registered by the Secretary-General of the League of Nations on the ninetieth day after the date of the *procès-verbal* mentioned in Article 12. It shall thereupon enter into force . . . "

M. BARANDON (Legal Section of the Secretariat) agreed that Mr. Murphy's remarks were logical.

Article 13 was adopted as amended.

ARTICLE 14.

" The present Convention may not be denounced before the expiration of five years from its coming into force in accordance with Article 13.

" Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who shall inform all Members of the League of Nations and the non-member States mentioned in Article 9.

" Each denunciation shall take effect one year after the receipt by the Secretary-General of the notification, but only as regards the High Contracting Party on whose behalf it has been notified. "

M. SANDLER (Sweden) asked whether the Convention would remain in force if the denunciations received brought the number of High Contracting Parties below the figure ten mentioned in Article 12.

Dr. LANGE (Rapporteur of the Special Committee) replied that the Convention would remain in force, but that the contracting parties could denounce it.

Article 14 was adopted.

ARTICLE 15.

" The present Convention shall be registered by the Secretary-General of the League of Nations as soon as it has entered into force. "

Article 15 was omitted in view of the adoption of Article 13.

ARTICLE 16.

" The French and English texts of the present Convention shall both be authoritative.

" IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

" DONE at ..... on the ..... in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations, and of which certified true copies shall be transmitted by the Secretary-General to all the Members of the League of Nations and to any non-member State to which the Council of the League of Nations has decided to communicate a copy of the present Convention, in accordance with Article 9. "

Article 16 was adopted.

PREAMBLE.

[Names of the High Contracting Parties.]

" Being sincerely desirous of developing mutual confidence by increasing the efficacy of the means of preventing war,

" Noting that, for this purpose, the task of the Council of the League of Nations in ensuring peace and conciliation might be facilitated by undertakings assumed voluntarily in advance by the States,

" Have decided to conclude a Convention and have for that purpose appointed as their plenipotentiaries :

[Designation of Plenipotentiaries.]

" Who, having deposited their full powers found in good and true form, have agreed as follows : "

M. MASSIGLI (France) pointed out that this Preamble was no longer applicable, since the Convention was open for signature until February 2nd, 1932; it might be possible to follow the procedure adopted for the General Act on Arbitration, which remained open for signature under similar conditions.

M. BARANDON (Legal Section of the Secretariat) agreed with this remark and requested that there should be an adjournment.

(The discussion was adjourned.)

15. Co-operation of Women in the Work of the League of Nations.

The CHAIRMAN opened the discussion on paragraph (*a*) of the following draft resolution proposed by the Spanish delegation :

" The Assembly,

" Considering that the organisation of peace demands the maintenance of an international spirit freed from all prejudices and misconceptions ;

" Convinced of the necessity of ensuring that the Press of all nations receives as impartial and complete information as possible :

" Requests the Council to consider the possibility of studying :

" (*a*) Means of associating feminine action and feminine feeling with the work of the League of Nations by an effective and direct collaboration ;

" (*b*) Means for preventing, with the assistance of the Press, the dissemination of such false information as may hinder the maintenance of peace and goodwill among the peoples ".

M. DE MADARIAGA (Spain) agreed that the ideas contained in paragraphs (*a*) and (*b*) should be discussed separately; they had only been united in the same resolution by the Spanish delegation because the action of women and the action of the Press were, in its opinion, the most powerful means of creating the moral atmosphere necessary for the maintenance of peace.

The collaboration of women was in harmony with the spirit of the Covenant, which granted equal rights to men and women in the League Organisations. Spain was particularly interested in this question. In January last, the General Association of Spanish Women suggested that a conference of women should be called to assist in disarmament and the organisation of peace. The Spanish resolution had aroused great interest among the various international feminine organisations, and this interest had been shown in various ways. He thought the resolution should be merely transmitted to the Assembly, which would forward it to the Council, which would have the question considered.

It was therefore advisable not to indicate in advance what the results of this consideration should be.

Princess CANTACUZENE (Roumania) supported the Spanish delegation's proposal. It was impossible in questions of peace and disarmament not to appeal to the women and mothers. If the Assembly adopted the resolution, the women of all countries would interpret this to mean that it had expressed a desire for the closer and more official co-operation of women with the League of Nations, and that means should be found at the Disarmament Conference to give women a part worthy of their high pacifist mission.

Madame SZELAGOWSKA (Poland) stated that the Polish Government, which greatly appreciated the collaboration of women, especially in the sphere of moral disarmament, supported the Spanish resolution and proposed the following draft resolution :

> " Considering the draft resolution of the Spanish delegation, which aims at associating feminine action and feminine feeling with the work of the League of Nations by an effective and direct collaboration;
>
> " Recalling Article 7 of the Covenant of the League of Nations, which declares that all positions under or in connection with the League shall be open equally to men and women :
>
> " The Assembly invites the Government of the States Members of the League of Nations to consider the possibility of the participation of women in the delegations to the General Disarmament Conference ".

Count BERNSTORFF (Germany) expressed his sympathy with the Spanish proposal and with the ideas of the previous speakers. In principle, his Government thought the participation of women in the Disarmament Conference would be useful.

M. HIITONEN (Finland) thought the intention of the Spanish resolution was to pay due homage to women and their work for peace, but the text gave the impression that hitherto women had done nothing in favour of the League of Nations or of peace. He proposed to amend the text as follows :

> " The Assembly requests the Council to consider the possibility of making the collaboration of women in the work of the League of Nations more intensive and productive ".

M. BUERO (Uruguay) said his Government warmly supported the Spanish resolution. If the two paragraphs (*a*) and (*b*) were separated into two different resolutions, he would propose the following text for the question of the collaboration of women :

> " Considering that the organisation of peace demands the maintenance of an international spirit free from all prejudices and misconceptions, and that, in this connection, the collaboration of women in the work of the League of Nations, which is already provided for in respect of its international officials by Article 7 of the Covenant, would be of great value, especially on the occasion of the coming Disarmament Conference:
>
> " The Assembly requests the Council to consider the possibility of studying means of associating feminine action and feminine feeling with the work of the League of Nations by direct collaboration ".

This would satisfy the Polish and Roumanian delegations by referring to the Disarmament Conference, without, however, imposing obligations on the Governments in respect of the composition of their delegations.

Sir Thomas WILFORD (New Zealand) pointed out that the English translation of the Spanish draft resolution was very unfortunate. He would like to know exactly the meaning of the resolution. He thought that if women wished to be delegates to the Disarmament Conference they should be appointed by the Governments of their own country.

M. D'AVILA LIMA (Portugal) had the greatest sympathy with the activity of women and supported the Spanish proposal, which was both useful and gallant.

M. POLITIS (Greece) had the greatest admiration for feminine organisations and in particular for their work in the social sphere. They could certainly do much for peace. If the object of the Spanish proposal were to request the Council to study the best method of using women for propaganda in favour of peace, he entirely subscribed to it, but he opposed the resolution if its object were to make room for feminine organisations at the side of the

official delegations at the Disarmament Conference. In fact, there would be no reason not to grant the same right to older and more powerful political organisations, such as the Second International, or the Universal Confederation of Freemasons.

Lord CECIL (British Empire) entirely shared M. Politis' opinion as to the nature of the Disarmament Conference; it was impossible to admit organisations or individuals other than the official delegations.

He had always been a partisan of equal rights for men and women, but he would be opposed to any resolution placing women in a more advantageous position simply because they were women. If the Governments desired, they could delegate women to the Conference, but it was impossible to recommend them to do so.

M. DE MADARIAGA (Spain) accepted all the changes in form which had been suggested. He preferred the text suggested by M. Buero. With regard to the substance of the resolution, the interpretation to be put upon it was the first one mentioned by M. Politis. The sole intention of the Spanish delegation had been to urge the preparation of an atmosphere favourable to the Conference by means of propaganda undertaken by women. It was possible for women to exercise influence in particular at the moment when the consciousness of the child was being formed and when the political ideas of the adult were being developed; this influence could also be exercised by supervision over school books. This idea merged into that of the practical collaboration of women in the mechanism of the League of Nations. He was not opposed to this, but it was not his main idea.

M. HIITONEN (Finland) pointed out that M. Buero's text gave the impression that it was solely the fault of men if there were not an international spirit free from all prejudice.

M. MASSIGLI (France) approved the Spanish proposal with the interpretation put upon it by M. Politis and Lord Cecil. Moreover, he approved it because, for the first time, it raised the question of moral disarmament which should be followed up and solved.

In view of the numerous changes in form which had been submitted, he proposed that the text should be referred to a Drafting Committee.

This proposal was adopted.

The Drafting Committee would be composed of representatives of France, Great Britain, Spain, Roumania, Poland, Finland and Uruguay.

16. Co-operation of the Press in the Work of the League of Nations.

The CHAIRMAN opened the discussion on paragraph (*b*) of the Spanish proposal.

M. DE MADARIAGA (Spain) proposed the following text:

"Considering that the organisation of peace demands the maintenance of an international spirit free from all prejudices and misconceptions;

"Convinced of the necessity for ensuring that the Press of all nations receives as impartial and complete information as possible:

"The Assembly requests the Council to consider the possibility of studying, with the assistance of the Press, means for preventing the dissemination of such false information as may hinder the maintenance of peace and goodwill among the peoples".

Precedents were to be found in the Swedish and Polish resolutions reproduced on page 6 of the report by the Special Committee (document A.9.1931). The Polish resolution referred in particular to Press campaigns in times of crisis. The Spanish proposal was based on the idea that preparations for peace should be made in time of peace, and not when war was threatening. The Press was a formidable weapon both for good and evil, and the Spanish Government had thought fit to draw attention to this point. It had no other aim and it merely requested the Council to institute an enquiry into this question.

M. Urgoiti, the Spanish delegate to the Press Conference of 1927, had suggested that an exclusively professional international organisation should be created, to which the national associations of journalists would be responsible. In the Committee on Intellectual Co-operation, the Spanish professor, Casares, had made a similar proposal. M. de Madariaga further pointed out that, in order to solve this question, the collaboration of the journalists themselves was necessary, and in particular of those dealing specially with international politics.

M. DE SCAVENIUS (Denmark) supported the Spanish delegate's proposal. One of the methods proposed for putting this idea into effect was to create regular contact between the heads of official Press bureaux.

In this connection, the Danish Government stated that if such a conference were thought useful it was prepared to organise it at Copenhagen.

M. SOKAL (Poland) supported the Spanish delegation's proposal, coming as it did after those of the Swedish and Polish delegations. The Committee was discussing part of the important problem of moral disarmament, and sincerely hoped that a practical solution would be found. In his opinion the problem involved wider aspects, but it was at present

impossible to prolong the discussion. The Polish Government had sent to the Secretary-General a memorandum on the entire problem, which would be communicated to all States taking part in the Disarmament Conference. He would be glad if this memorandum could also be circulated to all the members of the Third Committee (document C.602.M.240.1931.IX).

The CHAIRMAN replied that this would be done.

M. BENEŠ (Czechoslovakia) supported the Spanish proposal and agreed with the suggestion made by M. de Scavenius. The first experiment of this kind had shown excellent results.

Baron RAMEL (Sweden) thanked the Special Committee for the sympathy with which it had received the Swedish proposal. He supported the Spanish delegation's proposal and agreed that the matter should be left to the discretion of the Council. He hoped that the Swedish proposal would also be discussed, and accepted the suggestion made by M. de Scavenius.

Lord CECIL (British Empire) also supported the Spanish proposal and was glad of the Danish delegation's suggestion. He pointed out, however, that the independent journalists should not be overlooked. He thought it was M. de Madariaga's intention to associate them in the enquiries to be made.

The problem of moral disarmament was a very wide one, and he was not certain that some politicians were not as dangerous as journalists. Moreover, this problem could not be solved solely by negative measures. There must be international understanding in order to put an end to international suspicion.

M. LONE LIANG (China) stated that his country, which had for years suffered from tendentious information supplied by journalists who were unfortunately protected by extra-territorial rights, warmly approved the Spanish proposal.

M. DE MADARIAGA (Spain) thanked the speakers who had approved the Spanish proposal, and in particular the Danish delegate. He would be glad if his motion were submitted at the same time to the journalists, and to the Copenhagen Conference of Heads of Press Bureaux, for examination.

M. DE SCAVENIUS (Denmark) thanked the delegates who had spoken in favour of the Copenhagen Conference. He was quite aware that this Conference only constituted one method of action.

The Committee referred the Spanish proposal to the Drafting Committee.

17. Draft General Convention to improve the Means of preventing War : Discussion of the Articles (continuation).

PREAMBLE *(continuation).*

M. BARANDON (Legal Section of the Secretariat) explained that the Preamble of the draft Convention had been moulded on that of conventions drawn up by conferences. A suggestion had been made that the General Act should be taken as a model, but this document had no preamble, nor did it provide for signatures, but only accessions. The same procedure might be used for the Convention under discussion, but, in that case, certain articles would have to be changed. It would be preferable to follow the procedure adopted for the Convention on Financial Assistance — namely, to leave the Preamble unchanged and to omit only the words " found in good and due form ", which are useless, since there was no verification of powers.

M. POLITIS (Greece) pointed out that the full powers which Governments had given their delegates to the Assembly for the purpose of signing the draft Convention were no longer valid, since the text had been changed. The number of signatures would therefore be very small during this session, and this might create an unfortunate effect. It would be preferable to endeavour to model the procedure on that of the General Act and to adopt the form of a convention open for the subsequent accession of the Governments.

M. KOMARNICKI (Poland) supported the proposal made by M. Politis.

The Committee adopted this proposal.

The Convention was referred to the Drafting Committee, in which M. Politis would take part.

(The meeting rose at 7 p.m.)

SEVENTH MEETING.

Held on Saturday, September 19th, 1931, at 3 p.m.

Chairman : M. MUNCH (Denmark).

18. Draft Resolution submitted by the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland concerning an Armaments Truce.

The CHAIRMAN opened the discussion on the following draft resolution submitted by the delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland :

" Being convinced that the crisis which is at present creating such serious disturbance among the nations of the world is due to a number of economic and political causes, one of the principal sources of which is the lack of mutual confidence between the nations ;

" Being convinced that the realisation of the undertakings contained in the Covenant regarding the reduction of armaments will be one of the most important means of re-establishing mutual confidence between the nations and alleviating their crushing economic burdens, while a resumption of competition in armaments would fatally lead to an international and social disaster :

" The Assembly addresses a solemn appeal to all who desire the application of the principles of peace and justice on which the Covenant is based to devote all their efforts to the creation of a world opinion strong enough to ensure that the General Disarmament Conference will lead to definite results involving in particular a gradual reduction of armaments which will be continued until the object mentioned in Article 8 of the Covenant is attained.

" Considering the importance of carefully preparing the ground for the work of the said Conference and, in particular, of avoiding fresh increases of armaments in the present state of affairs :

" The Assembly requests the Council to urge the Governments convened to the said Conference to show their firm determination to support the efforts to ensure peace and re-establish mutual confidence by abstaining, pending the result of the Conference, from any measure leading to an increase in the present level of their armaments ".

The Chairman said that, as this question was closely connected with the work of the Preparatory Commission, in which representatives of the United States of America, Turkey and the Union of Soviet Socialist Republics had taken part, he proposed that these three countries should be invited to send delegates to this Committee when it came to discuss the armaments truce. In order not to delay the work of the Assembly, these countries might possibly appoint diplomats accredited to some capital near Geneva.

M. DE MADARIAGA (Spain) approved the proposal, but asked why the invitation should be restricted to three non-member States.

M. MASSIGLI (France) had no objection in principle. Indeed, he would be very glad if representatives of States non-members of the League, who were, moreover, already present in the room, continued in the Assembly the productive co-operation which they had brought to the Preparatory Commission. But the proposal raised such an important point of procedure that it should be referred to the Bureau of the Assembly. Moreover, on the same day, the First Committee, in dealing with the question of the codification of international law, had seemed to consider that it could not invite States non-members of the Assembly to take part in its work.

Lord CECIL (British Empire) thought that respect for regulations should not be carried too far. Moreover, he thought there was a precedent for the proposal which had been made. A representative of the United States of America had taken part in the opium discussion in the Fifth Committee. It was clear that such representatives could not vote, but there was nothing to prevent a Committee from hearing persons who might be in a position to give information of interest.

He presumed the invitation had been restricted to the three countries mentioned because they had shown great interest in the disarmament question. There was no objection to inviting other countries who had shown equal interest. To refer the proposal to the Bureau of the Assembly would involve an unfortunate delay, and he suggested sending the invitation subject to the Bureau's approval.

M. DE MADARIAGA (Spain) shared Lord Cecil's views regarding M. Massigli's scruples, but did not agree with him regarding the number of invitations to be sent. It was a very delicate matter for the League of Nations to choose between absent States. The invitation should be extended to all and could be accepted or refused.

General DE MARINIS (Italy) entirely approved the proposal and associated himself with Lord Cecil's remarks.

M. MASSIGLI (France) wished to avoid any misunderstanding. He would be very glad to continue the work of the Third Committee with the help of non-member States and to utilise any information their representatives might bring. But he could not help thinking that such a procedure involved a serious question of principle in regard to which the precedent quoted by Lord Cecil no doubt gave Lord Cecil the necessary assurance. He felt he should point out that it would have been opportune to forewarn the members of the Committee of the initiative taken in order to allow them to consider the matter. He regretted that this had not been done.

Lord CECIL (British Empire) did not wish to pose as an absolute authority on the matter. His recollection of the precedent was, moreover, somewhat vague, and he did not wish to make a definite statement. But he saw no objection to the Committee applying to any party in a position to give information.

If the Bureau of the Assembly disapproved of the invitation, it would always be possible to state that it constituted an exception and did not create a precedent.

M. BUERO (Uruguay) shared M. Massigli's view and expressed his astonishment that the question had been raised so abruptly.

M. de Madariaga had referred to a very important point. If certain non-member States were invited to give their co-operation, an invitation should also be given to the South American countries which did not take part in the League's work. This applied principally to two large countries, namely, Brazil and the Argentine. It would be very desirable to have their views on the question under discussion.

The CHAIRMAN agreed that it would have been preferable to have a few hours to think over the proposal which had arisen so suddenly, but such situations were not infrequent in the work of the Assembly. He had no objection to adopting M. de Madariaga's proposal, which had been supported by M. Buero. The position of the representatives thus invited would be similar to that of persons taking part in the Committee's work without being members such as the Rapporteurs of other Committees. Nevertheless, as the question was more important, he proposed to follow Lord Cecil's suggestion and to adopt the proposal subject to the approval of the Bureau of the Assembly.

M. MASSIGLI (France) pointed out that this proposal might place the Committee in an embarrassing situation in regard to the countries invited if the Bureau disapproved of the invitation. It would to some extent bind the Bureau. The Chairman of the Committee, who was also a member of the Bureau and had taken the responsibility of putting forward the proposal before the Committee, had possibly had an opportunity of obtaining the Bureau's views in this regard. M. Massigli only knew one precedent, and that was when the Assembly requested the Council to invite certain non-member States to the Preparatory Commission.

(The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.)

The CHAIRMAN stated that agreement, which had always existed on the substance of the question, had also been reached on the procedure. It was proposed that the President of the Assembly should request the Council to approve an invitation to be sent to all States invited to the Disarmament Conference which did not take part in the Assembly's work. As the Council was to meet at 5 p.m., a decision might be reached that day.

This procedure was adopted.

19. Question regarding the Minutes of the Fifth Meeting.

M. COSTA DU RELS (Bolivia) said that the delegations could not attend discussions in all the Committees and had to rely on the Minutes. At the fifth meeting of the Committee, M. de Madariaga had expressed a very judicious opinion on the neutralisation by the Council of certain territories in dispute. This opinion had already aroused comment in America. There was, however, no trace of it in the provisional Minutes. If a mistake had been made, he appealed to the loyalty of M. de Madariaga and to the Bureau of the Committee to record this opinion.

The CHAIRMAN explained that the Minutes were provisional and the speakers were entitled to make any changes which they desired. He would therefore ask M. de Madariaga if he had any corrections to make in his declarations.

General BENITEZ (Spain) said M. de Madariaga was absent and he would bring the Chairman's request to his notice.

Colonel Ali Khan RIAZI (Persia) said the remarks which he had submitted at the same meeting had been greatly abbreviated and even distorted.

The CHAIRMAN pointed out that the provisional Minutes were not verbatim reports. The delegates were always entitled to reinsert anything which they considered had been wrongly omitted.

M. COSTA DU RELS (Bolivia) replied that, in the case to which he referred, a passage had been omitted. He reserved the right to return to the subject when M. de Madariaga was present.

20. **Draft General Convention to improve the Means of preventing War** (continuation).

M. BARANDON (Legal Section of the Secretariat) pointed out that the Committee, on M. Politis' proposal, had decided that the Convention should take the form of the General Act and be only open for subsequent accession. The Drafting Committee had encountered such difficulties in giving this form to the Convention that it had considered it preferable to choose the usual form of a convention open to the signature of the States. M. Politis had made his suggestion in view of the unsatisfactory experience in connection with the Convention for Financial Assistance. In view of these difficulties, he had requested M. Barandon to inform the Committee that he did not insist on his proposal.

M. BUERO (Uruguay) asked the Committee to reverse its vote of the previous day on this question and to instruct the Drafting Committee to prepare the text in accordance with this new decision.

The proposal was adopted.

(The meeting rose at 4.45 p.m.)

EIGHTH MEETING.

Held on Monday, September 21st, 1931, at 4.30 p.m.

Chairman : M. MUNCH (Denmark).

21. **Invitation to take part in the Work of the Committee addressed to the Countries not represented at the Assembly.**

The CHAIRMAN stated that the President of the Assembly had thought fit to bring the matter before the General Committee of the Assembly, which had adopted the following resolution :

> " The General Committee of the Assembly,
>
> " Having noted the request formulated by the Third Committee that States not represented at the Assembly, which participated in the work of the Preparatory Disarmament Commission, and those invited to the General Disarmament Conference, should be asked to take part in an advisory capacity in the Committee's discussions on the draft resolution concerning an armaments truce :
>
> " Notes that the President of the Assembly, having regard to the urgency of the matter, and in view of the decision of the Third Committee and especially of the unanimity of that decision, is qualified, in agreement with the General Committee, to take a decision in the matter without further procedure ;
>
> " Considers that steps should be taken to carry into effect the Third Committee's proposal ;
>
> " Asks the President of the Assembly to take the necessary steps with a view to giving immediate effect to the present decision and to inform the Assembly of his action at its next plenary meeting ".

The following countries were invited : Afghanistan, Argentine, Brazil, Costa Rica, the United States of America, Egypt, Ecuador, Salvador, Turkey, and the Union of Soviet Socialist Republics. The only reply received up to the present was that of the Government of the United States of America, which accepted the invitation in the following words :

> " The Secretary of State of the United States desires me to acknowledge, on his behalf, the receipt by him of the invitation which the President of the twelfth Assembly, in pursuance of the unanimous decision of the Third Committee and in agreement with the General Committee of the Assembly, despatched to the Secretary of State on September 19th, 1931, inviting the Government of the United States to take part, in a consultative capacity, in the discussions in the Third Committee relative to the resolution looking to a truce in armaments presented by the delegations of Denmark, the Netherlands, Norway, Sweden and Switzerland.
>
> " In view of the deep and continuing interest of the Government of the United States in the question of disarmament, the Secretary of State begs that you will be good

enough to express his thanks to the President of the Assembly for this courteous invitation, and to inform him that he takes pleasure in accepting it on behalf of the Government of the United States.

" I have been designated to act as the representative of the United States for this purpose.

(*Signed*) Hugh R. WILSON."

The Chairman welcomed Mr. Wilson and asked him to take his place in the Committee.

Mr. WILSON (United States of America) thanked the Committee for its invitation and said he was very glad to continue to co-operate with the many delegations with whom he had always had such pleasant relations.

22. **Draft Resolution submitted by the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland concerning an Armaments Truce** (continuation).

M. COLBAN (Norway) said he was only speaking on behalf of his delegation and not on that of all the delegations which had signed the draft resolution. The resolution aimed, in the first place, at securing for the Disarmament Conference the benefit of an active public opinion, enlightened as to the urgent need for mutual concessions on the part of the Governments ; it further desired to stop the competition in armaments, so that the Governments might take part in the Conference in an atmosphere of tranquillity ; lastly, it wished, as far as possible, to bring about moral disarmament, so that the Conference might meet and work under the most favourable conditions.

General DE MARINIS (Italy) entirely agreed with the object of the draft resolution, which was inspired by the same ideas as the proposal made by the First Italian delegate at the general discussion in the Assembly, but the means proposed by the draft resolution were inadequate. The Italian delegation, therefore, found it necessary to submit proposals for a practical application of the Armaments Truce. M. Grandi had informed the Assembly of the reasons for such a proposal. The object was to induce the Assembly to examine the practical aspect of the disarmament problem and to suggest a means of immediate action which would give an initial impulse to the Disarmament Conference. This proposal was the result of careful consideration of the position. The Disarmament Conference was faced by a task of exceptional importance, the difficulty of which it would be dangerous to underestimate. Failure would be, if not a disaster, at any rate an extremely unfortunate event for Europe and the entire world. It was, therefore, necessary to prepare a favourable atmosphere for the future work of the Conference. This could have been done by preparatory work consisting in eliminating, or at any rate reducing, certain differences of opinion and certain special difficulties between some of the countries invited. This preparatory work had not been done or had not given the desired result. The Italian delegation therefore considered that action should be taken in the form of a truce in armaments which would show that mistrust had disappeared and have an effect on the preparation for the Conference which might exceed the most optimistic expectations.

The Italian proposal had been carefully thought out. It was only submitted after each delegation had been able to consider the general idea expressed by M. Grandi and after some delegations had approved it. The proposal must be simple, clear and applicable at short notice to all States. The fundamental idea was that, for a certain period, each country should be prevented from increasing the present strength of its armaments and that, during the same period, no country should endeavour to change to its own advantage the relationship between its armaments and those of other countries. Some countries might think this involved a sacrifice, but it would be a common sacrifice made for the common good. The Italian delegation was aware that land, sea and air armaments should be considered separately. Its proposal was as follows :

In respect of land armaments, it would be difficult to stop all manufacture or purchase of materials and to interrupt the normal working of existing military organisations. The Italian delegation, therefore, proposed that each State should undertake not to increase its expenditure for the army above the figures already voted for the current year.

With regard to naval armaments, each State would undertake not to lay down any warship during the truce, while vessels under construction could be continued and completed.

With regard to air armaments, each State would undertake not to construct new military aircraft except to replace craft which had become unfit for service during the truce.

The Italian delegation thought the length of the truce should be based on the time necessary, under the most favourable circumstances, for the Disarmament Conference's conclusions to be accepted by all the Governments. For practical reasons, it proposed that a definite period should be fixed, and it suggested one year.

In order to avoid difficulties inherent to the signature and ratification of a convention, the truce might take the form of a formal and solemn declaration by which each Government would undertake to respect the limitations in question. This form of undertaking, known as a " gentlemen's agreement ", was not legally perfect, but everyone would recognise that, in practice, it would not be less compulsory than a treaty or convention.

The application of this very simple system should not offer insurmountable difficulties, if goodwill were shown on all sides. It might be open to the objection that it would bind the States to a level of armaments which some might think inequitable. The Italian Government

admitted this argument, especially as it could not itself accept the criterion of the *status quo*, but the acceptance of the truce did not imply a renunciation of demands which each party would be entitled to put forward at the Conference.

The objection might also be raised that the naval truce, by preventing the replacing of vessels which had been put out of commission during its period, would lead to an effective reduction in the naval forces. This reduction would, however, in practice apply, in equal proportions to all navies.

The budgetary limitation of land armaments was perhaps not a perfect system, but it was easy to apply and had the advantage of preventing any considerable increase in effectives and stocks.

The objection that some countries were not represented in the Committee lost its importance in view of the invitations addressed to them. This invitation had been already accepted by the Government of the United States of America, to which he paid a tribute for its perseverance in the cause of disarmament.

If the truce were to be of long duration, more detailed, complete and strict rules would have to be applied, and it would be necessary in advance to solve certain problems which the Disarmament Conference would have to examine and decide. The proposed truce was only a provisional measure, aiming at creating a calm atmosphere for the Conference's discussions. It involved a minimum of undertakings and limitations, but this minimum might be of the greatest moral importance and might have a beneficial effect on the future work.

In conclusion, he repeated that the recommendation with which the draft resolution put forward by the five States concluded was not adequate to the gravity of the problems and the needs of the situation. He could, therefore, not vote for the resolution unless it implied an armaments truce on the lines which he had laid down.

The discussion was adjourned.

23. **Communications of Importance to the League of Nations at Times of Emergency** (continuation).

M. Buero (Uruguay) (Rapporteur) read his draft report (document A.III.12.1931) (Annex 1).

The draft report was adopted.

24. **Collaboration of Women in the Work of the League** (continuation).

M. Buero (Uruguay) (Rapporteur) read his draft report (document A.III.13.1931) (Annex 2).

The draft report and the draft resolution with which it concluded were adopted.

25. **Collaboration of the Press in the Work of the League** (continuation).

M. Buero (Uruguay) (Rapporteur) read his draft report (document A.III.13.1931) (Annex 2).

Baron Ramel (Sweden) pointed out that the Swedish delegation's proposal, which had given rise to the question, was mentioned, but not reproduced. He asked that the text should be inserted at the beginning of the report before the Polish proposal.

M. Sokal (Poland) supported this proposal.

The report, with Baron Ramel's amendment, and the draft resolution at the end of the report were adopted.

26. **Question regarding the Minutes of the Fifth Meeting** (continuation).

M. Caballero de Bedoya (Paraguay) said that, as he could not attend the previous meeting of the Committee, he had not been able to take note of the approval given by the Bolivian delegate to ideas (which he had qualified as judicious) expressed by M. de Madariaga, regarding conservatory measures applicable to the parties in dispute in the event of a threat of war.

Paraguay, in its dispute with Bolivia, had always considered that conservatory measures should be applied at the beginning of negotiations and continued until an arbitral or judicial decision had been given. This was the only procedure by which frontier incidents or threats of armed conflict might be avoided.

In this connection, the delegate of Paraguay recalled the second Conference held at Buenos Aires in 1928, in which Bolivia and Paraguay took part, under the auspices of the Argentine Government. M. Ruiz Moreno, the Argentine observer, proposed to the representatives of Bolivia and Paraguay that the armed posts should be withdrawn to a distance of fifty kilometres from each other, or de-militarised, or that an international police force should be constituted.

The Government of Paraguay entirely approved these proposals; but the Government of Bolivia thought fit to reject them. Paraguay went so far as to propose the abandonment of all fortified places constructed after 1907 by the parties in dispute. If these recommendations of the Argentine Government had been accepted and put into effect, it was probable that regrettable frontier incidents might have been avoided. It was to be hoped that the tardy

approval given by the Bolivian delegate to these ideas would in future lead to a wiser policy and to an attitude more in keeping with the requirements of peace.

M. Costa du Rels (Bolivia) was surprised that the delegate of Paraguay should consider that he had approved the opinion expressed by M. de Madariaga in the meeting of September 19th. The Bolivian delegate had only spoken in order to point out the omission in the Minutes and to ask the Chairman that the Minutes should be neither altered nor abridged. His remarks were not intended either as approval or disapproval of M. de Madariaga's ideas which had been omitted from the Minutes. Under these circumstances, M. Costa du Rels expressed reservations on M. Caballero de Bedoya's statement.

M. Caballero de Bedoya (Paraguay) referred to the Minutes which had been circulated and distributed to the Press and which contained the following passage of M. Costa du Rels' remarks :

> " A judicious opinion was expressed by M. de Madariaga regarding the neutrality of certain territories. This opinion has aroused various comments in South America, but I have found no trace of it in the Minutes ".

M. Caballero de Bedoya thought he was right in stating that M. Costa du Rels considered this opinion to be " judicious " and he noted the declaration which had just been made.

M. Costa du Rels (Bolivia) repeated that the only subject referred to in the discussion was the omission of a part of the Minutes of the Committee's meeting on September 19th.

(The meeting rose at 6.30 p.m.)

NINTH MEETING.

Held on Tuesday, September 22nd, 1931, at 6 p.m.

Chairman : M. Munch (Denmark).

27. Draft Resolution submitted by the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland concerning an Armaments Truce (continuation).

The Chairman read the replies from the Governments of the Argentine, Costa Rica, Egypt, Turkey and the Union of Soviet Socialist Republics to the invitations addressed to them to take part in the Third Committee.

Reply from the Argentine :

> " I hasten to reply to your telegram of the 19th instant. Although the Argentine Congress has not yet reached a decision regarding the entrance of our country into the League of Nations, the Argentine Government is disposed, as on other occasions, to take part in the World Conference in February next in a spirit of active co-operation. As regards the Third Committee which is to meet to-day to discuss the armaments truce, we shall be prevented from attending by the lack of material, time and knowledge of the definite points to be discussed.
>
> (*Signed*) Bosch."

Reply from Costa Rica :

> " In conformity with the desire of the League of Nations, the Government of Costa Rica has appointed Dr. Figueredo as delegate to the Third Committee on the armaments truce.
>
> (*Signed*) Pacheco."

Reply from Egypt :

> " The Government of His Majesty the King of Egypt, in reply to your invitation, has appointed me to take part in the discussions of the Third Committee regarding the armaments truce. I am on the way to Geneva and shall have the pleasure of calling on you to-morrow morning.
>
> (*Signed*) Fakhry."

Reply from Turkey :

> " In reply to your telegram, I have the honour to inform you that in accepting with pleasure the invitation to take part in the discussions of the Third Committee regarding the proposal of the Governments of Denmark, Norway, the Netherlands, Sweden and Switzerland, Cemel Hüsnü Bey, our Minister at Berne, has been instructed to represent us on the Committee.
>
> (*Signed*) Tevfik Rouchdi."

Reply from the Union of Soviet Socialist Republics :

" I thank you for your kind telegram communicating the decision of the Third Committee to invite the Union of Soviet Socialist Republics to take part in an advisory capacity in the discussion on the armaments truce. Apart from the other conditions attached to this invitation, I will merely state that the shortness of the time would in any case prevent the Soviet Government from delegating a representative to Geneva. I think it advisable, however, to inform you that the Soviet Government, which is always prepared to support any proposal for limiting armaments, would be disposed to associate itself with the proposal made by M. Grandi, Italian Minister of Foreign Affairs, provided that proposal is adopted in a form obligatory upon all countries, that it covers all classes of armaments, and that the signatories of the undertaking confirm that it shall not in any case replace or postpone the essential problem of disarmament or limitation of existing armaments, which must be settled as quickly as possible.

(*Signed*) LITVINOV."

The Chairman welcomed the representatives of Costa-Rica, Egypt and Turkey and asked them to take their seats in the Committee.

Cemal HÜSNÜ Bey (Turkey) thanked the Committee for the invitation extended to his country, which would always be ready to give its earnest co-operation in all work connected with peace.

M. FIGUEREDO (Costa Rica) also thanked the Committee and stated that his Government was glad to offer its earnest co-operation in disarmament, in spite of the fact that the problem did not arise for Costa Rica, which had a very small armed force.

General TÁNCZOS (Hungary) said that, in view of the special situation of his country, the idea of an armaments truce would be warmly welcomed. The Hungarian delegation sympathised with every effort in this direction and with every concrete project calculated to create an atmosphere of tranquillity which would enable the coming Conference to attain a satisfactory result in regard to the reduction of armaments.

M. PFLÜGL (Austria) said that, while not underestimating the difficulty of realising the truce proposed by General de Marinis, the Austrian delegation gave its entire approval and support to this proposal.

Sir Denys BRAY (India) regretted that, in view of the great distance, he could not announce his Government's decision, but he had no doubt that General de Marinis' proposal would find the warmest welcome in India in spite of the special difficulties peculiar to his country.

The Indian delegate paid a tribute of admiration to General de Marinis for the courageous lead taken by Italy. The project was not ideal, but it was simple ; it was a concrete proposal and appeared to be workable immediately. This latter quality was of primary importance. The world needed greater confidence, and it would be regrettable if this proposal, which was good in itself, were rejected on account of a striving for something better.

M. DE SCAVENIUS (Denmark) explained that the object of the resolution submitted by his country, together with four other countries, was not to open a discussion on details, but to appeal to all the Governments invited to the Disarmament Conference to refrain from all new armaments pending the result of that Conference. It would indeed be regrettable if armaments were increased during the Conference, thus aggravating the difficulties and complicating the application of decisions which, to a certain extent, would be based on the existing position of armaments.

Such a proposal for a truce could only be based on the goodwill of the parties. The expression employed in the draft resolution " not to increase the present level of armaments " did not imply that work under way would be stopped, although it would be desirable if the States were induced to recognise that the whole or a part of their programme was unnecessary. In the same way, the replacement of old material did not change the level of armaments provided it were not a total and radical transformation of such material. The resolution gave the Council full discretion to decide on the form of the undertakings to be given. The Danish delegation would not object to a compulsory truce, but it would appear that some States would wish, before accepting it, to draw up detailed regulations, machinery for control, etc. It would seem to be sufficient if, as a result of an Assembly resolution, the States considered themselves morally obliged to conform to the spirit of that resolution. The States particularly concerned with the position of armaments in non-member States would naturally be obliged to take the attitude of the latter into consideration.

The Danish delegation urged the necessity of active preparation for the Disarmament Conference, and asked the Secretariat to inform the Governments of the position in regard to the technical preparation. He would be glad if the Secretariat could agree with the President of the Conference as to a programme of the Conference's work, which would be submitted to the Governments. With regard to the political preparation, it had been hoped that Mr. Henderson would be able to undertake this work during the Assembly. Circumstances had not permitted this, but the Danish delegation was convinced that the Governments of the great countries would find other means for examining the difficulties which divided them and of

partly solving them. The most important work was to create everywhere a public opinion strong enough to ensure the success of the Conference. The Interparliamentary Union, whose disarmament project would be an important document at the Conference, would meet this autumn at Bucharest and would discuss the means of ensuring the success of the Conference. Other associations, such as the Federation of League of Nations Societies and women's associations, were carrying on active propaganda.

But, on the other hand, action in the contrary sense was being exercised by powerful forces inspired both by strong interests and by deep feelings which had their roots in history.

It was, therefore, essential that the Assembly should turn to the nations with an appeal inspired by the spirit of co-operation on which the League was based.

Mr. TE WATER (Union of South Africa) said that his country had repeatedly encouraged every effort towards disarmament, and that his Government had on many occasions stated that it was only waiting for the signature of a disarmament convention to ratify other conventions which were the complement of disarmament. He was sure that his Government would welcome a proposal aiming at creating an atmosphere favourable to the Disarmament Conference. Every nation would be judged by its reaction to the Italian proposal. He expressed his sympathy with that proposal and his admiration for the courageous lead given by the Italian delegation.

Count BERNSTORFF (Germany) was glad that representatives of the United States of America, Turkey and other non-member States were taking part in the present discussion.

Dr. Curtius had already brought his main point before the Assembly — namely, that Germany had reduced her armaments to the minimum and was impatiently waiting for other Powers to reduce and limit their own armaments by an international convention, in accordance with their promises.

The Italian proposal, which, in spirit, was in harmony with the draft resolution submitted by Denmark, Norway, the Netherlands, Sweden and Switzerland, would facilitate the work of the Disarmament Conference. He would therefore merely express his entire sympathy with this proposal.

In agreeing with Dr. Curtius he stated, however, that he could only consider an armaments truce as a provisional measure which could not prejudice the result of the Disarmament Conference, since that result should in no case be the stabilisation of armaments at their present levels. He noted with satisfaction that General de Marinis had taken this view into account by proposing to limit the truce to one year.

M. AGHNIDES (Director of the Disarmament Section), in reply to the questions raised by M. de Scavenius, stated that, as a result of a resolution adopted by the Council in January last, the Secretary-General had asked all the Governments invited to the Disarmament Conference to send him information regarding the position of their armaments and all the technical or other data calculated to enlighten the Conference on the proposals to be brought forward. In May, the Council considered that the replies would only be of value if they were based on a uniform model, and asked the Secretary-General to request the Governments to base their replies on the schedules contained in the draft Convention and on the model drawn up by the Committee of Budgetary Experts. These replies were requested for September 15th at the latest, so that they could be circulated to the countries which had replied. This procedure had been adopted in order to hasten the despatch of the replies.

Up to the present, twenty-five Governments had replied : the United States of America, Belgium, France, Great Britain, the Netherlands, Germany, Sweden, Austria, Denmark, Italy, Japan, Estonia, Roumania, Ireland, Poland, Spain, Finland and Norway had asked that their replies should be circulated to all the Governments invited to the Conference. Twelve of these replies had been circulated and the other six were being printed.

On the other hand, seven countries had sent in their replies without making any remark. This meant that it was necessary to wait until the President of the Conference authorised the Secretary-General to circulate these replies to all the countries which had themselves replied.

With regard to M. de Scavenius' second proposal concerning the preparations to be made for the Conference by the Secretariat, it was for the Committee in the first place to decide what action should be taken. The Secretariat would then follow the instructions adopted by the Third Committee.

(The meeting rose at 7.20 p.m.)

TENTH MEETING.

Held on Wednesday, September 23rd, 1931, at 3 p.m.

Chairman : M. MUNCH (Denmark).

28. **Draft General Convention to improve the Means of preventing War** (continuation).

The CHAIRMAN stated that as M. de Madariaga could not attend the meeting he would be replaced as Rapporteur by M. Buero.

The preamble and the articles of the Convention (document A.78.1931.IX) were successively adopted without discussion.

The CHAIRMAN put the entire Convention to the vote.

M. VALDÉS-MENDEVILLE (Chile) said the Chilian delegation had not taken part in the work of the Special Committee nor in the discussions of the Third Committee on the draft Convention, and would abstain from voting for the following reasons.

The fundamental idea of the draft was that, as Article 11 of the Covenant was insufficient, the contracting parties undertook to put in force measures which were not compulsory for Members of the League of Nations, in order to reduce the risk of war. The Chilian Government was opposed to an indirect revision of the Covenant by means of general conventions, the result of which was to create uncertainty as to the duties of the Members of the League of Nations in cases where certain States were not parties to these conventions. If Article 11 were considered insufficient, it would be wiser to revise it directly.

Though the problem of security was not a serious question for Chile, it was not this selfish consideration which prevented her from voting for the Convention. She had unreservedly ratified the Pact of Paris and had in many ways shown her peaceful spirit and her desire to fulfil strictly the obligations arising out of the Covenant of the League of Nations.

In order, therefore, not to prevent the conclusion of a convention which some States considered useful and calculated to increase security, the Chilian delegation would abstain from voting.

M. SATO (Japan) said he would also abstain from voting, and he confirmed the reservation expressed by the Japanese delegate in the Special Committee.

Mr. TE WATER (Union of South Africa) had been empowered to vote for and sign the Convention, but he pointed out that his Government's ratification was subject to the adoption of a general disarmament convention.

The Convention as a whole was adopted, the Chilian and Japanese delegations abstaining from voting.

29. **Report on the General Convention to improve the Means of preventing War** (document A.III.17.1931.IX) (Annex 3).

M. SOKAL (Poland) considered that the report on the whole was excellent. In order to satisfy the Polish delegation, the Drafting Committee had proposed to insert a passage from a report by M. de Brouckère. This had been done. M. Sokal pointed out that M. de Brouckère's report had never been approved either by the Council or by the Assembly, which bodies had merely regarded it as a valuable guide. Under these circumstances he thought it better not to refer to it, in order to avoid creating the impression that M. de Brouckère's report was part of an official document. He therefore withdrew his request for its insertion.

Mr. CADOGAN (British Empire) attached some importance to the passage in question, which had a certain value as an argument, although it had not received the formal sanction of the Council. He proposed to add a few words explaining the position.

M. BUERO (Uruguay) (Rapporteur) pointed out that the quotation had not been merely inserted by the writer of the report, but was the result of a decision by the entire Drafting Committee. Under these circumstances the omission of the quotation might give the impression that some doubt existed as to the correctness of the arguments which it contained. He thought Mr. Cadogan's proposal should satisfy M. Sokal.

M. SOKAL (Poland) admitted that the quotation was a result of a decision by the Drafting Committee, but the latter had had the general impression that M. de Brouckère's report had been approved by the Assembly. On the other hand, this text had been inserted in order to satisfy the Polish delegation : as the latter now wished to withdraw it, he did not see why the other delegations should wish to retain it. He was willing to agree to a formula on the subject.

M. BUERO (Uruguay) (Rapporteur) proposed that the entire quotation could be placed in a footnote, and that the report should state explicitly that the passage quoted was regarded as a valuable guide in this important question and that it did not formally bind the Committee.

M. SOKAL (Poland) accepted the proposal, which satisfied him, at any rate as regards its form.

The proposal was adopted.

M. CASSIN (France) proposed to omit the second sentence in the paragraph commencing with the words " The Committee has further thought it desirable ", which reads as follows :

> " In prescribing measures of the first class, which are to be taken without delay, the Council's sole object is to put an end to what might be described as a violation of domicile ".

He thought it unnecessary to make such a comparison.

M. BUERO (Uruguay) (Rapporteur) pointed out that this sentence was merely meant to explain the following sentence regarding territorial waters.

M. CASSIN (France) replied that the important point was the statement contained in the following sentence — namely, that the States regarded their territorial waters as part of their territory — while the comparison added nothing to the force of the paragraph. He therefore proposed to omit the second sentence and the word " consequently " in the third sentence.

The proposal was adopted.

M. SOKAL (Poland) asked that, at the end of the paragraph beginning " Measures of the second category ", the following words should be inserted :

> " It is understood that the State whose territory has been invaded shall not be obliged to withdraw its forces behind the lines fixed by the Council until the complete evacuation of the said territory by the foreign forces ".

Lord CECIL (British Empire) thought it was impossible to make this addition at this stage.

M. SOKAL (Poland) asked if it were contrary to or in conformity with the principle of the Convention.

Lord CECIL (British Empire) replied that it was neither in conformity with nor contrary to the Convention, but was different from it.

M. SOKAL (Poland) thought it was an idea on which everybody must agree. He asked in what respect it differed from the terms of the Convention.

Lord CECIL (British Empire) thought it amounted to a totally new proposal. The lines to be drawn would depend on the circumstances in each case. There might even be cases where a line was drawn only on one side. The decision to send commissioners to supervise the evacuation should be sufficient to remove any apprehension.

M. SOKAL (Poland) pointed out that it was clear, from the original text, that the two operations — evacuation and fixing of the lines of withdrawal — took place successively. With the present text, this question was not clear. Nevertheless, he thought it was obvious that the withdrawal of forces behind the lines could not be demanded before the evacuation had been completed, whether there were one or two lines.

The CHAIRMAN proposed to adjourn this discussion and to continue the discussion on the resolution regarding an armaments truce.

30. **Draft Resolution submitted by the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland concerning an Armaments Truce** (continuation).

The CHAIRMAN welcomed Fakhry Pasha, delegate of the Egyptian Government, and asked him to take his seat in the Committee.

FAKHRY Pasha (Egypt) stated that the Government of His Majesty the King of Egypt had received with great pleasure the invitation from the eminent statesman presiding with such authority over the discussions of the twelfth Assembly of the League of Nations, and that the Royal Government was very glad to take part in the debates of the Third Committee regarding the armaments truce.

No cause could be nearer to the heart of His Majesty than that of disarmament and peace. In spite of his military career, His Majesty the King was more at home as a protector of letters and arts and was proud to wear the sword of a member of the Institute of France.

Since his accession to the Throne, His Majesty had constantly reiterated that the pen of the man of letters and the plough of the labourer were the arms of his choice.

The Egyptian people, heirs of the ancient civilisation of the Pharaohs, entirely shared the peaceful and humanitarian feelings of His Majesty and were proud to assist in creating better relations between the nations.

He added that he was honoured to represent his country in the League of Nations and to be the interpreter of his Government's desire for the success of the Disarmament Conference.

M. Michalakopoulos (Greece) said that Greece was prepared to sign any agreement unanimously adopted on the basis of the Italian proposal. Greece had already concluded a naval truce with Turkey putting an end to the competition in armaments between the two countries. It had been agreed that each country should not order any ships or munitions without giving the other six months' notice. In this way, it was possible to investigate, in a friendly manner, whether the order was intended for a normal replacement. As a result, Greece had economised 200 million drachmæ per annum and, what was more important, a feeling of confidence and goodwill had taken the place of an atmosphere of suspicion and disagreement. This precedent should encourage the nations to conclude similar agreements which would make for the happiness and progress of humanity.

Viscount Poullet (Belgium) thought the friendly reception given to the proposal put forward by the five delegations, together with M. Grandi's proposal, would show that, in spite of certain differences of opinion as to the application of Article 8 of the Covenant, all the States had the sincere desire to attain definite results at the Disarmament Conference. The Belgian delegation, after examining all the proposals with the greatest goodwill, would agree to any which the Committee unanimously approved. After listening to the details given by the Danish delegate on the import of the proposal made by the five delegations, the Belgian delegate stated that this proposal entirely satisfied him and that it was most nearly in accordance with what the nations desired at this moment.

M. Sato (Japan), while highly appreciating the intentions of the authors of the draft resolution and of the Italian proposal, said it would not appear that the States invited to the Disarmament Conference were at present entering into a competition in armaments. The general feeling of all countries was in favour of limitation and would not permit increases in armaments before the opening of the Conference. On the other hand, the Italian proposal would directly affect the provisions of the London Naval Treaty, which had been drawn up after long negotiations. He did not think this proposal could be changed, even by a formal and solemn declaration. For that purpose, a new Convention would have to be reached between the contracting parties.

Moreover, exact information would be required as to the present level of armaments. This involved a delay until the Governments had sent in their information. Under these circumstances, he proposed to reserve the draft resolution of the five delegations and the Italian proposal and to submit them to the Disarmament Conference for examination and decision. But he insisted that these drafts should be examined at the beginning of the Conference in order to start it under happy auspices and in a favourable atmosphere.

Mr. Wilson (United States of America) said his Government, which showed the greatest interest in the disarmament problem, had gladly accepted the opportunity offered by the Assembly. M. Grandi's proposal had aroused great sympathy in many countries and, in particular, in the United States, where the Press and the public had given it a very favourable reception. The nations were showing some uneasiness at the long discussions and projects which led to nothing. Under present economic conditions, it was not surprising that the idea of an armaments truce had been accepted as a means of relieving the evils from which the world was suffering. It had been thought that this truce would reduce expenditure, create an atmosphere of goodwill, put an end to competition in armaments and enable the countries to approach with tranquil minds the problems raised by the Disarmament Conference.

It had been hoped that some questions which only concerned certain Governments might have been solved before that Conference, not only because of their intrinsic importance, but also because their solution would make for a better mutual understanding. An armaments truce accepted by all would have a still greater effect.

The United States Government had had little time to consider the question with the necessary care. It thought, however, that the drafting of a convention would involve lengthy technical discussions; he was therefore in favour of the form proposed by General de Marinis — that was to say, a simple and clear declaration of intention. With regard to the details of the proposal, the United States Government was prepared to accept them in respect of land and air forces. It had not had time to consider the proposal in respect of naval armaments with sufficient care to be able to give its final approval to any particular form of undertaking. The London Naval Treaty fixed certain levels for the cruisers of the contracting parties. The present cruiser level of the United States was considerably below the figure provided for in the London Naval Treaty. Any undertaking not to construct vessels would, therefore, be embarrassing to the United States Government and would upset its construction plans. It was nevertheless prepared, in view of the necessity of creating psychological conditions favourable to the Disarmament Conference, to forgo its rights under the London Naval Treaty for one year. There were, however, other difficulties. The United States Navy Department had opened bids for the construction of a limited number of destroyers. These destroyers were the first ships in this category which the United States would have built for over a period of ten years, and they were destined to replace existing over-age tonnage in that category. The contracts would be allocated in connection with a general programme of unemployment relief. The American Government could therefore not undertake to stop this construction.

Mr. Wilson stated that he would give further details if, as he hoped, the discussion were continued. For the moment he thought it advisable merely to know the general attitude towards the Italian proposal. On the other hand, he thought the proposal put forward by M. Sato would prejudice the main interest of the question, which lay precisely in its immediate moral effect.

M. Beelaerts van Blokland (Netherlands) said that his country attached the greatest importance to the success of the Disarmament Conference, and it was in this spirit that his Government, together with four other countries, had submitted a draft resolution. The Italian delegation had submitted another proposal which had the same object, but went into greater detail in respect of the obligations to be undertaken by the States. The Netherlands delegation considered that, as this was a moral undertaking, it was not necessary to enter into details. It thought that, in this way, it was easier to arrive at a unanimous decision. It was, however, prepared to agree to the Italian proposal; and it was essential that the Assembly should take a step proving its sincere wish to create the atmosphere necessary for the success of the Disarmament Conference.

M. Sokal (Poland) noted that the discussions in the Assembly and in the Third Committee proved the unanimous desire to hold the Disarmament Conference on the date fixed. The Polish Government was prepared to support any measure for facilitating the success of that Conference. The Italian proposal, at first sight, appeared simple and easily acceptable by all States. In view, however, of the economic and financial crisis, there was no reason to think that the military budgets of most countries could be increased next year. Moreover, it would appear to be unjust that certain States should be bound by an undertaking, while other countries in the same region, whose expenditure for national defence was not, for instance, divided up among categories of armaments or who had no public control of the budget, would be placed in a very different position. Poland could, therefore, assume no obligation as regards budget expenditure so long as similar conditions did not exist in the region which concerned her. The Polish military budget was, moreover, lower than that of certain neighbouring countries and had not reached the level required by security.

It would be difficult to assume formal undertakings regarding naval and air armaments, since the Governments had not been able to examine all the aspects of the problem and had not had an opportunity of discussing the reservations to their accession made by countries which had not had the physical possibility of attending the Committee.

The Polish delegation approved in principle the proposal made by the five countries, while asking for certain changes in detail. Any other proposal would, in his opinion, run the risk of turning the Committee into a Disarmament Conference.

Lord Cecil (British Empire) thought the proposal of the five States could be adopted without difficulty, as it was in the nature of a recommendation without any practical details. The Italian proposal was an agreement in general terms not to increase armaments and it rested on the honour of the contracting parties. The general idea of this truce was that any great war was very improbable within one year, and that the States could admit such a truce during the discussions of the Disarmament Conference.

The object of the Italian proposal was twofold. First, to prevent an increase in armaments either by competition or by the desire to take advantage of the Disarmament Conference. He agreed with M. Sokal that, in view of financial difficulties, such an increase was not very probable. The second object was far more important; it was to secure a better political atmosphere, not only for the Conference, but for every purpose. The Italian proposal would certainly attain this object; on the other hand, M. Sato's proposal, interesting as it was, would not have the same result. The discussions at the Disarmament Conference would probably be lengthy and the conclusion doubtful. This would do very little to improve the political atmosphere, while the result would be immediate if they had the courage and faith to accept the Italian proposal.

Lord Cecil agreed that there were practical objections to the proposal and he had no doubt that the experts would have little trouble in finding them. He did not think that any of these objections were insurmountable, even such objections as those referred to by the United States representative in respect of the difficulty of defining at what moment construction had commenced.

He nevertheless realised that this proposal could not be applied if the great countries refused to accept it. He therefore proposed to accept a resolution broadly containing the Italian proposal. This resolution would be forwarded to all Governments invited to the Conference, who would state before November 1st, or some other earlier date, whether they were prepared to assume the undertaking demanded and what comments they desired to make. This proposal would meet the difficulties felt by M. Sokal and some of those raised by M. Sato. It would give the Governments concerned a few weeks' time to consider the question. He thought the Italian proposal could be referred to a Drafting Committee with a view to fitting it into the proposal of the five States and preparing a text which would be passed unanimously and sent to the Governments with the object he had mentioned.

Lord Cecil proposed the following addition to the Italian proposal:

> " The Secretary-General should be instructed to request the Governments to inform him before October 24th, 1931, whether and to what extent they can accept the above rules.

" On October 25th, the Secretary-General should transmit by telegraph to each of the Governments the sense of the replies of the other Governments.

" On November 1st, the rules shall come into force for each Government that has accepted them, to the extent to which it has accepted them, unless it shall have notified the Secretary-General that it withdraws its acceptance ".

(The meeting rose at 6.15 p.m.)

ELEVENTH MEETING.

Held on Thursday, September 24th, 1931, at 3 p.m.

Chairman : M. MUNCH (Denmark).

31. Report and Draft Resolution on the General Convention to improve the Means of preventing War (Document A.III.17.1931.IX) (Annex 3).

M. BUERO (Uruguay), Rapporteur, reminded the Committee that the Polish delegation had proposed a text in order to make it clear that the contracting parties were not obliged to withdraw their forces behind the lines fixed by the Council until the complete evacuation of the invaded territory. He had no objection to adopting this text, while at the same time pointing out that the Council would not be obliged to await complete evacuation before fixing the lines.

The Polish amendment was adopted.

M. GOEPPERT (Germany) proposed that, in the paragraph beginning " The powers conferred . . . ", the words " without an invasion having taken place or after an invasion followed by an order for evacuation " should be substituted for the words " either before or after an invasion ". The present text gave the impression, wrongly, that there was, in any case, an invasion.

The amendment was adopted.

M. MASSIGLI (France) considered that the following paragraph on page 8 went beyond the intention of the Committee :

> " It has also been proposed that the Council should entrust to specialists the examination of the problem of fixing the lines provided for in Article 3. It is thought that the Council might perhaps consider this suggestion; preliminary investigations of this nature might be useful and facilitate the application of Article 3, which should be as rapid as possible. "

It seemed that it was proposed that the Council should, in times of peace, undertake these investigations on the various frontiers in order to prepare to fix, if need be, lines in case of conflict. Such investigations made by experts might cause a certain emotion. He therefore proposed that a formula be sought opening out the possibility of such investigations only if a threat of war had arisen in a certain district.

M. DE MADARIAGA (Spain), Rapporteur, said he had himself raised this question. It was necessary to render the working of this article of the Convention effective. When a crisis had arisen, it would be difficult to instigate investigations for the purpose of fixing the lines. The emotion that M. Massigli was afraid of would not be very great in the case of a common frontier between two countries such as Spain and France, between whom there could be no question of any conflict.

But since doubts had been raised regarding this proposal, he agreed to omit the entire paragraph.

The paragraph was omitted.

M. BUERO (Uruguay), Rapporteur, proposed that in the paragraph following that beginning : " In the event of the Council's deciding . . . ", the following sentence : " The Third Committee considered that the question did not come within the scope of this Convention, and that it could be usefully discussed at the Conference for the Reduction and Limitation of Armaments ", be substituted for : " The Third Committee shared the opinion of the Special Committee that the question did not come within the scope of the Convention, and the Polish delegation reserved its right to submit the matter to the Conference for the Reduction and Limitation of Armaments ".

Lord CECIL (British Empire) said the present text was correct, since it was the Polish delegation, and not the Third Committee, which had reserved the right to submit this question to the Conference.

M. BUERO (Uruguay), Rapporteur, thought the Polish delegation's apprehensions were shared by the Committee. He suggested that he should be instructed to bring the English and French texts into harmony, with the co-operation of the Secretariat.

The proposal was adopted.

M. GOEPPERT (Germany) proposed that, in the paragraph beginning " As regards Article 5 . . . ", the words " that it is the said Party which has resorted " should be substituted for " that the said Party has resorted ".

M. BUERO (Uruguay), Rapporteur, replied that the present text covered cases where both parties had resorted to war.

M. GOEPPERT (Germany) thought neither text covered this case and he withdrew his amendment.

M. FRANÇOIS (Netherlands) proposed to omit the whole paragraph beginning with the words " A proposal was put forward . . . ", as he thought this paragraph did not quite convey the intentions of the authors of the proposal. On the other hand, he was doubtful whether the Council was obliged to carry out every task arising out of a Convention voted by the Assembly. In this case, it would be insufficient to state that such a declaration by the Council was superfluous.

M. MASSIGLI (France) replied that the Committee had decided by formal vote to insert a text in the Convention providing for the necessity of a declaration by the Council. The Drafting Committee had criticised this proposal. As a compromise, the French delegation had agreed to the insertion of this paragraph in the report. There was no doubt that the Convention imposed definite responsibilities on the Council. If the contracting parties were uncertain as to the attitude of the Council towards these responsibilities, they woul not ratify.

M. FRANÇOIS (Netherlands) did not press his proposal.

M. CABALLERO DE BEDOYA (Paraguay) pointed out that the Convention referred to conservatory measures, whereas the report spoke of provisional measures, in particular in the fourth paragraph of the report. It would be preferable to use the expression " conservatory measures " throughout.

M. DE MADARIAGA (Spain), Rapporteur, replied that in this paragraph it was intended to emphasise the provisional nature of those measures.

M. CABALLERO DE BEDOYA (Paraguay) stated that, in internal or international law, conservatory measures were always of a provisional nature.

M. DE MADARIAGA (Spain) agreed to substitute the word " conservatory " for the word " provisional " in the fourth paragraph.

The report and the draft resolution were adopted.

32. **Draft Resolution submitted by the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland concerning an Armaments Truce** (continuation).

The CHAIRMAN read the following telegram from the Brazilian Minister of Foreign Affairs :

" I acknowledge receipt of and thank you for your telegram of the 21st instant, and have the honour to inform you that the Brazilian Government, though keenly interested in the reduction of armaments which is the condition of universal peace and is in accordance with the pacifist nature of the traditions and institutions of this country, cannot appoint special delegates in view of the lack of time. It has, however, instructed M. Raoul de Rio Branco, Minister Plenipotentiary at Berne, to take part as an observer in the meetings of the Third Committee of the twelfth Assembly of the League of Nations which is dealing with this question. "

The CHAIRMAN welcomed M. de Rio Branco and asked him to take his seat in the Committee.

M. MASSIGLI (France) said that he would speak in particular on the Italian proposal, around which the discussion was at present centring. He associated himself with the tributes paid to that proposal, which he agreed was both objective and generous. He did not wish to fall into the error of those who looked for egotistic motives in the noblest actions. It was doubtless by pure coincidence that this proposal provided a temporary solution for certain difficult negotiations which had been carried on for many months, and that this solution was entirely to the advantage of one of the parties concerned.

Obviously it was desirable that the Conference should meet in an atmosphere of tranquillity, so that the discussions might be imbued with a general spirit of conciliation. It remained to be seen whether the proposal would have the desired effect. The nervousness prevailing throughout the world was due to very definite causes, which affected the daily

life of peoples far more closely than a competition in armaments. The latter did not exist at the moment, and, as Lord Cecil had remarked, it would be somewhat difficult for it to spring up between now and the Conference.

The proposal before the Committee was expected to produce both a material and a moral effect.

First, as regarded the material effect, it had been said that, if the proposal were adopted, it would relieve the burden on the taxpayer. He thought this somewhat doubtful, since the majority of budgets had been voted for a period up to April or even July 1932, when the Disarmament Conference would have been sitting for several months.

It had also been said that the proposal would help to lessen economic tension. It was perfectly true that, in the long run, an alleviation of military burdens would have the best possible effect on the economic situation. But with regard to the more immediate and distressing problem of unemployment, the position was very different. That had been recognised on the previous day by the United States delegate, who, while approving the Italian proposal in principle, had made a reservation in regard to unemployment and the need to avoid aggravating the stagnation in the shipbuilding industry.

There remained the argument of the moral effect. He admitted that the truce might have a moral effect, but there were other methods that might be used, at all events concurrently, to produce a moral effect which would create a favourable atmosphere prior to the Conference. Certain Governments which would be represented at the Conference, including the French Government, had indicated their preoccupations. They had referred to political problems which would weight the atmosphere of the Conference. If it were desired to create a favourable moral atmosphere before the Conference, they might perhaps turn their attention to those problems. No one had proposed that they should do so. That was doubtless because everyone felt that they should not be too ambitious and should know where to stop.

On the other hand, the truce would not have any great effect unless it clearly marked the end of further increases in armaments. From this point of view, the Italian proposal was perhaps not so clear or practical as was supposed.

With regard to naval armaments, the proposal suspended the placing of vessels on the stocks. He asked whether that covered the laying down of vessels — that was to say, the placing of contracts and the purchase of supplies for dockyards under conditions which might enable construction to be accelerated as soon as the truce had expired. But the most serious difficulty was the question of replacements. They already knew that one important delegation would make reservations in regard to the construction of destroyers for replacement purposes. It was possible that other delegations might make similar reservations. Supposing two countries possessed fleets of comparable tonnage, and one of them had been compelled by circumstances to allow its fleet to become more obsolete than that of the other. To prevent this older fleet from losing all its value, regular replacements would be necessary. It was obvious that, if the placing on the stocks and even the laying down of vessels were suspended for one year, the older fleet would be at a disadvantage as compared with the younger.

As regarded land armaments, the principle appeared to be simple. It was that of budgetary limitation. At the same time, M. de Scavenius had already drawn attention to certain difficulties. For instance, it might happen that, during the next year, payments due on a construction programme in progress — such as a fortification programme — or a change in the date of the embodiment of recruits, producing a temporary increase in effectives, might increase the expenditure without any actual rise in the level of armaments. Another objection was that the budgetary experts, in their report, had unanimously urged that in no case should credits voted be taken as a basis of budgetary limitation; the only reliable criterion was that of actual expenditure. The reason was that credits might be voted for a smaller expenditure than that which was desired, while the expenditure might be subsequently regularised by voting supplementary credits. It would be sufficient to postpone such regularisation until the end of the truce in order to circumvent the Italian proposal in practice.

As regarded air armaments, the Preparatory Commission had found it insufficient to limit aircraft numerically, and had considered it essential also to limit their horse-power. The Italian proposal confined itself to numerical limitation, which would make it possible for Powers to observe the undertaking and at the same time to increase their air forces considerably by replacing small aircraft by more powerful machines.

He thought he had said enough to show what difficulties stood in the way of the practical application of the proposal before the Committee. Governments making the suggested declaration of intention would not on that account place themselves beyond suspicion and criticism. The same difficulties would remain, and consequently the same atmosphere, which they thought they were dissipating.

He was inclined to think that Lord Cecil realised certain of those difficulties, and that that was why he had proposed that Governments should themselves make, within a specified period, the required declaration of intention, adding any comments which they thought fit.

The comments would take the form of reservations. Either, on November 1st, those reservations would have to be regarded as depriving the proposed truce of all value, or a meeting would have to be held to bring them into harmony. Such a conference would take place between November 1st and February 2nd. It would have the disadvantage of interrupting the enquiries now being made by the Governments in preparation for the General Conference; moreover, the discussions to which it would give rise would completely destroy the moral effect which the truce was expected to have. If the discussions were prolonged, they might even create a worse atmosphere for the General Conference than that which at present existed.

There were only two possible solutions : either to make a recommendation in the sense indicated by M. de Scavenius, or to refer the question of the truce to the Conference, as M. Sato had proposed. M. Massigli, who had made a proposal in this sense (see Annex 5), was in favour of the latter solution, but did not wish it to be used as a means of shelving the proposal. Consequently, at the same time as it referred the question to the Conference, he suggested that the Assembly should ask the Council to take measures so that the Governments might be prepared to conclude the agreement necessary to establish the truce immediately after the Conference met. As that might give rise to a certain amount of discussion, Governments should be asked to communicate to Geneva, before the Conference — somewhere about the beginning of January — their proposals with a view to the conclusion of that agreement.

Reference had been made to the moral effect of the truce. If, a few days after it met, the Conference could announce that it had established an armament truce for its whole period on *clear* bases accepted by *all*, that would be more than a gesture — it would be an act.

Baron Ramel (Sweden) stated that Sweden, in signing the draft resolution, had wished to point out that, in her opinion, the League of Nations should not allow the Assembly to terminate without making a serious effort to relieve existing uneasiness by contributing to the preparations for the Disarmament Conference. It was, moreover, important not to raise fresh discussions in the Third Committee when that Conference was to meet in the near future.

The proposal made by the five Powers was clear. As the Governments were at present sending particulars regarding the level of their armaments, it was natural that they should be asked to keep to that level until the Disarmament Conference had reached a result. Otherwise the work of that Conference would be rendered particularly difficult. The discussions which had just taken place seemed to show that it was impossible to go further than the five Powers proposed. It would, however, be a source of great satisfaction for Sweden if it were found possible to conclude a real undertaking covering more concrete and definite obligations than those proposed.

Mr. Beaubien (Canada) realised that, as a representative of a distant country, he must show some caution in approaching a discussion which would appear to be of particular interest to the European countries. He could not, however, forget that, the day after war was declared, Canadian troops were called on to fight in Europe. At the present moment, thousands of petitions, signed by hundreds of thousands of people, were circulating in Canada asking the League of Nations to find a definite solution for the difficult but essential problem of disarmament.

While realising the difficulties which had been referred to, he had been under the impression that an agreement could be reached to stop, for a stated time, competition in armaments. If that were impossible, how could an agreement be reached to limit or reduce them permanently ? He did not wish to give advice ; he only wished to make clear the intense desire of his country, in which all the disturbances and conflicts of Europe were reflected, to see the disarmament problem finally settled.

M. Motta (Switzerland) admitted that the draft resolution, which his country had signed, was not perfect and that it was not so definite as other proposals placed before the Committee. But the draft resolution was the least that the Assembly could do in order not to produce a disastrous effect on public opinion. The discussion had just shown that it was also the most that could be done in order to reach that unanimity which was essential.

M. Sato had proposed to take action at the beginning of the Disarmament Conference. M. Massigli had supplemented this proposal by bringing in the idea of inviting Governments to send proposals for a truce in advance. He considered these two proposals to be quite insufficient. On the other hand, the more definite proposal of the Italian delegation had no prospect of being unanimously accepted, even with Lord Cecil's proposal to delay the decision of the Governments. Under these circumstances, there was nothing to do but to accept the proposal of the five Powers, which constituted an act of confidence, a protest against the competition in armaments, and, lastly, an appeal to public opinion.

M. Motta appealed to his colleagues' spirit of conciliation to accept this resolution.

M. Choumenkovitch (Yugoslavia) stated that the idea in the proposals submitted was universally accepted. The policy of Yugoslavia was directed towards the maintenance of peace. It was significant that this discussion only referred to the manner of realising the principles on which the proposals were based.

He agreed to some of the objections and reservations regarding the Italian proposal ; he did not think the Committee could at the present moment make an effective study of the question and reach a decision. The proposed procedure was contrary to the procedure normally admitted, under which the Preparatory Commission had drawn up a draft which the Governments were to study and to discuss on February 2nd, 1932. Lord Cecil's proposal, which would open a discussion in the month of November next, was open to the same objection.

In these circumstances, the Yugoslav delegation approved the French delegation's proposal that the question of a truce should be dealt with at the beginning of the Disarmament Conference. The draft resolution of the five Powers might, after some changes, obtain general approval.

M. ANTONIADE (Roumania) paid a tribute to the intentions which had inspired the draft resolutions. Such a manifestation would form a useful preparation for the Disarmament Conference. For that purpose, however, it should be unanimously accepted, not only by those present, but also by the States not represented.

The Roumanian delegation was in favour of General de Marinis' proposal, but, in view of the objections raised by M. Sato, M. Sokal and M. Massigli, was doubtful whether it could be unanimously accepted. On the other hand, the proposal of the five Powers, as explained by M. de Scavenius, did not prevent the execution of programmes already adopted, while it prevented competition in armaments at the last moment; it might therefore be unanimously approved. The Roumanian delegation was therefore in favour of this resolution and suggested that the truce in question should last for one year, as the Italian delegation had proposed. If it proved impossible to reach an agreement even on this proposal, the Roumanian delegation would agree that the question should be referred to the Governments for information or should be settled by the Conference.

M. BENEŠ (Czechoslovakia) agreed that the idea of a truce was bound to receive the general approval of the Governments and of public opinion. It was the basis of all reasonable discussion, and the Disarmament Conference could not dispense with such a loyal and definite measure dealing with concrete points.

The Czechoslovak Government would have little difficulty in adopting either of the proposals submitted. A Czechoslovak law restricted the possibilities of budgeting for military expenditure. This law, which had been strictly applied for two years, would be still more rigorously enforced in future years, without any undertaking being received from other Powers.

But the Committee was obliged to obtain unanimity; the text must be free from reservations, which could only cause misunderstandings. He therefore approved the proposal of the five Powers, which he thought was the easiest of acceptance by all delegations. As the discussion had been opened, it was indispensable to show public opinion that the parties were prepared to accept a minimum of obligations without any ulterior motive. Czechoslovakia was prepared to undertake this obligation immediately. If, on the other hand, the Committee wished to express that it is necessary and essential to conclude a definite and loyal truce regarding all classes of armaments during the Conference, the Czechoslovak delegation agreed in advance.

M. HOLSTI (Finland) was prepared to agree to the proposal of the five Powers. He could do it with the greater justification as the global sum the Diet was asked to grant for the expenditure for national defence during the next budgetary year was inferior to the corresponding expenditure this year.

General DE MARINIS (Italy) thanked the delegates who had approved the Italian proposal and those who, while not accepting it, had expressed their sympathy with its idea. If he had rightly understood the French delegate, the latter apparently thought the proposal had been put forward because it would bring some advantage to Italy. General de Marinis did not understand what advantage Italy could obtain from a truce which, on the contrary, would favour countries with the strongest armaments.

The objections to the Italian proposal had been, in the first place, of a technical nature. It was impossible at the present moment to open a technical discussion. But there was and could be no solution which would not give rise to technical objections. The idea of making any progress would therefore have to be abandoned unless the parties were prepared to make certain concessions.

Some speakers did not appear to attach much importance to the moral question, which, on the other hand, had been given due weight by most of the delegates. For the first time, it was proposed to make a positive gesture which would not consist merely of fine words and praise of peace and good relations.

In spite of M. Motta's arguments and his appeal for conciliation, General de Marinis was not convinced that the proposal of the five Powers would constitute definite progress towards the preparation of the Disarmament Conference. He had therefore drawn up a fresh resolution which might be discussed either in the Committee or in a sub-committee. This draft resolution began with the first three paragraphs of the draft of the five Powers and went on as follows:

> " Considering moreover that, in the present general situation, a reduction of armaments, or, at the very least, an immediate undertaking on the part of States not to increase their armaments, would be of valuable assistance in restoring confidence and, more particularly, in creating an atmosphere favourable to the success of the coming Conference:
>
> " The Assembly approves the following rules for the establishment of an armaments truce and requests the Council to communicate them without delay to all the Governments invited to the Disarmament Conference:
>
> " (1) Each Government undertakes not to increase the expenditure on land forces already authorised for the current financial year, and likewise not to exceed the total of such expenditure during the next financial year until the expiry of the truce;

" (2) Each Government undertakes not to place any warship on the stocks until the expiry of the truce, provided always that vessels under construction may be continued and completed;

" (3) Each Government undertakes to suspend the construction of additional military aircraft during the period of the truce, except to replace machines which are placed out of commission during the truce;

" (4) The duration of the truce shall be for one year, dating from November 1st, 1931.

" The Assembly requests the Council to ask the above-mentioned Governments to inform the Secretary-General of the League of Nations, not later than October 15th, 1931, whether they propose to adopt the above rules ".

Lord CECIL (British Empire) wished to clear up any misunderstanding as to his attitude. The British Government was entirely in favour of the Italian proposal. A very clear declaration had been made on this subject in the House of Commons.

Some speakers appeared to have understood that he had proposed not to adopt the Italian proposal immediately, but to refer it to the Governments. His suggestion was, in fact, to adopt the Italian proposal, and then to send it to the Governments with a request that they should state whether, and how far, they were prepared to make a declaration in the terms of the proposal. The draft resolution just submitted by General de Marinis appeared to contain the same idea.

He did not see any reason why all the declarations should be exactly the same. They might vary in one way or another. The Governments would naturally have to modify their attitude in accordance with that adopted by other Governments.

M. Massigli had treated the question in a little too technical a manner, as if there were going to be a draft convention, whereas the idea was merely to state that the parties proposed to stop competition in armaments for a given period. The plan which he had submitted would, to a great extent, achieve the result aimed at by M. Massigli, who wished that the views of the Governments should be known by January. Moreover, he thought it was not for the Third Committee to fix the procedure for the Disarmament Conference. Discussions on the truce at the beginning of that Conference might be prolonged and create serious misunderstandings; this would be an unfortunate beginning for the Conference.

Lord Cecil proposed that the two proposals should be submitted to a sub-committee, which should endeavour to combine them. If it did not succeed, they would be referred to the Committee, which would give a decision. He hoped that, under these circumstances, the minority would accept the decision of the majority.

M. DE MADARIAGA (Spain) said his delegation was prepared to vote for any text which was unanimously approved; it could either vote for the minimum proposal or for the Italian proposal, or it could even go further.

The Spanish delegation considered that, as the truce would be short, there was no great danger in accepting it, but, on the other hand, it would appear to be unnecessary to go into too many details for such a short period. The Spanish delegation would prefer a stronger but more elastic undertaking; it therefore proposed that the States should undertake to reduce their total expenditure for national defence by 10 per cent, while remaining at liberty to arrange this expenditure in any way they chose.

This proposal might give rise to difficulties; therefore, the Spanish delegation had not submitted a definite text; it considered, however, that such a reduction, which would amount to 500 million dollars, would be an act of the greatest value in the present crisis.

M. MASSIGLI (France) noted that no reply had been given to the technical objections which he had put forward. As he was convinced that these objections would arise again as soon as an endeavour was made to fix a text, he feared, while agreeing to the constitution of a sub-committee, that this sub-committee would only arrive at a so vaguely worded text of a resolution that it would give rise to different views and contention as soon as it had been communicated to Governments.

M. SATO (Japan) thought the moral effect, which was considered indispensable for the success of the Disarmament Conference, had already been produced by the decision to convene that Conference and the maintenance of the date of February 2nd, 1932. It was unnecessary to do more. He therefore maintained his proposal, while accepting M. Massigli's proposal that the Governments should state their views on the Italian plan in January. This would make it certain that the truce would be discussed at the beginning of the Conference.

In any case, the Japanese delegate could not agree that replies should be received by October 15th, as, on that date, his Government would not be in possession of the documents necessary for its decision.

M. VARASIRI (Siam) stated that, as he had no instructions from his Government on this question, he would abstain from discussing it or giving his vote. October 15th was not an acceptable date for his Government.

The CHAIRMAN announced that the French delegation proposed a draft resolution which began with the first paragraph of the draft resolution of the five Powers and which continued as follows:

" Being convinced that the realisation of the undertakings contained in the Covenant regarding the reduction of armaments '*to the lowest point consistent with national safety*

and the enforcement by common action of international obligations ' will be one of the most important means of re-establishing mutual confidence between the nations and alleviating their crushing economic burdens, while a resumption of competition in armaments would inevitably lead to an international and social disaster :

" The Assembly addresses a solemn appeal to all who desire the application of the principles of peace and justice on which the Covenant is based to devote all their efforts to the creation of a world opinion strong enough to ensure that the General Disarmament Conference will lead to definite results involving, in particular, a gradual reduction of armaments which will be continued until the object mentioned in Article 8 of the Covenant is attained.

" Considering the importance of carefully preparing the ground for the work of the said Conference, and in particular of avoiding ' *a rivalry in armaments* ',

" The Assembly requests the Council to urge the Governments convened to the said Conference to show their firm determination to support the efforts to ensure peace and re-establish mutual confidence, more especially by making preparations for common action in the event of aggression; and,

" Considers it necessary that, without prejudice to the decisions of the Conference or the programmes or proposals that any Government may there put forward ' corresponding to existing conditions in regard to regional and general security ', [1] an agreement should be reached as soon as the General Conference of 1932 meets in order to avoid any rivalry in armaments while the Conference is in progress. "

The Chairman proposed to refer the question to a sub-committee, which would examine the draft resolution of the five Powers and the other proposals submitted. The sub-committee would work on the idea that unanimity apparently existed as to the object, which was to stop the competition in armaments, while there were differences of opinion regarding the methods of reaching this result.

The proposal was adopted.

The sub-committee would include the Chairman and delegates from the following countries: Chile, Czechoslovakia, France, Germany, Great Britain, Italy, Japan, Norway, Poland, South Africa, Spain, Switzerland and the United States of America.

(The meeting rose at 6.50 p.m.)

TWELFTH MEETING.

Held on Monday, September 28th, 1931, at 10.30 a.m.

Chairman: M. MUNCH (Denmark).

33. Draft Resolution regarding Information on the Position of Armaments.

M. DE MADARIAGA (Spain), Rapporteur, stated that it had appeared necessary to submit the following draft resolution in order to stimulate the forwarding by the Governments of information on the position of armaments :

" The Assembly,

" Noting that, of the sixty-three Governments invited to participate in the Disarmament Conference, twenty-five have up to the present communicated information on the position of their armaments in conformity with the recommendation made by the Council at its January and May sessions :

" Requests the Council to invite the Governments which have not yet transmitted their replies to the Circular Letters from the Secretary-General dated February 17th and June 13th, 1931, on the position of their armaments, to do so as soon as possible, and in any case before November 1st, 1931, in order to enable the Secretariat to provide the Disarmament Conference with adequate documentation. "

The draft resolution was adopted.

34. Draft Resolution submitted by the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland concerning an Armaments Truce (continuation).

The CHAIRMAN informed the Committee that the Sub-Committee had almost reached an agreement when difficulties of interpretation had arisen from the fact that some countries had armament programmes extending over several years. As it had been impossible to reach agreement, the Sub-Committee had thought fit to explain the position openly to the Committee.

[1] Assembly resolution of September 24th, 1926.

M. DE MADARIAGA (Spain), Rapporteur, said the idea of the authors of the resolutions was to create an atmosphere favourable to the Disarmament Conference. It was in this spirit that the Committee had requested the Assembly to invite countries convened to that Conference, and not represented in the Committee, to take part in the latter's work. The problem was to find a unanimous text simple enough to appeal to public opinion and concrete enough not to mislead it. The difficulties became apparent as soon as an attempt was made to unite these three qualities in one proposal.

The resolution submitted by the five Powers had the advantage of being simple, but, on the other hand, it was insufficiently concrete. The Italian delegation's resolution, on the contrary, was very concrete. It was, however, less simple and, in particular, it had not found unanimous acceptance. Attempts had been made to combine these two resolutions on the basis of the only element which is common to all armaments — namely, budgetary expenditure. The idea had been thought of of asking Governments not to increase their total annual expenditure for national defence. Technical difficulties arose as soon as efforts were made to define exactly the extent of the undertaking. It was therefore proposed to solve the question by introducing the idea that any fresh schemes involving an increase in expenditure should be prohibited.

The majority of the delegations in the Sub-Committee had adopted this idea. The French delegation, however, proposed to prohibit any fresh scheme involving in general an increase in armaments without reference to expenditure. In short, the Committee was faced by two tendencies. The first was to decide definitely to create an armaments truce, by which armaments would remain as they were at the present moment, while the second, which was based on explanations given by M. de Scavenius to the Third Committee, was that the truce should not apply to expenditure involved on programmes under execution or even merely adopted by parliaments.

The texts on which the discussions were based, and which were still open to amendment, were as follows :

" Convinced that the crisis which at the present time is creating such profound disturbance among the nations of the world is due to a number of economic and political causes originating principally in the lack of mutual confidence between the nations, and,

" Convinced that a renewal of the competition in armaments would necessarily lead to an international and social catastrophe :

" The Assembly addresses a solemn appeal to all those who are desirous that practical effect should be given to the principles of peace and justice upon which the Covenant is based, and urges them to devote all their efforts towards creating a world opinion strong enough to enable the General Disarmament Conference to achieve positive results, including, in particular, a gradual reduction of armaments, to be continued until such time as the object laid down in Article 8 of the Covenant is attained.

" In view of the fact that an undertaking on the part of all States not to increase their armaments would help to create an atmosphere of confidence, to prevent competition in armaments and to prepare the ground for the success of the forthcoming Conference ;

" Considering in particular that by not increasing their armaments and by thus avoiding competition in armaments the States would help to create an atmosphere of confidence favourable to the success of the forthcoming Conference,

" The Assembly,

" Requests the Governments invited to the Disarmament Conference to prepare for this event by means of an armaments truce and accordingly :

" Requests the Council to urge the Governments invited to the said Conference to show their determination to support the efforts to ensure and organise peace, and,

" Without prejudging the decisions of the Conference or the programmes or proposals submitted to it by each Government, to abstain for the period of one year from November 1st, 1931, from any new scheme which would involve an increase in the annual expenditure on national defence and a resultant increase in the present level of armaments ;

" Likewise requests the Council to ask the Governments to state, before November 1st, 1931, whether they are prepared to accept this truce in armaments. "

" Requests the Council to urge the Governments convened to the Conference to show their firm determination to support the efforts to ensure and organise peace, and without prejudging the decisions of the Conference or the programmes or proposals submitted to it by each Government to refrain from any new scheme involving an increase in their armaments ;

" Likewise requests the Council to ask the Governments to state, before November 1st, 1931, whether they are prepared for the period of one year as from that date to accept this truce in armaments. "

In the text on the left, the idea of the prohibition of any new scheme was defined by the undertaking not to increase the effective annual expenditure, while, in the text on the right, it was defined simply by an undertaking not to increase armaments.

The difficulty was that no definition was given as to the present level of armaments. Did it mean that any construction which had been begun should be immediately stopped, or would the development of the programme be regarded as an infringement of the truce ?

In conclusion, M. de Madariaga expressed the hope that, by giving an interpretation in the report, unanimous agreement, which already existed as to the object, would also be attained in respect of the wording.

Lord Cecil (British Empire) was convinced that all the delegations agreed that it would be useful to have a truce in armaments for one year from November 1st next. He was not sure if they were all agreed as to what a truce in armaments meant. The Italian proposal explained it by stating definitely what should be done with regard to sea, land and air armaments. After carefully considering this proposal, the British Government was in favour of it and was prepared to support it.

Difficulties of a technical character, which he did not wish to underrate, had been raised, and attempts had been made to find some other formula, which, while preserving the conception of a truce in armaments, would not go into so much detail. In his own view, a truce in armaments meant that for one year no country would seek to increase its armaments beyond their existing level, so as not to disturb the existing proportion of armaments between the various countries. The conception was that, after laying down this general principle, it would be left to the honour of each State to carry it out without entering into details. Provided the military strength of all countries remained for one year as it was on November 1st, trifling changes might be left out of account. It would be sufficient to state, in the simplest language, that the Governments would abstain from anything which involved an increase in their armaments. That would not prevent them from replacing one vessel by another, or one battalion by another, provided the new vessel or the new battalion were of the same type and strength as that which they replaced.

In conclusion, the truce depended on the confidence placed in the loyalty and honour of the Governments. It was for them to say whether, in their own view, what they were doing was compatible with the undertaking that armaments should not be increased.

The British Government was prepared to have this confidence, and it would be a fine thing if, pending the preparation of a more complete and scientific system, all countries could declare their entire confidence in the loyalty of the other Governments.

He hoped that, if the Committee agreed on this principle, the Drafting Committee could find a form of words in a very short time.

M. Sokal (Poland) reminded the Committee that the object of the proposals was merely to address an appeal to the Governments and to public opinion, in order to lessen the tension, by stating that, for the moment, no one proposed to engage in competition in armaments. The discussion had raised difficulties, due to the fact that the Committee had departed from the original idea of merely making a declaration. To interpret a declaration was tantamount to drawing up a convention. Other interpretations of the term " armaments truce " than that given by Lord Cecil might be found, but this did not help to reach an agreement.

In the present state of affairs, there was no danger that a State might considerably increase its armaments. Under these circumstances, it was preferable merely to make a simple declaration, without entering into details. Moreover, as the Governments were invited to reply before November 1st, they could, if they wished, go into further details.

M. Motta (Switzerland) pointed out that many shades of meaning had been brought forward in the Sub-Committee, and that any attempt to explain all these differences might lead to misunderstanding rather than to clearness. It should be sufficient if the Third Committee allowed some delegations to express their ideas on the solution of the problem. The Committee should ask the Sub-Committee to meet again in order to find a text which would be unanimously adopted. If the Committee failed to arrive at unanimity, there was danger of creating in the minds of the public a feeling of uneasiness which could but increase existing differences.

At present there was agreement on three points : the idea of a truce, the idea that the Governments should be allowed a certain time to express their opinions, and, lastly, the duration of the truce, which would be fixed at one year. Differences had arisen when going into the details of the Italian delegation's proposal. The latter had allowed certain concessions by agreeing that the truce should take the form of an undertaking not to increase expenditure on armaments. That was not sufficient, since the ideas of expenditure on armaments and budgets varied greatly in different countries. In particular, the question arose whether expenditure voted on former schemes would be authorised. All these points raised differences of interpretation.

In order to reach an agreement, the proposal of the five Powers should be taken, and it should include the expression " armaments truce ", together with the idea of a time-limit for replies and the duration of the truce. Several interpretations were possible for the expression " increase in the present level of armaments " which occurred in this draft resolution, but M. Sokal and Lord Cecil had explained that one could only place confidence in the honour of the Governments. He therefore proposed to ask the Sub-Committee to continue its discussions and to base them on the resolution of the five Powers with the amendments which he had just proposed.

M. SATO (Japan) said all categories of armaments should be treated in the same manner. With regard to naval armaments, the expression " level of armaments " was easily comprehensible, since it was synonymous with the word " *plafond* " or maximum authorised. In some countries the level of armaments was fixed by treaties. The construction of replacement ships provided for in the said treaties would then be accepted, as it did not imply an increase in the naval forces of the contracting party. He also could not agree that the replacement of vessels provided for by such treaties should be prohibited. In this case, if the replacement were authorised for naval armaments, it would appear to be difficult to cancel programmes for land armaments which had already been decided and voted. In this case, neither the Committee nor the Assembly had the right to fix the maximum ; this would be the task of the Disarmament Conference. It was thus obvious that, before the maximum for any State was known, it was unwise not to authorise the continuation of construction, the cessation of which would certainly result in unemployment and deterioration of the work already accomplished. It might happen that the Conference would not authorise a State to continue certain construction, but it was impossible to condemn such construction before the results of the Conference were known.

These remarks applied specially to the construction of fortifications which might have been begun by certain States, and would also apply to the construction of aerodromes and war ports. All decisions regarding the execution or stoppage of programmes must rest with the Disarmament Conference.

It had been stated in the Sub-Committee that an unfair position would be created between States which had programmes and could continue them and those which had no programmes and could make no change in the existing position of armaments. M. Sato recognised this objection, but the fact that the truce would only last one year, and that before that time the Disarmament Conference would give a decision on the utility of programmes under execution, would appear to reduce this difficulty. In any case, he had agreed to discuss a draft resolution on the truce under the idea that this truce would not affect the execution of programmes already decided. He thought this point should be raised in the Sub-Committee, but he wished in the meantime to make a reservation on the subject.

Colonel Ali Khan RIAZI (Persia) reminded the Committee that the Preparatory Disarmament Commission had agreed to consider two categories of countries — namely, those which were already sufficiently armed and for whom a reduction might be considered, and those which were insufficiently armed for their own security, for whom merely a limitation of armaments could be considered. It was for this reason that the word " limitation " had been added to the word " reduction ".

It was on this basis that Persia agreed to take part in the Disarmament Conference. Persia's position was well known and it was unnecessary to go into details. In all the resolutions proposed, only the strongly armed countries were taken into consideration, while those whose armaments were insufficient were left out of account. Under these circumstances, Persia considered that the truce did not concern her, and that the Persian delegation should therefore abstain from voting ; this did not imply that it disapproved of the generous ideas by which these draft resolutions were inspired or that it approved competition in armaments. In order, however, not to prevent unanimity from being reached, the Persian delegation would accept the French delegation's text with the addition of the word " limitation " to the words " gradual reduction ".

Mr. WILSON (United States of America) did not object to the question being referred to the Sub-Committee, but he expressed his uneasiness if the discussion was resumed on the basis suggested by M. Motta. Lord Cecil had clearly stated the question : Were they willing, or not, to undertake not to increase armaments ? The proposals put forward did not, in his opinion, accomplish the object which M. Grandi had in mind when he appealed to the other countries to establish a favourable basis for the discussions of the Disarmament Conference.

M. Sokal had proposed that the Governments should state by November 1st next how they interpreted the truce. This procedure, which consisted in giving written interpretations when there was no conference at which they could be discussed, was liable to increase the confusion.

With regard to the resolution of the five Powers, he not only regarded it as ineffective, but thought it might even be harmful. It was merely the expression of a wish. He had no doubt that the Powers would regard the wishes of the Assembly as to a great extent compulsory, but no one would be able to gauge the extent of these obligations. He feared that the result would be to destroy that favourable atmosphere which they were endeavouring to create.

The CHAIRMAN said he had understood that M. Motta's proposal was to retain the end of the draft resolution — namely, " Likewise requests the Council to ask the Governments to state before November 1st, 1931 . . . " If that were so, the difficulty raised by Mr. Wilson would not exist.

M. MOTTA (Switzerland) stated that the Chairman had correctly interpreted his idea.

The question was referred to the Sub-Committee.

(The meeting rose at 12.50 p m.)

THIRTEENTH MEETING.

Held on Monday, September 28th, 1931, at 10.30 p.m.

Chairman : M. MUNCH (Denmark).

35. Telegram from the Women's International League for Peace and Freedom.

The CHAIRMAN informed the Committee that the Women's International League for Peace and Freedom had sent him a telegram asking for the institution of an armaments truce under conditions intelligible to the masses and which would meet their aspirations.

36. Draft Resolution submitted by the Delegations of Denmark, Norway, the Netherlands, Sweden and Switzerland concerning an Armaments Truce and Draft Report (Annex 4).

No objection was raised to the draft resolution prepared by the Sub-Committee.

M. MOTTA (Switzerland) pointed out that, at the beginning of the second paragraph of the second section of the report, the sentence " The Bureau of the Assembly, on September 19th, invited the following States " was incorrect. This should read : " The President of the Assembly, in agreement with the Bureau, invited . . . "

M. MASSIGLI (France) requested enlightenment on the meaning of the last sentence of the fourth paragraph of the fifth section : " Nevertheless other delegations, including the Italian delegation . . . "

M. TUMEDEI (Italy) said that it was desired to express the idea that to postpone the conclusion of the truce until the beginning of the Disarmament Conference would not have the effect of preparing an atmosphere favourable to the work of the Conference.

The text was referred to the Rapporteur for amendment.

M. FOTITCH (Yugoslavia) proposed to delete the words " upkeep and renewal " in the sixth paragraph of the fifth section. This paragraph reads as follows :

> " Furthermore, certain delegations declared that they did not regard as incompatible with the proposed truce the normal carrying out of legal enactments relating to effectives, the regular execution of programmes for the upkeep and renewal of land, naval and air material or fortifications and the constitution of the corresponding stocks. "

This text did not take into account the situation of certain countries whose national defence had been disorganised by the war, and who needed not only to maintain and renew their material, but to constitute normal stocks.

Lord CECIL (British Empire) strongly urged M. Fotitch not to press his amendment, as otherwise there would be nothing left of the truce.

M. FOTITCH (Yugoslavia) regretted that he was unable to give satisfaction to Lord Cecil, as that would mean anticipating the results of the Conference. The formal instructions which he had received prevented him from withdrawing this amendment. He would also point out that the idea of the truce was contained in the principle laid down in the preceding paragraph — namely, that the efforts at present expended should not be increased. His Government was prepared to accept that obligation. It did not wish to increase the effort which it was at present making but merely to maintain that effort.

M. DE MADARIAGA (Spain), Rapporteur, pointed out that, according to the terms of the resolution, the programmes or proposals which Governments would submit to the Conference were not prejudged. Moreover, the statement made in this paragraph on behalf of certain delegations only bound those delegations and the Yugoslav delegation was not obliged to subscribe to it.

M. FOTITCH (Yugoslavia) said that he quite understood that anyone could make statements. That was precisely what he had done himself in explaining what he personally considered compatible with the truce.

M. TUMEDEI (Italy) thought that M. Fotitch had done well to raise the question of principle. All interpretations were permissible, provided that the principle remained intact. A State was quite justified in continuing to carry out its programmes, provided that the total effort expended on armaments was not increased, but if it wished to make an exception in regard to certain items of armaments, this exception, however slight, affected the actual

principle. In particular, to increase material by degrees, as provided for in a programme, without cutting down other items to make up for this increase, would destroy the truce.

M. MOTTA (Switzerland) thought that M. Fotitch's apprehensions were not justified. He had subscribed to the principle, but had interpreted the following sentence as an attenuation of that principle and had found that it did not cover his own case. He had therefore wished to enlarge the meaning of the sentence. M. Motta did not think that it had been intended to attenuate the principle. All that was necessary was to make it more elastic. He therefore proposed that the sentence in question should read : " They did not regard as incompatible with the integrity of the principle thus laid down which must remain intact . . . "

M. MASSIGLI (France) thought it was paradoxical to attempt to make a principle more elastic while stating that it should remain intact. Moreover, the explanation given by M. Tumedei made the matter very complicated. How could an increase in certain forms of armaments, resulting from the spread-over of expenditure provided for in a programme, be set off by reductions effected elsewhere ? How was the value of the adjustment to be determined ? If a programme of fortifications required larger expenditure for one financial year than that for the previous year, although the extent of the fortifications under construction remained unchanged, it would be almost absurd to say that this increase should be set off by reductions in other forms of armaments. It was precisely because it was considered elasticity was necessary that this idea of military effort was introduced.

M. FOTITCH (Yugoslavia) said that he would like to remove any misunderstanding. In his view, there was no question of renewing the competition in armaments. However, the meaning of the report was not clear, since it had given rise to divergent explanations on the part of the members of the Sub-Committee. In his opinion, the paragraph restricted the elasticity of the principle, since the limited enumeration given meant that all measures not included might be regarded as contrary to the truce.

M. MOTTA (Switzerland) pointed out that it was nevertheless the delegations which desired the greatest elasticity which had inserted the passage that M. Fotitch considered too restrictive. In order to satisfy both M. Massigli and M. Tumedei he proposed to say : " They did not regard as incompatible with the principle thus laid down, which must remain predominant ".

M. ANTONIADE (Roumania) asked M. Fotitch whether he would be satisfied if the words " renewal of material " were replaced by " restoration of material ".

Lord CECIL (British Empire) thought that it was impossible to begin such a delicate task at this late hour. The paragraph under discussion was merely part of a general summary and the resolution alone was of importance. It would rest with the Governments to formulate, before November 1st, any exceptions which they wished to make to the principle of the truce. At present it would take too long to mention all the various points of view in the report. Perhaps M. Fotitch would be satisfied if his point of view were clearly stated in the Minutes.

M. DE MADARIAGA (Spain), Rapporteur, asked M. Fotitch whether it would be possible for him to choose one of these two alternatives : either, to dissociate himself from the delegations which had made the statement he considered inadequate or to accept the text submitted by M. Motta — namely, " that the principle thus laid down must remain predominant " followed by an enumeration of measures which would be given as examples.

M. TUMEDEI (Italy) wished to explain how his delegation had modified its views since its original proposal was made. It had first asked for definite engagements, but had later agreed to a truce in the form of a global limitation of expenditure on armaments, which made its application very elastic.

M. Massigli was not satisfied and asked that the principle itself should be made elastic. If it were made too elastic, the whole idea of the truce would be destroyed ; however, he was prepared to accept the last text proposed by M. Motta which M. de Madariaga had just repeated.

M. MASSIGLI (France) thought that, after the explanations which had just been given and especially in view of the fact that, as pointed out by M. de Madariaga, the measures enumerated in the paragraph were to be given merely as examples, the text should meet the desires of M. Fotitch.

M. FOTITCH (Yugoslavia) agreed that after M. Motta's explanations, which had been confirmed by the Rapporteur, his doubts as to the meaning of the paragraph had been removed. He would therefore accept it if it were made quite clear that the enumeration was not exhaustive.

M. DE MADARIAGA (Spain), Rapporteur, proposed the following text :

> " Certain delegations made a point of stating explicitly that they did not regard as incompatible with the principle thus laid down, which must remain predominant, such measures as . . . "

This text was adopted.

M. Colban (Norway) said that the following paragraph, where it was said that "It is to be anticipated that, in their replies, States will take into account the position of their neighbours and especially those who are not members of the League of Nations", contained an argument which might be mentioned by certain countries in the replies which they had been asked to transmit before November 1st. He did not see why the Committee should single out this argument from the rest.

Lord Cecil (British Empire) proposed that the paragraph should be preceded by the words "certain delegations considered that . . ."

M. Holsti (Finland) supported Lord Cecil's proposal.

The proposal was adopted.

Lord Cecil (British Empire) stated that the Council must be asked to take steps in order that the declarations made by the Governments might not be considered as valid before all the Governments had had the opportunity to examine them.

General de Marinis (Italy) supported this view.

The Chairman thought that it would suffice to mention the proposal in the Minutes, should it be adopted.

The proposal was adopted.

M. Gajardo (Chile) declared that the Chilian delegation was particularly pleased to note the agreement reached by the Committee on the subject of the armaments truce — that is, the undertaking to be given by the Governments that for a period of one year, from November 1st next, they would not take any steps involving an increase of armaments.

There was no doubt that this agreement, which would be ratified to-morrow by a resolution of the Assembly, would produce the best impression on public opinion throughout the world, and would create an atmosphere favourable for the success of the approaching Disarmament Conference, which was awaited with justifiable impatience by all the peoples of the world.

Agreement had only been possible after long and difficult discussions, during which the delegations of the countries most closely concerned showed a most conciliatory spirit. The spirit of Geneva clearly continued to exercise its beneficent influence, which made it possible to approach the most thorny problems with the certainty of reaching a satisfactory settlement.

If the work of the Conference were carried on in the same atmosphere, we should see one of the greatest successes of our day, and the cause of peace would gain one of its most striking victories.

The Italian delegation, and those who had put forward the so-called "draft of the Five", were deserving of great gratitude. It was to their initiative that the present happy result was due.

If, as would no doubt be the case, the armaments truce provided for in the draft resolution were accepted by the Governments, it would bring about a noticeable improvement of international relations, resulting in that truce in mental and political outlook which was essential if a way were to be found out of the present difficulties.

The speaker represented a country which, after a satisfactory settlement of the long frontier dispute with the Argentine Republic, signed with that country in 1902 a treaty of truce and reduction of naval armaments. He was therefore able to assure the Committee that his Government would examine the resolution with the greatest possible care and in the sincerest spirit of peaceful co-operation. He must not, however, conceal from the Committee that the geographical position of his country, and its long-standing attitude towards the disarmament problem, would compel it to consider the question from the regional point of view and in relation to the attitude of other States on the American continent.

In any case, the peace-loving tradition of Chile was a guarantee to the Committee that the idea of such a truce would be warmly welcomed by the Chilian population.

In conclusion, M. Gajardo desired to draw the attention of the Committee to the short period allowed by the draft resolution for the despatch of replies from Governments. His own country was very far from Geneva. If the resolution were sent by post, his Government would not have time to reply by the stipulated date; moreover, Chilian law required the assent of Parliament for an undertaking which would involve a limitation in expenditure, as such matters were the concern of Congress. He hoped that the Council would bear these facts in mind when drawing up instructions for the Secretary-General.

Cemal Hüsnü Bey (Turkey) stated that Turkey had gladly accepted the invitation to assist in the discussion of the armaments truce; his delegation had closely followed the discussion, thus proving the sincere wish of his country to co-operate in an international work on the invitation of the League, and the importance attributed by his Government to the problem of disarmament, and its earnest desire to reach a reasonable settlement of the question.

Turkey valued highly the motives which had led to the proposal of the five Powers. His country had resolved in principle to support the proposal of General de Marinis, which gave a more definite form to the same idea; the same applied to other proposals, the object of which was to modify the Italian proposal as regards the date or procedure. The discussions and negotiations which had taken place in the Committee and in the Sub-Committee had led to a formula which, in the opinion of the Committee, met the objections raised against the two first proposals.

It would, nevertheless, be understood that Turkey could not consider herself as bound by a decision involving an undertaking — particularly one concerned with disarmament — unless she had taken part in the discussion and in the voting on a footing of absolute equality with other delegations. For this reason, Turkey quite naturally reserved to a latter date her definite reply to the proposal which had just been adopted. In any case, he wished to make it clear that, in the opinion of his Government, whatever the solution arrived at, it could not be regarded as involving in any way the maintenance at the approaching Conference of the present level of armaments. At that Conference, the Turkish delegation would support a reduction in armaments, and the adoption of a system leading, if necessary by gradual stages, to universal equality in this respect. Recent observations and events had only strengthened the conviction, which the Turkish delegation had often expressed in the Preparatory Committee, that, in present conditions, the only efficient and practical means of providing security was the conclusion of treaties of neutrality. The best solution of the disarmament problem lay in bringing down the more powerful armaments, to a moderate level, in order to produce as soon as possible equality in this respect.

The CHAIRMAN remarked that as the report and the resolution were interdependent, he would put them to the vote simultaneously.

The report and the resolution were adopted, the Persian delegation abstaining.

37. Close of the Committee's Work.

The CHAIRMAN thanked the Rapporteurs, M. Buero and M. de Madariaga, and also Dr. Lange who, as Rapporteur to the Special Committee, had attended various meetings of the Committee. He also expressed his thanks to Sir Thomas Wilford, Vice-President of the Committee, to the representatives of the States who had sat on the Committee and who were not represented at the Assembly, and, finally, to the Secretariat. The Committee had undertaken a task the great difficulties of which were due, first, to the fact that they had not been able to hold a sufficient number of meetings, and, secondly, to the differences of opinion which had been expressed in the Committee, and which were the natural echo of those existing in the countries represented.

Nevertheless, thanks to its conciliatory spirit, the Committee had succeeded in agreeing on the resolutions proposed by the Spanish delegation, which were a starting point for fresh efforts towards moral disarmament, the only really sound basis of the security which was so universally desired.

The Committee had evolved a Convention which would occupy an important position in the organisation of security, and had succeeded in finding an agreed formula regarding an armaments truce, the object of which was to strengthen that mutual confidence which was so essential in the present critical times. The world was suffering from a double crisis, arising out of political and economic causes, the close interdependence of which increased their seriousness. There was a disturbing lack of balance in men's minds, and, in this difficult situation, the approaching Disarmament Conference would perhaps mark a turning point in the history of the League, and even in that of mankind. If the meetings of the Third Committee had contributed in any way to the success of that Conference, they would not have worked in vain.

M. SOKAL (Poland) expressed his warm appreciation of the admirable manner in which the Chairman had presided over the work of the Committee, and congratulated him on the noble words with which he had just closed the discussion.

(The meeting rose at 12.30 a.m.)

ANNEXES

ANNEX 1.

Official No.: A.III.12.1931.IX.

COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY.

DRAFT REPORT OF THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. BUERO (Uruguay).

I. FACILITIES TO BE GRANTED TO AIRCRAFT.

At its eleventh session the Assembly adopted a resolution concerning the regime applicable to aircraft engaged in transport of importance to the working of the League at times of emergency. The resolution provided, on the one hand, that negotiations should be undertaken by the Secretary-General and the Governments concerned, with a view to the application of the rules laid down by the Assembly, and, on the other hand, that the Council should decide on certain measures of detail relating to the identification of aircraft used in the service of the League.

The Third Committee had noted with satisfaction that the replies received from the Governments and the information communicated by the Secretariat indicate that the regime desired by the Assembly could be applied immediately in the event of a situation necessitating emergency communications with the League. Some States have not yet replied to the Secretary-General's request, but there is no reason to suppose that they would raise difficulties. With respect to the identification of aircraft engaged in such duties, the Council has adopted a proposal submitted to it by the Advisory and Technical Committee for Communications and Transit, which was drawn up after consultation with the International Commission for Air Navigation. The resolution adopted by the Council applies only to aircraft possessing a nationality. It was not considered fit to raise at this time the question of aircraft belonging to the League of Nations.

II. FACILITIES TO BE GRANTED TO MOTOR TRANSPORT.

At its eleventh session the Assembly also adopted a resolution concerning the regime applicable to motor vehicles effecting transport of importance to the working of the League at times of emergency. The resolution provided that the matter should be generally governed in the same manner as that concerning aircraft. The Third Committee notes with satisfaction that the regime applicable to motor transport, as desired by the eleventh Assembly, could be put into operation immediately.

III. CONSTRUCTION OF A LEAGUE WIRELESS STATION.

The Third Committee had noted that in view of the work being carried on under contracts with various companies, the wireless station is expected to be in operation at the latest by the beginning of 1932. It believes that the Assembly will appreciate the progress achieved in this direction.

IV. LAYOUT OF AN AERODROME NEAR THE SEAT OF THE LEAGUE OF NATIONS.

A technical report (see document A.21.1931.VIII), prepared by a committee of experts appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit, concerning the layout of an aerodrome near the seat of the League which would be of service to the League at times of emergency, has been submitted to the present session of the Assembly. While the technical examination of the question appears to be concluded, it would seem that some non-technical questions between the Swiss Federal Government and the Secretariat of the League have not yet been settled. In these circumstances the Third Committee considered that the discussion of this question should be postponed until the next session of the Assembly, in order that the Assembly might be in possession of all the information required for its decision.

ANNEX 2.

Official No: A.III.13.1931.IX.

CO-OPERATION OF WOMEN AND OF THE PRESS IN THE ORGANISATION OF PEACE.

DRAFT REPORT BY THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. Buero (Uruguay).

On September 11th, the Assembly decided to refer for examination to the Third Committee the following draft resolution submitted by the Spanish delegation concerning the co-operation of women and the Press in the organisation of peace :

" The Assembly,

" Considering that the organisation of peace demands the maintenance of an international spirit freed from all prejudices and misconceptions;

" Convinced of the necessity of ensuring that the Press of all nations receives as impartial and complete information as possible :

" Requests the Council to consider the possibility of studying :

" *(a)* Means of associating feminine action and feminine feeling with the work of the League of Nations by an effective and direct collaboration;

" *(b)* Means for preventing, with the assistance of the Press, the dissemination of such false information as may hinder the maintenance of peace and goodwill among the peoples. "

The Spanish delegate, M. de Madariaga, explained that the reason why paragraphs *(a)* and *(b)* had been inserted in the same draft resolution was that, in the opinion of the Spanish delegation, an effort was required to ensure that the work of maintaining peace was carried out in a good moral atmosphere, and that among the most important factors in the creation of this atmosphere were, in its view, the action of women and the action of the Press. The Committee, while agreeing with the Spanish delegation, nevertheless thought it preferable to treat these two questions separately, though it recognised that they had a common basis.

In consequence, it has prepared two distinct draft resolutions.

I.

Co-operation of Women in the Organisation of Peace.

The Third Committee unanimously acknowledged the results already obtained from the co-operation of women in the work of peace, whether in their individual capacities or by national and international women's organisations. During the discussions in the Third Committee, due account was taken of the interest displayed by women in the work of the League and it seems advisable to see whether schemes for closer co-operation could not be examined — especially at a time when the Geneva organisation is undertaking what may be decisive work in the sphere of peace and understanding between nations.

In view of the importance of the educative and moral rôle played by women, and of their influence in the formation of public opinion, this co-operation may be of great value and produce important results.

The Committee felt that on this occasion it should not deal with the question of admitting women to positions either in the League or connected therewith, this question having already been settled by Article 7 of the Covenant. Nor did the Committee intend to raise the question of the composition of delegations taking part in the various conferences and committees of the League of Nations, as this was a question within the competence of each individual Government.

It was only concerned now with their unofficial co-operation in the organisation of peace and the maintenance of good understanding between nations. It would be for the Council to examine the means whereby such co-operation could be promoted and intensified.

With these considerations in mind the Third Committee submits the following draft resolution for the approval of the Assembly :

" The Assembly,

" Convinced of the great value of the contribution of women to the work of peace and the good understanding between the nations, which is the principal aim of the League of Nations :

" Requests the Council to examine the possibility of women co-operating more fully in the work of the League."

II.

Co-operation of the Press in the Organisation of Peace.

During the session of the Special Committee appointed to frame a draft general Convention to improve the Means of preventing War, the Polish delegation, taking into consideration the proposal made by the Swedish Government, submitted the following recommendation :

" The Special Committee,

" Being aware of the danger which, in the event of an international crisis, may arise from irresponsible Press campaigns and publicity given in the Press to inaccurate or tendentious information ;

" Recognising that aggressive propaganda against a foreign Power may in certain circumstances constitute a veritable threat to the peace of the world :

" Requests the Assembly to consider this problem and examine the possibilities of finding a solution."

The Committee decided to lay this question before the Assembly.

The proposal of the Spanish delegation is largely based upon the same considerations as those of the Swedish and Polish delegations.

The Third Committee was unanimous in recognising that the Press could have a great influence on the relations between the peoples, and that it is in the interests of peace that the Press should receive and spread as correct and impartial information as possible.

This question presents only one aspect, although a very important one, of the general problem of moral disarmament. The Third Committee was not asked to give its opinion on the other aspects of this problem, which is dealt with in detail in a memorandum drawn up by the Polish Government for the use of the delegations to the Disarmament Conference.

The Third Committee did not feel that it could make any positive suggestion regarding the method of studying the difficult problem of the spread of false news. It confines itself to proposing that the Assembly should bring this problem to the notice of the Council, as its importance increases *pari passu* with the increasing interest in international relations shown by the Press. It is for the Council, if it thinks fit, to examine, with the help of experts, the best way of approaching this question.

The Third Committee noted with the greatest satisfaction the delegate of Denmark's statement to the Committee that his Government would welcome to Copenhagen the heads of official Press bureaux and thus give them an opportunity of discussing means of establishing regular unison between them which might to some extent promote the objects referred to in the Spanish resolution.

The Third Committee considers that the examination of this problem should not be confined to a meeting of representatives of official Press bureaux. It should be supplemented by a consultation of those neswpaper groups which could give valuable advice on the subject.

The Third Committee submits the following draft resolution to the Assembly :

" The Assembly,

" Considering that the organisation of peace demands an international spirit freed from all prejudices and misconceptions ;

" Convinced of the necessity of ensuring that Press information shall be as impartial and complete as possible :

" Requests the Council to consider the possibility of studying, with the help of the Press, the difficult problem of the spread of false information which may threaten to disturb the peace or the good understanding between nations."

ANNEX 3.

Official No.: A.III.17.1931.IX.

GENERAL CONVENTION TO IMPROVE THE MEANS OF PREVENTING WAR.

DRAFT REPORT BY THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. DE MADARIAGA (Spain).

In proposing to the Assembly the adoption of the text of a general Convention to improve the Means of preventing War, the Third Committee desires first of all to offer its thanks to the Special Committee appointed by the Council. This Committee, which was presided over by M. Politis, had greatly lightened the labours of the Assembly by making a very exhaustive study of the questions which had prevented the Committee on Arbitration and Security from establishing a single text.

While the Third Committee has made certain amendments to the draft report prepared by the Special Committee, it has in no way departed from the essential principles on which that Committee had reached agreement.

First of all, the Third Committee, like the Special Committee, would emphasise that the General Convention can in no way limit the powers held by the Council under Article 11 of the Covenant. This article has proved itself very valuable in practice. To facilitate its application, texts have been drawn up and approved by the organs of the League, more especially the report of the Committee of the Council dated March 15th, 1927, approved by the Assembly on September 26th, 1927, and by the Council on December 6th, 1927, the study by the Committee on Arbitration and Security on Article 11 of the Covenant, recommended to the Council by the Assembly on September 20th, 1928, and the Council's resolution of June 7th, 1928, regarding measures to be taken in the intervals between sessions of the Council.

As, however, when a question is laid before it under Article 11 of the Covenant, the Council's decisions must be unanimous, it has seemed desirable to propose to the Governments the acceptance of new undertakings, whereby certain decisions might be taken without their votes counting for the purposes of unanimity when they were parties to a dispute and when the Council thought fit to recommend to them certain clearly specified provisional measures.

These measures may be of two kinds : Non-military (Article 1 of the Convention) and military (Articles 2 and 3).

Provision is made for two classes of measures of a military nature :

(1) Measures which, in circumstances that, in the Council's opinion, do not create a state of war between the Powers in question, are designed to secure the evacuation of the territory or territorial waters of one party or of a zone demilitarised in virtue of international agreements by the forces of the other party which may have entered that territory or may be flying over it in the course of a dispute (Article 2) ;

(2) The fixing by the Council, if it thinks this necessary, of lines in the territory of the parties which must not be passed by the land, naval or air forces of the parties to the dispute and, where necessary in order to avoid incidents, by their civil aircraft (Article 3).

The text adopted for Article 2 emphasises the fact that it refers to circumstances which, in the Council's opinion, do not create a state of war between the Powers in question. A Convention designed to prevent war cannot, after all, be applicable when war has broken out. For that case, other measures and sanctions are provided by the Covenant.

The question of the moment at which war actually breaks out may of course give rise to difficulties of a theoretical nature. It would not seem that any more satisfactory explanations can be given on this point than those furnished in the following passage from the report submitted by M. de Brouckère to the Committee of the Council in December 1926 [1] :

" We must now return to our previous remarks concerning the conditions which must be fulfilled before a country can be regarded as having resorted to war. There is no need to dwell upon the case in which the aggressor State formally declares war. Apart from this eventuality, two conditions are necessary, as we said :

" (1) One country must have committed an act of war against another;

" (2) The latter country must have admitted the existence of a state of war.

" Further, the second country must have justification for taking up this attitude.

" Every act of violence does not necessarily justify its victim in resorting to war. If a detachment of soldiers goes a few yards over the frontier in a colony remote from any vital centre ; if the circumstances show quite clearly that the aggression was due to an error on the part of some subaltern officer ; if the central authorities of the ' aggressor State '

[1] See document A.14.1927, page 69.

reprimand the subordinate concerned as soon as they are apprised of the facts ; if they cause the invasion to cease, offer apologies and compensation and take steps to prevent any recurrence of such incidents — then it cannot be maintained that there has been an act of war and that the invaded country has reasonable grounds for mobilising its army and marching upon the enemy capital. The accident which has occurred has in no way released that country from the specific obligations laid down in Articles 12 and following. It could not be so released unless it were the victim of a flagrant aggression of such a serious character that it would obviously be dangerous not to retaliate at once.

" In short, to borrow the felicitous phrase used in the Treaty of Locarno, ' the country in question must be exercising the right of legitimate defence '.

" Legitimate defence implies the adoption of measures proportionate to the seriousness of the attack and justified by the imminence of the danger. If a country flagrantly exceeded these limits, even if it were affronted by some incident of little intrinsic importance, it would become, in actual fact, the real aggressor and it would be only fair that that country should be made the object of the sanctions provided for in Article 16."

The Committee has further thought it desirable to specify that there shall be equivalent treatment for land, naval and air forces as regards both measures of the first class (evacuation) and measures of the second class (fixing of lines not to be passed by the troops). In prescribing measures of the first class, which are to be taken without delay, the Council's sole object is to put an end to what might be described as an isolation of domicile. Consequently, as States regard their territorial waters as part of their territory, those waters must be evacuated by any forces that may have entered them or may be flying over them, just as the territory itself must be evacuated.

Certain doubts have been expressed as to the possibility of ensuring in practice equivalence of treatment as between air forces and the other forces, as regards measures of the first category, since the mobility of aircraft permits it very easily to fly back over foreign territory during or after evacuation.

In this connection, the Committee desires to call attention to the last paragraph of Article 3, according to which the contracting parties agree to give strict orders to the commanders of their forces, if the Council so recommends, to take all necessary precautions to avoid incidents. It is obvious that the latter paragraph will enable the Council to recommend particularly that the order not to fly over the territory or territorial waters of one party should be given to the air forces of the other party. Moreover, any raids by aircraft would, like those by land or sea forces, if necessary be verified or reported to the Council by the Commissioners which it had sent to the spot in accordance with the provisions of Article 4.

Measures of the second category — that is, the fixing by the Council of lines which the forces and, as far as may be necessary, the civil aircraft must not pass — may be prescribed, if the circumstances contemplated in Article 2 have arisen, and after the Council has prescribed measures designed to ensure evacuation, or if, in the event of a threat of war, special conditions, particularly the possibility of contact between the forces, rendered it necessary.

The powers conferred on the Council by this article may be exercised either before or after an invasion has taken place and order for evacuation has been given in accordance with the provisions of Article 2.

The Committee agrees with the Special Committee in thinking that it is obviously impossible in a general convention to formulate provisions for all the special cases which may arise. The Council will fix, within the limits of the Convention, the conditions for carrying out the measures which it prescribes. It will recommend to the parties only useful and practicable measures. Moreover, as regard civil aircraft, each party has also the right, particularly in the event of a threat of war, to notify in accordance with the rules in force, that it prohibits flying over certain zones of its territory by foreign aircraft.

Further, as regards the actual fixing of the lines which the forces must not pass, it is understood that if the Council, after endeavouring to fix these lines by common agreement with the parties to the dispute, has been obliged, failing such an agreement, to fix them with the consent of the party whose forces are affected, this does not involve the withdrawal of the forces further back than the exterior lines of the defence organisations existing on the frontier of the parties concerned at the time when the Council of the League of Nations takes its decision, nor the abandonment of any other work, position or line of communication essential to the security or the supplies of the party concerned, the natural lines of defence and vital centres being included among " the essential " works, positions, or lines of communication.

Such are the provisional measures of a military nature which the Council may, under Articles 2 and 3 of the Convention, prescribe for the parties concerned. Obviously, other measures might, in certain special cases, appear desirable. If so, it will be not in virtue of the Convention, but under the general powers which it derives from Article 11 of the Covenant that the Council will be able to prescribe them with the consent of the parties concerned.

Certain delegations have recommended, in particular, the generalisation of the system of permanent demilitarised zones, but the Committee considers that such generalisation might be brought about by way of bilateral agreements, and not by a general convention.

Other suggestions have been made with a view to facilitating the application, if necessary, of Article 3. The possibility has been considered of neighbouring States negotiating between

themselves in advance the limits of the demilitarised zones which they agree to create in their territory in the event of a threat of war.

It has also been proposed that the Council should entrust to specialists the examination of the problem of fixing the lines provided for in Article 3. It is thought that the Council might perhaps consider this suggestion; preliminary investigations of this nature might be useful and facilitate the application of Article 3, which should be as rapid as possible.

The Polish delegation again defended in the Committee the point of view which it put forward in the Special Committee. It considers that, if the conservatory measures of a military character are restricted to those provided for in Articles 2 and 3 of the Convention, the latter will have little value, and the Polish delegation would, in particular, have liked to have the following clause included :

> " In the event of the Council's deciding that an international obligation concerning the state of a High Contracting Party's armaments has been violated, it shall call upon the High Contracting Party to restore the situation in accordance with the said obligation. The High Contracting Parties undertake to comply with such invitation without delay. "

The Third Committee shared the opinion of the Special Committee that the question did not come within the scope of the Convention and the Polish delegation reserved its right to submit the matter to the Conference for the Reduction and Limitation of Armaments.

The Third Committee unanimously accepted the text of Article 4 proposed by the Special Committee for the supervision of the execution of measures of a military character prescribed by the Council. It is understood that the task of the Commissioners appointed by the Council in accordance with the provisions of Article 3 will consist exclusively of verifying on the spot the withdrawal of forces prescribed by the Council under the conditions defined in Article 2 of the Convention. The Commissioners may not make a more extensive inspection than is necessary to verify the withdrawal of the forces, works or military establishments and in no case may they inspect naval or air bases.

The Committee furthermore draws the Assembly's attention to the last paragraph of Article 4 under which the rules to be followed for the composition and working of commissions of inspection shall be embodied in executive regulations which shall be prepared by the competent organs of the League of Nations so as to enter into force at the same time as the Convention. The Assembly will certainly wish to draw the Council's attention to the expediency of giving the competent organs of the League the instructions necessary for these regulations to be ready in good time.

As regards Article 5 concerning the question of penalties, the Third Committee succeeded in achieving unanimity, the Netherlands delegation having renounced the reservations which it had asked to have inserted in the Special Committee's report. It is understood that the second paragraph of Article 5 refers to the case of wars breaking out as a consequence of a violation, established by the Council, of the conservatory measures of a military character defined in Articles 2 and 3. As in all cases in which war breaks out, the Members of the League may, and, in fact, must, decide whether a State has resorted to war contrary to the obligations entered into under Articles 12, 13 or 15 of the Covenant, before considering *ipso facto* that a Member of the League has committed an act of war against all the Members. Furthermore, in the special case referred to in the second paragraph of Article 5 of the General Convention, the contracting parties will consider that the violation by another contracting party of the supplementary obligations which it has freely entered into under Articles 2 and 3 of this Convention constitutes *prima facie* evidence, if war breaks out, that the said party has resorted to war within the meaning of Article 16 of the Covenant. It is understood that this is only *prima facie* evidence, which does not preclude proof to the contrary.

The Committee inserted in Article 6 a clause under which the parties to the Convention undertake to provide, by the means at their disposal, such publicity as the Council may think fit for its proceedings, decisions and recommendations when a dispute is brought before it in the case contemplated by the Convention. For the application of this clause, which is aimed at preventing public opinion as far as possible from receiving one-sided information and also at influencing the public opinion of the countries involved with all the Council's moral authority, the Council must take a decision concurred in by all the Members voting other than the parties to the dispute. Naturally, this clause, like the others, cannot affect the rights of the Council under the Covenant, and particularly its right to regard publication of its discussions, decisions and recommendations as a matter of procedure under Article 5, paragraph 2, of the Covenant; but publicity only becomes compulsory under Article 6 of the Convention if it is decided upon unanimously.

The British delegation proposed the addition of a clause stipulating that it was understood that the measures laid down in paragraph 1 of Article 2 should not affect the right of free passage through the Suez Canal provided for in the Convention on the Free Navigation of the Suez Canal signed at Constantinople on October 29th. 1888. To meet the British delegation's wishes, the Committee inserted a second paragraph in Article 9 referring to this Convention.

The formal clauses of the Convention do not call for much comment.

It may, however, be well to draw attention to the fact that for the entry into force of the Convention as provided in Article 14, ten ratifications or accessions will be necessary. Moreover, the last paragraph of the said article gives each contracting party the right to accompany his ratification or accession by a reservation under which he makes the entry into force of the Convention, in so far as he is concerned, conditional on ratification or accession on behalf of certain countries named by him. It goes without saying that the ten ratifications or accessions necessary for the entry into force of the Convention must either be ratifications or accessions not accompanied by reservations, or ratifications or accessions accompanied by reservations

but rendered final by the fact that the conditions laid down in the said reservations have been fulfilled.

A proposal was put forward to insert a clause making the entry into force of the Convention conditional, apart from the number of ratifications or accessions provided for, on a declaration by the Council accepting the responsibilities laid upon it by the Convention. After consideration, it was thought that such a declaration was superfluous; the Convention having to be approved by the Assembly, it was recognised that the Council would have to obey its provisions.

It was also proposed to draw up the Convention in the form of an instrument open only to the accession of the parties on the model of the General Act. The Governments would only have been able to accede after obtaining the authorisation prescribed by the national constitutions.

The Committee eventually decided on the system generally adopted for conventions concluded under the auspices of the League of Nations, because it recognised the force of the argument that it would be easier for Governments to affix their signatures before the Conference for the reduction and limitation of armaments than to obtain the necessary authorisation for accession before February 2nd, 1932, the date on which this Conference is to open. In signing the Convention, the Governments will assume a moral obligation, and it is highly desirable that a large number of them should assume this obligation before the Conference.

In conclusion, the Committee wishes to recall the passage in the Special Committee's report in which the latter appraises the value of the draft which it drew up, and which has become, with few amendments, the text of the present Convention.

After stating that it realised perfectly well the limitations of the text it had prepared, the Committee explained that it did not seem possible to ask the States to accept more extensive obligations in a general convention, " But ", it added, " whereas, in the matter of conservatory measures, the contracting parties will not be legally bound except by the obligations in the convention, there can be no doubt that they may, if they think fit, themselves agree or propose to the Council to take other measures ' that may be deemed wise and effectual to safeguard the peace ' and ' the good understanding between nations upon which peace depends '.

" Moreover, although the draft represents only a modest advance in the direction of the means of preventing war, the Committee desires to emphasise its practical importance and cherishes the hope that in the future this first step may be followed by other and more important steps ".

The Committee fully endorses the Special Committee's opinion, and associates itself with the hope thus expressed.

I have accordingly the honour to submit the following draft resolution for the approval of the Assembly:

" The Assembly,

" (1) Taking note of the report submitted to it on behalf of the Third Committee;

" (2) Thanking the Special Committee for the admirable work it has done towards the framing of the draft general Convention to improve the Means of preventing War:

" (3) Approves the text of the said Convention which has been drawn up by the Third Committee;

" (4) Decides to open the Convention for signature by the States Members of the League and by those non-member States to which the Council of the League shall have communicated a copy of the Convention for that purpose;

" (5) Earnestly trusts that a large number of States will sign the Convention before the opening of the forthcoming General Disarmament Conference; and

" (6) Requests the Council to make the necessary arrangements in good time for the preparation of the rules referred to in the last paragraph of Article 4, in order that, should circumstances so dictate, the Convention may be put into effect immediately upon its entry into force. "

ANNEX 4.

Official No.: A.III.22.1931.IX.

ARMAMENTS TRUCE: INFORMATION ON THE POSITION OF ARMAMENTS IN VARIOUS COUNTRIES.

DRAFT REPORT OF THE THIRD COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. DE MADARIAGA (Spain).

I.

In the general discussion of the Report on the Work of the League of Nations since the last Assembly, a number of speakers emphasised the decisive importance of the result of the coming General Conference for the Reduction and Limitation of Armaments.

The Third Committee noted with keen satisfaction that the Council had fixed February 2nd, 1932, as the date for the convening of the General Disarmament Conference, and that the confidence expressed by the eleventh Assembly in this connection had thus been justified. The representatives of many countries expressed the opinion that the Assembly ought not to adjourn without contributing to the work of the said Disarmament Conference, by preparing the moral atmosphere essential to its success by means of an act of international goodwill. This view was expressed by a large number of speakers in the Assembly, in particular by the first Italian delegate, M. Grandi, who announced a proposal for the institution of an armaments truce as a means of preparing the Conference. The matter was also the subject of a draft resolution (document A.51.1931.IX), submitted to the Assembly by the Danish, Norwegian, Netherlands, Swedish and Swiss delegations and referred to the Third Committee on September 12th last.

This draft resolution proposed that the Assembly should, in the first place, issue a solemn appeal to all who desire the application of the principles of peace and justice on which the Covenant is based to devote all their efforts to the creation of a world opinion strong enough to ensure the success of the Conference, and, in the second place, request the Council to urge the Governments summoned to the Conference to abstain, pending its result, from any steps for the increase of the present level of their armaments.

* * *

The Third Committee was of opinion that, in view of the close connection between its discussions on the subject and the work to be done by the Conference, it would be desirable for those States not represented in the Assembly, but which are invited to take part in the Conference, to take part also in the work of the Committee relating to disarmament.

On the Third Committee's proposal, the Bureau of the Assembly, on September 19th, invited the following States to be represented on the Committee : Afghanistan, Argentine, Brazil, Costa Rica, Egypt, Ecuador, Salvador, Turkey, the Union of Soviet Socialist Republics and the United States of America. It was proposed that the States that were not Members of the League should be represented in an advisory capacity only.

The following States accepted the Assembly's invitation : Costa Rica, Egypt, Turkey, the United States of America and Brazil, the latter being represented by an observer.

The Government of the Union of Soviet Socialist Republics stated that, in view, amongst other things, of the short notice given, it was unable to send a delegate to take part in the discussions of the Third Committee. Being, however, always prepared to support any proposal for the limitation of armaments, it would be disposed to associate itself with the proposal of the Italian Foreign Minister, M. Grandi, provided that proposal was adopted in a form obligatory on all countries, and that it covered all classes of armaments, and that the signatories of the undertaking confirmed that it should not in any case replace or postpone the essential problem of disarmament or limitation of existing armaments, which must be settled as quickly as possible.

* * *

The Third Committee had before it, on the one hand, the draft resolution presented by the five countries; on the other hand, a concrete proposal proposed by the Italian delegation to give effect to the proposal made by M. Grandi at the Assembly. A discussion of some importance took place in connection with these proposals.

The idea of an armaments truce as a contribution to the preparation for the Conference met with general assent. But opinion was divided as to the forms and methods of giving practical application to this idea.

* * *

In the course of the Committee's discusssions, the Italian delegation, with the support of a certain number of other delegations, and particularly of the British delegation, submitted a draft resolution which in its view, while based on the same motives as the five countries' draft resolution, was calculated to give more precise form to the idea of the armaments truce.

The Italian proposal was that each Government should undertake for a period of one year dating from November 1st, 1931 :

(1) Not to increase its expenditure on land forces already authorised for the current financial year, and not to exceed the total of such expenditure during the next financial year until the expiry of the truce;

(2) Not to place any warship on the stocks, provided always that vessels under construction might be continued and completed;

(3) To suspend the construction of additional military aircraft, except to replace machines which are placed out of commission during the truce.

The British delegation completed the Italian proposal by an amendment to which the Italian delegation agreed, with regard to the procedure to be followed for the practical application of the Italian proposal.

The Committee, moreover, had before it certain amendments by the French delegation to the five countries' draft resolution. Useful suggestions were also made by a large number of delegates.

* * *

The Third Committee was of opinion that a tangible gesture should be made, indicating not only the desire of the countries represented on the Committee to renounce for one year, as from November 1st, 1931, any increase in the present level of their armaments, but also creating before February 2nd, 1932, an atmosphere favourable to the success of the great Disarmament Conference.

The Committee was fully conscious of the fact that such an undertaking could not and should not replace the decisions that might be reached on a contractual basis at the Conference itself.

Nevertheless, it felt that it would be expedient to make a gesture which, although having a chiefly moral character, would be, in the Committee's opinion, none the less effectual in its effects on the Governments and public opinion.

The Committee's aim had been to prepare the moral atmosphere of the Conference by getting the present session of the Assembly to take a plain and palpable decision for an armaments truce. Certain delegations felt that a vague obligation was likely to lead to different interpretations and consequently to dangerous controversies, and that only definite obligations could answer to the end in view. But this made it necessary to elaborate a veritable Convention, and only the Conference itself could do so at the outset of its work. Nevertheless, other delegations, including the Italian delegation, pressed this proposal, pointing out that otherwise the truce could not be utilised as an element in preparing for the Conference.

But the Italian proposal, which had the virtue of defining the obligations to be assumed, contained, as some delegations thought, technical difficulties as regards execution, caused by the definition itself and by the short period allowed the various countries between the adoption and the execution of the plan. The Committee strove to combine the advantages of the various proposals by eliminating their disadvantages, *viz.*, by inviting the various Governments to assume material obligations which were nevertheless sufficiently flexible to allow them to be carried out. The result was the resolution, the text of which is given later. This resolution is intended to prevent an increase in the effort at present being expended on the whole of the armaments of each country.

Furthermore, certain delegations declared that they did not regard as incompatible with the proposed truce the normal carrying out of legal enactments relating to effectives, the regular execution of programmes for the upkeep and renewal of land, naval and air material or fortifications and the constitution of the corresponding stocks.

The *Armaments Truce* will be brought about by means of an undertaking to be given in the form of a declaration by the various Governments before November 1st, 1931. It is to be anticipated that, in their replies, States will take into account the position of their neighbours, and especially those who are not members of the League of Nations.

If, as a result of unforeseen circumstances, such as are more likely to arise in the case of countries having responsibilities overseas, a Government should find itself compelled to suspend the operation of its declaration, the Secretary-General of the League of Nations should be immediately notified and should inform the other Governments concerned.

The Third Committee hopes that by unanimously accepting the proposed truce, the Governments Members or non-members of the League of Nations will help to create an atmosphere favourable to the work of the important Conference to which they have been summoned.

The Third Committee therefore proposes to the Assembly the adoption of the following resolution :

" Convinced that the crisis which at the present time is creating such profound disturbance among the nations of the world is due to a number of economic and political causes originating principally in the lack of mutual confidence between the nations, and

" Convinced that a renewal of the competition in armaments would necessarily lead to an international and social catastrophe :

" The Assembly addresses a solemn appeal to all those who are desirous that practical effect should be given to the principles of peace and justice upon which the Covenant is based and urges them to devote all their efforts towards creating a world opinion strong enough to enable the General Disarmament Conference to achieve positive results, including in particular a gradual reduction of armaments to be continued until such time as the object laid down in Article 8 of the Covenant is attained.

" In view of the fact that an undertaking on the part of all States not to increase their armaments would help to create an atmosphere of confidence, to prevent competition in armaments and to prepare the ground for the success of the forthcoming Conference :

" The Assembly,

" Requests the Governments invited to the Disarmament Conference to prepare for this event by means of an armaments truce and, accordingly,

" Requests the Council to urge the Governments convened to the said Conference to give proof of their earnest desire for the successful issue of the efforts to ensure and organise peace and, without prejudging the decisions of the Conference or the programmes or proposals submitted to it by each Government, to refrain from any measure involving an increase in their armaments ;

" Likewise requests the Council to ask the Governments to state before November 1st, 1931, whether they are prepared for a period of one year as from that date to accept this truce in armaments."

II.

At the request of the Danish delegate, the Secretary of the Third Committee has furnished some information regarding the technical preparations for the Conference. He informed the Committee that, out of the sixty-three Governments invited to take part in the Conference, twenty-five have so far replied to the Council's resolutions of January and May last, in which the Governments were requested to forward particulars with regard to the position of their armaments and all other data, technical or otherwise, which might help to inform the Conference and to justify such specific proposals as the Governments may lay before it.

In its May resolution, the Council asked the Governments to forward these particulars before September 15th and to make use, as far as posible, of the model tables contained in the draft Convention drawn up by the Preparatory Commission, and of the model statement drawn up by the Committee of Experts on Budgetary Questions.

The Committee considers it of the highest importance that the Governments invited to the Conference should be in possession as early as possible of full information in respect of all the countries taking part. The Third Committee therefore has the honour to propose to the Assembly the adoption of the following resolution :

" The Assembly,

" Noting that of the sixty-three Governments invited to participate in the Disarmament Conference, twenty-five have up to the present communicated information on the position of their armaments in conformity with the recommendation made by the Council at its January and May sessions :

" Requests the Council to invite the Governments which have not yet transmitted their replies to the circular letters from the Secretary-General dated February 17th and June 13th, 1931, on the position of their armaments, to do so as soon as possible and in any case before November 1st, 1931, in order to enable the Secretariat to provide the Disarmament Conference with adequate documentation."

Genève, le 23 avril 1932.

SOCIÉTÉ DES NATIONS

Douzième session ordinaire de l'Assemblée.

PROCÈS-VERBAUX DE LA TROISIÈME COMMISSION — JOURNAL OFFICIEL, SUPPLÉMENT SPÉCIAL N° 96

Erratum.

Les deux dernières phrases de la déclaration faite par M. Sean MURPHY (Etat libre d'Irlande) à la troisième Commission de la douzième Assemblée (séance du 17 septembre 1931), et reproduite à la page 23 du procès-verbal définitif de la troisième Commission (*Journal Officiel*, Supplément spécial N° 96), doivent se lire comme suit:

« L'Etat libre d'Irlande ne peut devenir Haute Partie contractante à une convention que par la signature d'un plénipotentiaire irlandais. Quand l'Etat libre d'Irlande accepte une convention, soit en la ratifiant, soit en y adhérant, il le fait en qualité de Haute Partie contractante distincte. »

LEAGUE OF NATIONS

Twelfth Ordinary Session of the Assembly.

MINUTES OF THE THIRD COMMITTEE — OFFICIAL JOURNAL, SPECIAL SUPPLEMENT No. 96

Erratum.

The last two sentences of the statement made by Mr. Sean MURPHY (Irish Free State) at the meeting of the Third Committee of the Twelfth Assembly, held on September 17th, 1931, and reported on page 23 of the final Minutes of the Third Committee (*Official Journal* — Special Supplement No. 96), should read as follows:

" The Irish Free State could only become a High Contracting Party to a convention by virtue of the signature of an Irish plenipotentiary. When the Irish Free State accepted a convention, whether by way of ratification or accession, it did so as a separate High Contracting Party. "

S.d.N. 3.470 4/32. Imp. Kundig.

LEAGUE OF NATIONS

Official Journal

SPECIAL SUPPLEMENT No. 97

RECORDS

OF THE

TWELFTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

FOURTH COMMITTEE

(BUDGET AND FINANCIAL QUESTIONS)

GENEVA, 1931

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LIST OF MEMBERS OF THE FOURTH COMMITTEE (1931).

President: His Excellency M. Nicolas POLITIS (Greece).
Vice-President: His Excellency Dr. Max HOFFINGER (Austria).

Abyssinia:	His Excellency Count LAGARDE, Duke D'ENTOTTO.
Albania:	M. Lec KURTI.
Australia:	Mr. James R. COLLINS, C.M.G., C.B.E.
Austria:	His Excellency Dr. Max HOFFINGER.
Belgium:	His Excellency Count CARTON DE WIART. His Excellency M. J. MÉLOT (Substitute).
Bolivia:	His Excellency M. Adolfe COSTA DU RELS.
British Empire:	The Viscount ASTOR. Sir Sydney CHAPMAN, K.C.B. (Substitute).
Bulgaria:	His Excellency M. Alexandre GUIRGUINOFF. M. Dimitri MIKOFF (Substitute).
Canada:	The Honourable Philippe ROY, P.C., M.D. The Honourable Martin BURRELL, P.C., LL.D. (Substitute).
Chile:	His Excellency M. Jorge VALDÉS-MENDEVILLE.
China:	His Excellency Dr. Sao-Ke Alfred SZE. M. Y. S. ZIAR (Substitute).
Colombia:	His Excellency Dr. Antonio José RESTREPO.
Cuba:	His Excellency M. Guillermo DE BLANCK. His Excellency M. Carlos DE ARMENTEROS (Substitute).
Czechoslovakia:	M. Wolfgang ZIERHUT. His Excellency M. Zdeněk FIERLINGER (Substitute). M. František SVETLÍK (Substitute).
Denmark:	His Excellency M. Henrik DE KAUFFMANN. Dr. Laust MOLTESEN.
Dominican Republic:	M. E. BRACHE, Jr. M. Enrique DESCHAMPS (Substitute).
Estonia:	His Excellency M. Ch. R. PUSTA. M. J. KÔDAR (Substitute).
Finland:	Dr. K. E. P. HIITONEN. M. P. HJELT (Substitute).
France:	His Excellency M. Pierre-Etienne FLANDIN. M. CAHEN-SALVADOR. M. Jean RÉVEILLAUD (Substitute).
Germany:	M. Johann-Heinrich Graf VON BERNSTORFF. Dr. RUPPEL. Dr. VOELCKERS.
Greece:	His Excellency M. Nicolas POLITIS. M. R. RAPHAEL. M. A. CONTOUMAS (Substitute).
Guatemala:	
Haiti:	
Hungary:	His Excellency General Gabriel TÁNCZOS. M. Jean PELÉNYI (Substitute). M. Georges OTTLIK (Substitute). M. Zoltán BARANYAI (Substitute).

India:	Khan Bahadur Diwan ABDUL HAMID, C.I.E., O.B.E. Rao Bahadur Sir Annepu P. PATRO, Kt.
Irish Free State:	Mr. Sean LESTER. Mr. Sean LEYDON (Substitute). Mr. T. J. COYNE (Substitute).
Italy:	M. Stefano CAVAZZONI. Professor Amedeo GIANNINI. Professor Giuseppe GALLAVRESI.
Japan:	His Excellency Viscount Kintomo MUSHAKOJI.
Latvia:	M. Wilhelms MUNTER. M. Wilhelm KALNIN (Substitute).
Liberia:	His Excellency Dr. Antoine SOTTILE. The Honourable Louis Arthur GRIMES (Substitute).
Lithuania:	His Excellency M. Petras KLIMAS. Dr. K. GRAUŽINIS.
Luxemburg:	M. Charles VERMAIRE.
Netherlands:	M. L. J. A. TRIP. Mme. C. A. KLUYVER (Substitute).
New Zealand:	Sir Thomas Mason WILFORD, K.C.M.G., K.C. Mr. C. KNOWLES (Substitute).
Nicaragua:	
Norway:	M. C. J. HAMBRO. M. Hersleb BIRKELAND (Substitute).
Panama:	His Excellency Dr. Narciso GARAY.
Paraguay:	His Excellency Dr. Ramôn V. CABALLERO DE BEDOYA.
Persia:	M. A. K. MOTAMÉDY.
Peru:	His Excellency M. Alfredo GONZALEZ-PRADA.
Poland:	His Excellency M. Jean DE MODZELEWSKI. His Excellency M. Marjan SZUMLAKOWSKI.
Portugal:	His Excellency Dr. Augusto DE VASCONCELLOS, or His Excellency Dr. Vasco DE QUEVEDO. Dr. Alexandre Magno FERRAZ DE ANDRADE (Substitute).
Roumania:	His Excellency M. Savel RADULESCO. M. Edmond CIUNTU (Substitute).
Salvador:	
Siam:	His Excellency Phya Abhibal RAJAMAITRI. Luang LADAKAVAD (Substitute).
South Africa:	Major F. F. PIENAAR, D.T.D., O.B.E. M. W. C. NAUDÉ (Substitute).
Spain:	M. Leopoldo PALACIOS-MORINI. M. Julio CASARES. M. Julio LÓPEZ OLIVÁN.
Sweden:	M. E. C. BOHEMAN. M. O. E. F. JÄRTÉ.
Switzerland:	Professor William RAPPARD. M. Camille GORGÉ (Substitute).
Uruguay:	His Excellency M. Pedro COSIO. His Excellency M. Antonio BACHINI (Substitute).
Venezuela:	His Excellency M. Cesar ZUMETA. Dr. Carlos ALAMO IBARRA (Substitute).
Yugoslavia:	His Excellency M. Constantin FOTITCH.

FIRST MEETING.

Held on Wednesday, September 9th, 1931, at 5.15 p.m.

Chairman: M. POLITIS (Greece).

1. Election of the Vice-Chairman.

On the proposal of M. CAHEN-SALVADOR (France), Dr. Max HOFFINGER, delegate of Austria, *was unanimously elected Vice-Chairman.*

2. Publicity of Meetings.

The Committee decided to hold its meetings in public, but reserved its right to sit in private when desirable.

3. Adoption of the Agenda.

The provisional agenda (Annex 1) *was adopted.*

SECOND MEETING.

Held on Saturday, September 12th, 1931, at 5.30 p.m.

Chairman: M. POLITIS (Greece).

4. Appointment of the Sub-Committee on Contributions in Arrears.

The CHAIRMAN submitted the following list of members proposed by the Bureau of the Committee to serve on the Sub-Committee on Contributions in Arrears: M. COSIO (Uruguay), M. GIANNINI (Italy), Mr. LESTER (Irish Free State), Sir Annepu P. PATRO (India), Professor W. RAPPARD (Switzerland), Dr. RUPPEL (Germany), M. ZUMETA (Venezuela).

The above list was adopted.

5. Work of the Supervisory Commission during its Forty-first Session: Draft Resolutions proposed by the Delegates of Venezuela and the Netherlands and by the Chairman.

At the request of M. HAMBRO (Norway), *the Committee decided to proceed,* immediately after M. Osuský's statement on the work of the Supervisory Commission, *with a general discussion on the financial situation and the budget of the League of Nations.*

M. OSUSKÝ (Chairman of the Supervisory Commission) made a statement with regard to the work of this Commission (Annex 2).

Referring, in the first place, to the closed accounts of the League, M. Osuský pointed out that the present position with regard to contributions in arrears was as follows: first financial year, nil; second and third years, about 170,000 Swiss francs; fourth to ninth years, 350,000 to 360,000 Swiss francs; tenth year, 125,000 Swiss francs; eleventh year, over 1,000,000 Swiss francs; twelfth year, 1,700,000 Swiss francs. These were the annual figures after the deduction of allowances made to certain States by decision of the Assembly.

At the present moment, the number of debtor States was five for the second to tenth years, seven for the eleventh year and fourteen for the twelfth year. Though there was no cause for alarm, the position was serious and called for the Fourth Committee's attention. Further, owing to the fact that States paid their contributions relatively late in the year, the Treasury experienced some difficulty during the first months of each year. Consequently, M. Osuský appealed to the Governments to send at least part of their contribution during January.

The International Labour Office had borrowed half a million francs from the Working Capital Fund in 1930. The Supervisory Commission proposed that this amount should be refunded to the Working Capital Fund out of the surplus for 1930, which would then be reduced to about 123,000 francs.

The expenditure of the three Administrations for the financial year 1931 was already very heavy, and the Supervisory Commission feared that at the end of the year there would be a cash deficit. This was not a reproach against the heads of those Administrations. The amounts expended had been regularly voted by the Assembly and actually placed at their disposal. At the same time, he thought the Fourth Committee should appeal to the three Organisations to endeavour not to use all the sums allocated in the budget. He was aware that the reply would be that the work had been assigned to them, and it was their duty to perform it; but he urged them to consider the difficult position of the majority of the States, and not to insist on their right to expend all the sums provided in the 1931 budget. He asked them to postpone any work which was not indispensable until next year.

M. Osuský then briefly drew attention to the conditions in which the Assembly had adopted a scheme for the construction of the League buildings, for the execution of which it had voted a credit of 23 ½ million francs. If that figure was not to be exceeded, the Assembly would have to adopt a very firm attitude with regard to the building work and to support the efforts of the Supervisory Commission, the Building Committee and the Secretary-General.

Passing to the 1932 budget, M. Osuský, stated that the Supervisory Commission had to carry out the wishes of the Fourth Committee and the Assembly. Those wishes, however, were not to be found in the Press or in private conversations, but only in the Assembly resolutions. It was for the Commission to count the cost and to supervise the way in which those resolutions were carried out.

Reference to the Minutes of the Fourth Committee and the reports of the Supervisory Commission would show that the Supervisory Commission had given many warnings in the past. On several occasions, it had objected to the excessive increase of committees and sub-committees, meetings and printed documents. With regard to the last point, it had arranged that only the Secretary-General should authorise printing, for it had observed that certain publications were losing their character as instruments of work and becoming veritable encyclopædias, accessible, moreover, only to a very small number of experts. The Supervisory Commission had often drawn the Fourth Committee's attention to the fact that the sums voted for printing did not give an accurate idea of the actual expense involved; they did not cover the cost of the additional work required of the Central Services.

The Supervisory Commission, anxious to ensure the organic development of the League of Nations, was opposed to so much work being undertaken that it could not be co-ordinated. The League of Nations had been created to work and not to act spasmodically. The Chairman of the Supervisory Commission therefore made an urgent appeal to the Assembly to co-ordinate the various proposals submitted to it before deciding whether they should be given effect.

The SECRETARY-GENERAL stated that he had not waited for the appeal of the Supervisory Commission or the Fourth Committee before asking his staff to exercise the strictest economy. In February last he had sent a circular to all the Sections, which contained, in particular, the following passage:

> " In view of the very serious financial position of many States Members of the League, it is desirable that the League should exercise the strictest economy during the current year and also in preparing the budget for the year 1932.
>
> " While I believe that any large measure of economy is hardly feasible without seriously affecting the efficiency of the work of the Secretariat, I should like all officials to assist in economising as much as possible. Economies which, in themselves, may be small will possibly, in the aggregate, amount to a substantial sum, and I should therefore welcome any suggestions from the staff for effecting savings of expenditure. "

The Secretary-General had received various suggestions in reply to that circular, and the officials of the Secretariat had done everything in their power not to spend more than was essential for carrying out the programme approved by the last Assembly. They would continue to practise economy. He pointed out, however, that, in accordance with the Council's decisions, certain conferences and committees should meet before the end of the year. Those meetings were outside his competence. If, however, the Fourth Committee would approve the appeal of the Chairman of the Supervisory Commission, the Secretary-General would willingly place it before the Council. He was sure the latter would do its best to postpone any conferences and committees which were not of immediate urgency.

The budget for 1932 was divisible into two parts—the ordinary budget and the extraordinary budget for the Disarmament Conference. The Fourth Committee would no doubt feel that it was absolutely essential to maintain the latter at a figure which would allow of the greatest possible success.

The ordinary budget for 1932 was the first annual budget submitted by the Secretariat which not only did not exceed that of the previous year, but was even lower. In spite of the new work

which the last Assembly had entrusted to the Secretariat, the budget for 1932 was 300,000 gold francs lower than the 1931 budget. Various schemes for a European organisation had contained provisions for a separate secretariat. Nevertheless, the staff required for the Commission of Enquiry for European Union had been provided from the staff of the Secretariat, with certain temporary additions to the Central Services. That had only been possible because the staff had undertaken extra work, feeling that, in view of the world financial situation, the States Members of the League of Nations were entitled to ask them to make an extra effort.

The Secretariat was prepared to make any economies which were desired, provided the proposals put forward showed to what general provisions they related. In any case, these economies could only be made at the expense of the programme fixed by the Assembly last year. Neither the Supervisory Commission nor the Secretary-General desired to spend; on the contrary, they were anxious to economise as much as possible. It should be remembered that the budget for the coming year could only be reduced by a surgical operation. If the Committee could indicate where the cut should be made, the Supervisory Commission and the Secretary-General would willingly operate.

It had been said that the burden of the States' contributions to the League of Nations was extremely heavy, and it was to be feared that public opinion might infer that those contributions were to some extent responsible for the present financial crisis. In order to refute this view, the Secretary-General stated that, for example, New Zealand's contribution to the League of Nations represented 0.0048 per cent of its budget. Such an example being typical, it was clear that the burden imposed on a State was too small to jeopardise its financial situation.

M. ZUMETA (Venezuela) said that, even if the present were a period of prosperity, the advice of the Chairman of the Supervisory Commission should be borne in mind, and the expenditure of the League of Nations organised methodically within a rigorous framework. Each year the League's sphere of activity was extended, not with a view to its harmonious and methodical development, but in an impromptu fashion, work being undertaken which in several respects was not of immediate or paramount importance.

No member of the Committee would desire to reduce the sums necessary for the League's work in the interests of peace and for the normal development of its useful activities, but expenditure which was not of immediate urgency must be postponed.

M. Zumeta therefore submitted to his colleagues, as a basis for discussion, the following proposal, which he was prepared to amalgamate with other proposals of the same kind which might be submitted by his colleagues and to adapt it to meet the wishes of the Committee:

" The Fourth Committee,

" Convinced that, in the present situation of the world, the League of Nations must adopt the policy of budgetary economy followed in the majority of States:

" Forwards the draft budget to the Supervisory Commission, the body specially qualified to deal with it, so that, in agreement with the Secretary-General and the other competent officials, it may study the best method of making a substantial reduction in the present budgetary estimates, in any case effecting a minimum decrease of 12 per cent on the budget as a whole. "

The CHAIRMAN stated that, at the end of the general discussion, the Committee would be asked to take a decision on this and any other resolutions which might be submitted to it.

The Chairman read the following draft resolution:

" The Assembly,

" Being convinced that it is imperative not further to increase the budget of the League for 1932, the total of which is, as a result of the appropriation for the Disarmament Conference, considerably higher than that for the current year:

" Makes a strong appeal to its Committees to follow the principles of economy dictated by present circumstances;

" Requests these Committees to limit to the indispensable the programme of work to be undertaken in 1932 and to abstain from making recommendations which might involve further expenditure. "

M. VALDÉS-MENDEVILLE (Chile) did not think it necessary to take an immediate decision on this proposal. If the Venezuelan delegate's proposal were adopted, it would be preferable not to alarm the Assembly prematurely. It was not possible now to anticipate an increased budget when many delegations hoped that it would not be increased.

The CHAIRMAN replied that the sense of the motion before the Committee was not quite the same as that proposed by M. Zumeta. He admitted that reference to a budget which had not yet been examined was out of place, and thought that the word " budget " might be replaced by the words " draft budget ". The Committees should, however, be warned immediately that no new work involving additional expenditure in the 1932 budget should be suggested.

M. RÉVEILLAUD (France) observed that there was no contradiction between the two proposals. All that was needed to bring them into harmony was a slight alteration in the above text—namely, the addition of the phrase " which will have to meet the expenditure for the Disarmament Conference " in the first paragraph after the words " for 1932 ".

M. VALDÉS-MENDEVILLE (Chile) and M. ZUMETA (Venezuela) accepted M. Réveillaud's suggestion.

M. HAMBRO (Norway) reminded the new members of the Committee that practically every year the Chairman of the Fourth Committee was asked to write to the other Committees, urging them to bear in mind the necessity for economy. The procedure now suggested was a great improvement, and M. Hambro hoped it would become a tradition.

Count CARTON DE WIART (Belgium) supported the suggestions of M. Réveillaud and M. Hambro. A solemn declaration by the Assembly would be more effective than the usual circular letter to the Chairmen of the other Committees. Moreover, international public opinion was expecting a statement of that kind.

Viscount MUSHAKOJI (Japan) supported the Chairman's proposal, but thought that the closing words should be amended.

M. RAPPARD (Switzerland) warned his colleagues against a danger. To invite the Assembly to abstain from making recommendations which might involve further expenditure might lead to stagnation. He therefore proposed the addition of the following words: " when it is not shown to be absolutely necessary and urgent ".

M. DE VASCONCELLOS (Portugal) supported M. Rappard's proposal.

Diwan ABDUL HAMID (India) proposed that the beginning of the last paragraph should be amended as follows: " Requests these Committees to reduce the programme of work to be undertaken in 1932 as far as possible ", and that the words " further expenditure " in the last line should be replaced bythe words "avoidable expenditure". He also proposed that the words " to reduce " should be substituted for the words " not further to increase " in the first paragraph.

M. TRIP (Netherlands) thought that, if anything were added to the text, it would be weakened. It would be preferable to submit the draft resolution to the Assembly as it stood. If any Committee considered that further expenditure was absolutely essential, it would inform the Assembly, which would take the final decision.

M. DE MODZELEWSKI (Poland) agreed with the Netherlands delegate that the text should not be changed. The words " as far as possible " might, however, be added in the third paragraph after the word " abstain ".

M. HAMBRO (Norway) supported the Netherlands proposal. He thought, moreover, that the Committee should instruct its officers to draw up, on the basis of the observations just made, a text satisfactory to all the members of the Committee.

The CHAIRMAN, summarising the discussion, stated with regard to the first paragraph, that the Assembly's conviction should be based on the budgetary estimates, and account should be taken of the exceptional factor in 1932—namely, the Disarmament Conference. The second paragraph would remain as it stood. In the third paragraph, it could be stated that the object of the invitation to the Committees was to limit additional work as far as possible, and to limit expenditure on such work in the same proportion.

Mr. COLLINS (Australia) desired the proposal of the delegate of India to be borne in mind. For that purpose, the resolution might state that the Fourth Committee did not undertake not to make reductions in the budget.

The CHAIRMAN replied that this would be borne in mind, and noted that the Fourth Committee was unanimous in regard to the procedure to be followed.

The Committee instructed the Bureau to draft the final text of the draft resolution to be submitted to the Assembly.

Mr. COLLINS (Australia), after paying a tribute to the statements of the Chairman of the Supervisory Commission and the Secretary-General, referred to an observation made by the latter with regard to New Zealand, whose contribution of £12,000 to the League of Nations, represented only a small proportion of that country's budget. That might, however, be put in a different light. Australia's contribution was £40,000. If the budget of the League could be reduced in the same proportion as the Australian budget, the Commonwealth would have at its disposal a large sum which would enable work to be found for several hundred unemployed workers.

M. TRIP (Netherlands) was convinced that the League of Nations and the Supervisory Commission had done all they could to avoid increasing the expenditure. It was also true, however, that, as M. Osuský had said, neither the Supervisory Commission nor the Secretariat could reduce expenditure on their own authority; the final decision rested with the Members of the League.

In the second place, the estimates for the Disarmament Conference should not be touched, and the sums necessary to ensure the best possible results should be placed at the Secretariat's

disposal. That Conference would increase the League's budget by 3,700,000 francs, and it would be impossible to reduce the budget below the level of the present year. That meant that next year the Members of the League would have to pay a contribution 14 per cent higher than this year, including the supplementary budget. Those States had themselves to struggle with budgetary difficulties, and the League of Nations should set them an example. The Secretary-General had himself used the same argument in the internal circular he had read at the beginning of the meeting, which referred to the financial difficulties of the States Members. It was therefore imperative that expenditure should be adjusted to receipts, in order to bring about a general improvement in the financial position.

It was impossible to suggest immediately in what chapters of the budget reductions could be made. In any case, the 1933 budget would probably be even more difficult to draw up than that for 1932.

In conclusion, M. Trip read a draft resolution in the same sense as M. Zumeta's proposal:

> " The Fourth Committee,
>
> " Considering that the whole world is suffering from an extremely serious crisis involving grave difficulties, particularly of a budgetary nature;
>
> " Considering that it is indispensable in determining the budgetary policy of the League of Nations to take these difficulties into account:
>
> " Is of opinion that the budget, as submitted to the Assembly, should be considerably reduced, and invites the Secretary-General to submit to the Committee within a very short period, in agreement with the Supervisory Commission, proposals for achieving such reduction;
>
> " Feels that the Assembly should not sanction any new measures involving an increase in the revised total budgetary estimates;
>
> " And proposes that the Assembly should instruct the Secretary-General, in agreement with the Supervisory Commission, to make economies in the budget for 1933, so that this budget, in comparison with the budget of 1932—deduction made of the budgetary estimates for the Disarmament Conference—should show a reduction of at least 10 per cent upon normal expenditure. "

M. GALLAVRESI (Italy) asked the Chairman to see that the discussion on these two proposals did not lead the Committee prematurely to abandon the question. The Committee should indicate on what items it thought reductions could be made. He added that, to deal with the matter *en bloc*, as M. Zumeta had proposed, seemed somewhat premature.

M. ZUMETA (Venezuela) replied that, far from making such a suggestion, he had clearly indicated at the beginning of the meeting that his proposal should be considered as the basis for a general discussion.

M. HAMBRO (Norway) asked the members of the Committee to urge their colleagues in the other Committees to show the same desire for economy and to support the Fourth Committee's attitude.

THIRD MEETING.

Held on Monday, September 14th, 1931, at 5.15 p.m.

Chairman: M. POLITIS (Greece).

6. Work of the Supervisory Commission during its Forty-first Session (continuation).

The SECRETARY-GENERAL apologised for having stated that New Zealand's contribution to the League represented 0.0048 per cent of her budget; the correct figure was 0.048 per cent.

Mr. KNOWLES (New Zealand) accepted the apology, but ventured to suggest that it did not add to the value of the original statement.

Count CARTON DE WIART (Belgium) observed that the budget reflected the encyclopædic character which the League's activities, and those of its auxiliary organs, were bound to assume, ranging as they did over such widely different problems as the collection of economic statistics, whale-fishing, penal administration and the spread of lyric poetry. This state of affairs arose out of the Covenant itself, which not only assigned to the League a political rôle, but also called upon it to take action in connection with economics and finance, transport, humanitarian and social questions and in intellectual matters.

The Belgian Government had never considered that the League's budget was too high in itself, especially when the contributions of its Members were compared with their own budgets. Generally speaking, moreover, the League expenditure produced valuable results. In view, however, of the financial crisis and the extra expense involved by the Disarmament Conference, the strictest economy should be observed, and he wondered whether it would not be possible in1932 to give priority to the more urgent work. The Committee might consider wether it would be seriously inconvenient to postpone work on certain questions relating, for example, to the frequency of economic cycles, the economic position of certain countries—on these matters it would be easy to obtain information by other means—and the despatch of an educational mission to China as proposed by the Committee on Intellectual Co-operation. In view of the difficult times through which the world was passing, the League owed it to public opinion to consider, in collaboration with the Supervisory Commission, whether in present circumstances certain of its activities could not be rationalised and certain of its expenses reduced to the absolutely essential.

M. GIANNINI (Italy) was of opinion that work already undertaken or in progress could not be abandoned. Every effort should certainly be made to reduce expenditure and to see that the money was spent wisely. The Italian delegation could not, however, accept the mechanical percentage reduction suggested by the Venezuelan delegate, which would not achieve the latter's object. Nor could it accept the Netherlands proposal to reduce the 1932 budget considerably and to effect economies in the 1933 budget so that, in comparison with the 1932 budget, it would show a reduction of at least 10 per cent upon normal expenditure.

He proposed that the Committee should express the opinion that the budget should be reduced as far as possible, bearing in mind the engagements already made and also the efficiency and utility of the results obtained from each item of expenditure, but without paralysing the League's work; it should ask the Supervisory Commission, in agreement with the Secretary-General, to revise the budgetary estimates for 1932 very carefully to see whether savings could not be effected.

M. HAMBRO (Norway) called attention to the gravity of the present situation. He pointed out that, in 1927, 68 per cent of the League contributions had been paid in the first eight months; in 1928, 63.7 per cent; in 1929, 63.2 per cent; in 1930, 63.8 per cent and, in 1931, only 56 ½ per cent. At the same time, contributions in arrears had increased by 21 per cent, and for the first time for many years the Secretariat had been obliged to draw on the Working Capital Fund at the beginning of 1931 in order to meet expenditure provided for in the budget. That was a very unsatisfactory state of affairs which must be remedied.

While the League's budget was not high in comparison with the budgets of its Members, it was essential, at a time when States were being compelled to reduce their expenditure to a minimum, to bear in mind certain psychological factors. It had been mentioned that their contributions to the League represented a very small percentage of the budgets of States like Australia and New Zealand. These States, however, had not been financially able this year to send home delegations; they were represented by their officials in London. What would be the effect on public opinion if members of Parliaments and Cabinets disappeared from Geneva and only the nearest diplomatic and consular representatives met there ?

Again, many States had been forced to reduce the salaries of Government officials, in some cases by as much as 40 per cent. Those officials naturally viewed with some bitterness the fact that the salaries of League officials had been increased and the entertainment allowances of the higher officials maintained at a large figure. A generous pensions fund had been created, when many Governments were reducing pensions. In spite of the Assembly's unanimous resolution in 1926 that the League budget should in future be balanced in such a way that the contributions of the Members should not exceed the 1927 figure, the draft budget for 1932 exceeded by 14 per cent that for the current year. Countries were beginning to regard their contributions to the League as a diplomatic luxury.

All hese factors tended to lead public opinion to assume that the League was aloof from ordinary men and women, and most of the speeches made in the Assembly showed that there was a certain amount of disappointment and disillusion in the results achieved at Geneva. These who were not able to participate actively in the League's work were apt to forget that the present was a period of preparation. The harvest would not be reaped for generations—not until man's mentality had changed.

M. Hambro was glad that M. Zumeta had made his proposal. Of course, a mechanical percentage reduction in the budget was difficult; but that was not what M. Zumeta had intended. He had desired to supply a basis for the general discussion, which he had certainly done. It was now important to make the Governments and peoples feel that the League was sharing their burdens and following the path of " disciplined sacrifice ".

The Norwegian delegation intended to vote in favour of the appropriations for the Disarmament Conference and the economic work of the League, which were of the utmost importance. It would vote against appropriations for work connected with the buoyage and lighting of coasts, the codification of international law—though the latter subject was of great interest for the Scandinavian countries—and the Commission of Enquiry for European Union. It also intended to vote against the suggestion that had been made to appoint a Scandinavian temporary member in the Information Section—as compensation for the only Scandinavian who had been

transferred—as it would vote against any proposal for creating new posts in the Information Section.

The League would do well to use the present opportunity to concentrate its activities, to do intensive rather than extensive work. It should be remembered that international work could often be done better and more cheaply outside the League, and propaganda for the League could be done more effectively by outsiders than by officials who were not generally in a position to express an independent opinion. It was absolutely essential for the future of the League of Nations that the ordinary man and woman should be interested in it. They must feel that the League shared their lives, suffered the same hardships and sympathised with their difficulties.

In the present financial circumstances, the first step which the League could take to awaken that interest was to reduce the contributions of its Members to the greatest possible extent.

Viscount MUSHAKOJI (Japan) stated that his countrymen felt that the League was becoming more and more European in character. Though they were mistaken, the existence of such an impression made it difficult for Japan to accept any increase in the League budget. The Japanese delegation had listened with interest to the various proposals which had been put forward, but, as it was of opinion that the reduction of expenditure should not destroy the League's efficiency, it was unable immediately to express any opinion with regard to the possibility of making a general percentage reduction. He suggested that the Committee should examine the budget, paragraph by paragraph, in order to see whether the number of commissions and committees could be reduced and certain work postponed.

With regard to the salaries of officials, he felt that they should only be reduced as a last resort, when that appeared indispensable and inevitable. Instead of being discouraged, the League officials would then take the opportunity of limiting their work, while at the same time endeavouring to increase its yield.

M. BOHEMAN (Sweden) thought that, while every effort should be made to reduce the budget, it was of vital importance not to reduce the League's efficiency. There was reason to fear that any considerable increase in the budget would lead to an increase in the contribution in arrears, which was a very disquieting factor, for it would be very difficult to make good a budgetary deficit.

At a time when the Governments, faced with an economic crisis, were postponing all expenditure which was not urgent and making every effort to rationalise their public services, the League must not fail to do its share. Nevertheless, the importance of the contributions to the League of Nations should not be exaggerated. Sweden's contribution, for example, represented the cost of one infantry battalion. If the League was a guarantee of peace, which he firmly believed it was, one infantry battalion more or less was of infinitely less importance for the security of a country than one League of Nations more or less.

The chief reason why the League expenditure should be reduced was in order to set the world an example of sound financial administration. M. Boheman was of opinion that the budget could be reduced without harming the League's efficiency. Salaries could, he thought, only be reduced in agreement with the officials concerned. The Disarmament Conference was of great importance and everything must be done to ensure its success. In view of the forthcoming Conference, no one would raise any criticism if, during 1932, less urgent work were postponed. The staff released could be employed on work for the Disarmament Conference, and a saving thus effected on temporary staff.

M. Boheman suggested that the Secretary-General should be asked to draw up a preliminary list of meetings to be held in 1932, and that the Fourth Committee, or the Supervisory Commission, should consider whether some of them could not be adjourned.

The expenditure on printing might also be reduced considerably; in particular, the number of printed Minutes might be decreased. Although the Assembly had adopted a resolution on that question in 1928, no appreciable results had as yet been achieved.

M. RADULESCO (Roumania) said that, while, in view of the economic crisis, it was desirable that expenditure should be reduced, the objects of the League of Nations should be borne in mind. The League was the world's greatest hope; for only the closest international co-operation could improve the situation.

M. Radulesco laid stress on the fact that the increase in the budget was due to the coming Disarmament Conference. Apart from that chapter, the budget was lower than in the previous year, although new work involving additional expenditure had been entrusted to the League. In proposing budgetary reductions, the Committee must be careful not to paralyse the League's work, for that would be false economy. For this reason he was not in favour of an automatic reduction.

M. DE MODZELEWSKI (Poland) supported M. Zumeta's draft resolution, but did not think it necessary to fix a percentage by which the budget should be reduced. It would be preferable to leave the Supervisory Commission to make proposals. Perhaps M. Zumeta would be willing to replace the reference to 12 per cent by a suggestion that, if possible, the budget should be reduced by 8 or 10 per cent.

With regard to the Netherlands proposal, it was very difficult to foresee what would be the position in 1933. Many pessimistic opinions had been expressed, but it was the League's duty to foster courage and optimism. He was therefore opposed to placing a limit on the 1933 budget, especially on the basis of a budget which had already been reduced considerably. No

doubt the authors of the two texts could reach agreement on a joint text which the Committee could approve.

M. de Modzelewski had been instructed by his Government to urge, not only that the budget in general should be reduced as far as possible, but that savings should be made on the chapters relating to telephones, missions, printing, etc. Small savings on each of these items would amount, in the aggregate, to a large sum.

The Polish Government was of opinion that considerable saving could be effected by the postponement of certain conferences. For the moment, the League should concentrate on the Disarmament Conference and on its economic work; and, although the greatest economy should be observed in these two spheres, to deprive the League of the necessary appropriations for these activities would be contrary to its aims.

Diwan ABDUL HAMID (India) agreed that drastic retrenchment in expenditure was imperative. India's annual contribution to the League was high, and the Indian delegation felt bound once more to urge the Committee to adopt a policy of economy. Generally speaking, he believed the Committee approved that principle. Unfortunately, the efforts made in the past to stabilise the budget had met with little success, and expenditure had increased year by year. The liberal scale of the League's expenditure had reflected the tendency of Governments to extend their activities and multiply their financial commitments in times of prosperity; but, during the present crisis, it was incumbent upon the Fourth Committee thoroughly to overhaul the position, and to follow the example of the Governments which were applying the axe to national expenditure in all departments of their activity.

He was confident that the Committee would not be content to pass pious resolutions, but would prove to the world that the League was fully alive to the calamitous depression through which the greatest nations of the world were passing. Any measures of economy recommended to the Assembly should be characterised by wise discrimination, due account being taken of the nature of the League's activities, and urgent requirements must be given priority.

M. ZUMETA (Venezuela) said that it had been far from his intention to propose a mechanical —that was to say, an irrational—reduction in the budget, seeing that he was temperamentally opposed to such methods. He considered it absurd and even criminal to hamper in any way the essential work of the League, and was sure that neither the Supervisory Commission nor the high officials of the Secretariat would accept such a task. M. Zumeta was ready to accept M. de Modzelewski's suggestion and would support any text approved by the Committee embodying the idea conveyed in his proposal submitted at the previous meeting.

M. PALACIOS (Spain), while fully aware of the difficulty of opposing the almost unanimous opinion of the Fourth Committee, nevertheless thought he should submit to his colleagues certain considerations regarding the economies to be made in the League budget. As M. Lerroux and M. de Madariaga had stated at the Assembly, the definite instructions issued by the Spanish Government were that the suggested reductions should be opposed. Spain was by no means against a policy of economy. If greater rationalisation were required in the working of the League of Nations to ensure a better adaptation of the instrument to its duties and of means to ends, he would urgently appeal to those in charge of League administration to use its resources with the maximum efficiency which the supreme necessities of its international work demanded.

That, however, was not the way in which the other delegations construed the recommendation made regarding economies. A wholesale reduction of credits involving a cut of from 10 to 12 per cent of the gross amount was claimed. In justification of this request, it was stated, as M. Zumeta had just done, that such a reduction would not injure either the work or the reputation of the League. That, M. Palacios thought, was a highly equivocal assertion. The effects of this suggestion might be very far-reaching and would at any rate lead to the absurdity of imagining that an organisation could function adequately and completely without elements which the same delegations had previously admitted were necessary and which, moreover, had actually proved inadequate. If the modest figures of this peace budget were compared with the exorbitant expenditure of war budgets, the anxiety to make reduction was in astonishing contrast with the reluctance shown in cutting down military expenditure.

The financial reductions suggested for the League of Nations were of two kinds—those affecting still unexpended credits for the current financial year of 1931 and the credits to be provided for 1932.

As regards the former, M. Osuský, in a speech which was a model of precision and eloquence, had urged that the credits for the last quarter of the budget voted by the last Assembly should not be fully utilised. That, in M. Palacios' view, was a rather risky recommendation. A budget was always more or less the economic and constitutional charter of public bodies and could therefore hardly be altered without raising numerous problems affecting security and guarantees. If the 1931 Assembly cancelled, in regard to such delicate matters, what had been considered, discussed and voted by the last Assembly, there could be no assurance that the work now being done would not be found to be valueless when retrospectively considered by the next Assembly.

This was a specially serious point in administrative matters which involved questions of material resources, personal positions, future prospects, cancellation of duties, etc.

Furthermore, a budgetary credit was not a power given to the Administration not to exceed a certain figure. It was a duty to appropriate an amount to a social service. It created an obligation which, after having been carefully studied with a view to its incorporation in the body of the institution, could not, without serious detriment, be left unexecuted. The argument used to justify a reduction of the 1932 budget was the world crisis. He wondered whether, in view of the confidence reposed by the world generally in the League of Nations, that argument did not rather entail the obligation to intensify League work, to increase its resources, to make its action more penetrating and to extend its influence. The crisis, it was commonly agreed, was worldwide, and the remedy must also be universal. Was the League not the international body best qualified to—the only one which could—cope with the problem ? It would therefore be illogical to curtail its activity instead of strengthening it, to deprive it of resources at a time when the world economic crisis could not be solved without League action in every sphere and when even greater resources were required. There should, certainly, be no curtailment of the economic and financial work of the League of Nations or in the work of the International Labour Office.

M. Palacios concluded by reminding the Committee that distrust of the League of Nations might be considerably stimulated by the action of the Fourth Committee if the proposal for a global reduction were adopted. No one would credit the effusive tributes paid to the League of Nations if its Members did not support their words by deeds.

7. Publication of the Collection of Laws and Regulations relating to the Traffic in Women and Children.

The CHAIRMAN read a letter, dated September 7th, 1931, from the International Council of Women, urging that the collection of laws and regulations relating to the traffic in women and children, the preparation of which had been approved by the Council and the Assembly, should be published.

FOURTH MEETING.

Held on Tuesday, September 15th, 1931, at 3.30 p.m.

Chairman: M. POLITIS (Greece).

8. Work of the Supervisory Commission during its Forty-first Session (continuation).

Mr. ROY (Canada) said that Canada, like other countries, had been obliged to reduce expenditure. He therefore recommended the strictest economy in the preparation of the budget of the League. There should be no panic, however, and no general reductions which were unfair to the officials and harmful to the activity of the League. One chapter of the budget in which economies might be effected was that relating to conferences held outside Geneva. This practice was costly and injurious to the League's prestige. It was therefore regrettable from every point of view. Mr. Roy asked the Fourth Committee to recommend to the Assembly that, in future, all the League's activities should be concentrated at Geneva under the immediate supervision of the Secretariat. If a sub-committee were appointed to consider with the Secretary-General in what chapters of the budget economies could be made, that sub-committee should also be asked to study and report on the question of conferences held outside Geneva.

M. OTTLIK (Hungary) pointed out that the Supervisory Commission was not only a body set up for the purpose of fiscal control; it was also a constructive body, with the duty of seeing that the instructions of the Fourth Committee and the Assembly were carried out with the minimum expense and the maximum efficacy. Like M. Giannini, he warned the Committee against the danger of a mechanical method of reducing expenditure, which could not but harm the League's activity. One principle which should be borne in mind was the desirability of postponing all conferences and meetings which were not of immediate importance, provided such action did not prejudice the League's interests.

The restoration of general confidence depended upon the solution found for the question of disarmament and for economic problems. Sight must not be lost, however, of the League's activities in the social sphere, particularly during the present crisis. As the representative of a country which was endeavouring to reduce expenditure considerably, the Hungarian delegate was in favour of effecting economies. He felt bound, however, to point out that it was undesirable to reduce the budget to such an extent that the development of the League's activities was, if not arrested, at any rate rendered more difficult. The normal course of the League's work must be respected. For that reason, he was glad the Venezuelan delegate did not press his proposal that the budget should be reduced by 12 per cent. That would be too rigid a formula, and the results of applying it might exceed the object of M. Zumeta's resolution.

Apart from the estimated expenditure on the Disarmament Conference, the budget amounted to 32,200,000 francs; a reduction of 12 per cent would reduce it to about 28,300,000 francs, the figure for 1930. Neither the Committee of Enquiry for European Union, however, nor the Pensions Fund had been in existence in 1930. The item concerning the new buildings had been lower than that for the present year, and was still lower than that for the coming year. Since 1930, as a result of the resolutions adopted by the eleventh Assembly, the budget of the Permanent Court of International Justice had increased by 500,000 francs; this could not be touched. The aggregate increase amounted to nearly 2,000,000 francs. Next year the three chapters—Permanent Court, Buildings and Pensions—would amount to 5,500,000 francs, expenditure which it would be impossible to reduce in any way. The reduction of 12 per cent. would therefore apply to a sum of about 27,000,000 francs, which would, to a large extent, paralyse the League's activities.

The only way to solve the problem was to examine the budget, item by item, with a view to making reasonable reductions.

On the other hand, it was to be hoped that the Spanish delegate's gesture in proposing that the League's means of existence should not be reduced would not remain isolated, but would be followed by others from other quarters.

M. Ottlik was not in favour of any reduction in the 1933 budget, for to prejudge the position at that time, when no one could say how the present crisis would develop, would amount to preparing to-day a plan for winding up the League of Nations. There could be no question of that.

M. Rappard (Switzerland) wondered whether budgetary considerations could justify the reduction of the League's activities, the object of which was to ensure the prosperity and security of the nations. Anything which might contribute to increased prosperity and strengthened security was an economy, in the long run, for the States Members of the League, even if for the time being expenditure was increased. For example, if the improvement of the lighting and buoyage of coasts resulted in a decrease in accidents at sea, any measure of economy which delayed this necessary improvement would be false economy. The budget of the League of Nations would be less heavy for the time being, but that would not be of real advantage to the States Members. The same might be said of other League activities which at first sight might appear unimportant, such as the reform of the calendar. This applied still more to the legal and political work of the League. The expenditure on these various activities was small in comparison with the subsequent saving to which they would lead if they succeeded. It was said that the world was ill; what would be thought of a patient who haggled over the doctor's fees ?

The expenditure of the League should be judged not by its volume but by its effect. Every effort which offered any possibility of material success was justified also from the financial aspect.

The business of economising, while at the same time ensuring better results from the organs of the League, was a matter of administration, the responsibility for which rested with the heads of the services concerned. The Fourth Committee should not shoulder their burdens. The real solution was the rationalisation of the League's services, but there were two obstacles to that method. In the first place, the bilingual character of the League of Nations, which was obligatory, was irrational and an obstacle which the most economical administrator was unable to overcome. In the second place, the international character of the Secretariat should be borne in mind. The responsible heads of the international organisations were asked to reconcile two incompatible principles—the maximum rationalisation in their administration and the maximum internationalisation. Neither of those conditions could be fulfilled without violating the other.

The question of nationality was one of the most difficult. Appointments which had recently been made to the post of Director had still further increased the number of representatives of the great Powers at the head of the scale. M. Rappard readily believed that the British, French, Italian and Swedish Directors had been selected, not on account of their nationality, but in view of their capacity. It could not, however, be said that the Under-Secretaries-General were appointed solely on account of their capacity. Their nationality was also taken into account. That could not be called administrative rationalisation.

With regard to the Supervisory Commission, while paying a tribute to its members, M. Rappard thought it would be possible to improve its composition by obtaining the assistance, when vacancies occurred, of the heads of internal services of the national administration, who had more experience of organising than diplomats. If its membership were altered in that way, the Commission might be able to devote more time to its work, and supervision would be more effective. Two or three days could not be sufficient to form an opinion with regard to the operation of the machinery of the Secretariat and the International Labour Office.

The supervision exercised by the Fourth Committee itself would be more efficacious if the form in which the accounts and budgets were submitted were more clear. The reasons for the

discrepancy between the estimates and the final figures and the reasons for any saving which had been made might be explained in the accounts. The extraordinary budget should be more definitely separated from the ordinary budget. The expenditure for the previous financial year should be shown beside the corresponding figure in the budget for current expenditure and the budgetary estimates for the coming financial year.

With regard to salaries, the Swiss delegation had always considered them high. They had been based on the salaries paid in the British Civil Service, which was the best paid civil service in the world, but had been further increased in view of the insecurity due to the absence of a pensions fund. Finally, the cost of living had been very high when the scale of salaries had been drawn up. Since then, the question of reducing British salaries had arisen, a pensions fund had been established at Geneva and the cost of living had fallen somewhat, so that salaries which had been adequate in 1929 were excessive at the present time. M. Rappard did not suggest a large reduction in salaries, though he supported M. Hambro's courageous statements. He thought that, in any case, the practice of making special allowances, bonuses for special duties and bonuses in addition to salary, which heavily burdened the budget and created discontent, should be abandoned. There was no need to suggest that reductions in salary would lead to resignations. In the first place, it would be an insult to the members of the international organisations to suggest that their devotion to duty was dependent on their pay. Secondly, it would be no loss to the Secretariat if officials who were only inspired by their own financial interest left it.

In conclusion, M. Rappard stated that, while economy was essential, it should be productive economy. The League's activity should be intensified, but at the same time disciplined, rationalised and, in certain directions, speeded up. At the same time the budget should be relieved of unnecessary expenditure which needlessly slowed down the League's activities.

Viscount ASTOR (British Empire) noted the general desire for economy, but felt that a mechanical reduction of 10 or 12 per cent was not to be recommended. He did not consider that the salaries of League officials were excessive, but thought that exceptional allowances and additional bonuses might be reduced. It had been suggested that the number of officials should be decreased. It was clear that certain posts were of a political rather than an administrative nature; but, in view of the contracts already entered into, it would be difficult to suppress in 1932, or in the coming year, certain of the higher posts, even should a decision to that effect be reached. As regards the rest of the staff, the Fourth Committee was not at present in a position to reduce ts numbers.

Conferences should, he thought, be held at Geneva both for reasons connected with the League's prestige and for the sake of economy.

He was not in favour of abandoning certain of the League's activities in order to devote more attention to disarmament. All League work was important, and Article 23 of the Covenant was as definite and as important as the other articles. He hoped that the Disarmament Conference would be entirely successful, but the possibility of failure must not be overlooked. If the Conference were only moderately successful and the League of Nations had neglected the other branches of its work, there would be little, at the end of 1932, to justify its existence. Some of the League's prestige was due to activities other than disarmament, and it would be in danger of suffocation if expenditure were reduced unwisely. A saving of 300,000 francs had already been made, though it was true that it related only to the ordinary budget, and the additional budget had absorbed almost the whole sum.

In conclusion, Viscount Astor stated that he would vote in favour of economies, on condition that they did not decrease the activity and efficiency of the League.

M. RUPPEL (Germany) said that he was in favour of economy, public expenditure in his own country having been reduced considerably. At the same time, he could not recommend measures which might paralyse the League's activity. The essential activities, such as those relating to disarmament and to international financial and economic relations, should be pursued without interruption, while other work might be postponed without inconvenience. There was also the possibility of reducing expenditure by rationalising the internal services. It would be advisable to ask the Supervisory Commission to reconsider the various chapters of the budget with a view to suggesting reductions. The Commission should not, however, be authorised to make a mechanical reduction, but should see what saving could be effected without curtailing the League's activity.

M. RÉVEILLAUD (France) feared that the reiteration of the same counsels of economy might give the public the impression that the League of Nations was on the eve of a financial crisis. Any such misunderstanding should be removed. There was no question, as M. Zumeta had said, of paralysing the League's work, but only of reducing its less important activities provisionally, in order that there might be an opportunity of developing more completely the questions with which, above all, it had now to deal—namely, the Disarmament Conference and the economic restoration of the world. On the other hand, as far as possible, the printing of Minutes, reports, etc., should be permanently reduced as far as possible, together with all the additional work involved. M. Réveillaud would refrain from outlining a definite programme for economy, a duty which would be fulfilled by the members of the Supervisory Commission, in whom the Fourth Committee had entire confidence.

The draft resolutions proposed by M. Trip and M. Zumeta were a reflection of the general state of mind which prevailed among the members of the Committee. At the same time, M. Réveillaud asked, on his own behalf and on behalf of M. Modzelewski, whether it would not be

possible slightly to amend M. Zumeta's proposal, by adding after the words, "it may study the best method", the phrase, "without hampering the essential activities of the League", and omitting the words, "in any case effecting a minimum decrease of 12 per cent on the budget as a whole". M. Réveillaud did not think this amendment would weaken the spirit of M. Zumeta's proposal.

M. VALDSÉ-MENDEVILLE (Chile) feared that, if the League did not resolutely follow the path of economy, public opinion in the countries which had made considerable budgetary reductions would feel that the League was removed from reality. Its essential activities should not, of course, be compromised, nor could the officials of the League be required to make the same sacrifices as the officials of certain countries, particularly as contractual obligations must be respected. In the present circumstances, however, public opinion would consider the smallest increase in salaries or bonuses as a mistake, and such action would put a ready weapon in the hands of the League's opponents.

Economies should be made in other spheres. Count Carton de Wiart had drawn attention to some of them. M. Palacios had recommended rationalisation, which, if applied conscientiously, might give excellent results. In spite of the increased expenditure necessitated by the Disarmament Conference, the total of next year's financial budget should not exceed that of the present year.

M. Valdés-Mendeville added that all the delegations of Latin America had accepted M. Zumeta's proposal, its object being to reduce certain chapters of the budget as far as possible in order to make up for the inevitable increase due to the Disarmament Conference.

Mr. LESTER (Irish Free State) said his Government had instructed him to support any reasonable proposal for the reduction of expenditure, but considered that it would be false economy to hamper any activity capable of contributing to the solution of international problems. The representatives of the various States, and not the Secretary-General of the League or the Director of the International Labour Office, were responsible for expenditure. For that reason, he hoped that those of his colleagues who had advocated economy would make definite suggestions for the benefit of the sub-committee set up to revise the budget.

M. DE BLANCK (Cuba) was in favour of any proposal which would lead to effective economy, For that reason, he had recommended last year that the establishment of the Pensions Funds the effect of which would not really be felt for about ten years, should be postponed. The budget. of international organisations must not be allowed to increase year by year, and, as far as possible, new work should not be begun until the work in hand had been completed.

M. de Blanck's instructions from his Government could be summarised in one word —stabilisation. Since the Disarmament Conference was considered indispensable, there must be a saving, if the budget were to be stabilised, of the amount represented by the cost of the Conference, about 4 million francs. That was very nearly the sum which would be saved by the percentage reduction recommended by M. Zumeta. M. de Blanck was, however, prepared to accept a more elastic formula, though this did not in any way diminish his keen desire for economy. If the Supervisory Commission were able to stabilise the budget, it would be easier in future for States to pay their contributions regularly, and at the same time all anxiety would be removed.

M. ZUMETA (Venezuela) recalled that the President of the twelfth Assembly, M. Titulesco, had uttered a warning that the League of Nations did not work miracles and that circumstances made it necessary to introduce a spirit of self-sacrifice into the discussions and resolutions.

The Venezuelan delegation, acting on this wise advice, recalled it to the Fourth Committee's attention. While M. Zumeta had mentioned figures to indicate the amount of budgetary reduction that was desirable, he had expressly warned the Committee that these figures were only to be regarded as a simple basis of discussion, and that his delegation was ready to accept the Fourth Committee's opinion. He entirely approved the modifications proposed by M. Réveillaud.

M. TRIP (Netherlands) suggested that the budget estimates should be referred to the Supervisory Commission for examination in consultation with the Secretary-General. He explained that, in asking for a considerable reduction of expenditure, he had not had in mind any mechanical system. He supported M. Réveillaud's views, and consequently withdrew his draft resolution.

M. GIANNINI (Italy) noted with satisfaction that his colleagues were, in general, agreed that, as he had proposed, the budget could not be reduced mechanically, but that expenditure must, as far as possible, be maintained within reasonable limits, without reducing the League's activity. He urged upon the members of the Fourth Committee the necessity for showing the same desire or economy in the other committees.

Many proposals had been made, but M. Giannini hoped the members of the Supervisory Commission would be wise enough to forget all they had heard, and to examine each item of the budget separately, in order to see where reductions could be made without paralysing the League's work. In any case, account must be taken of engagements already entered into for 1932. With regard to salaries, M. Giannini pointed out that, though it would be possible to revise the terms of future engagements, the League officials held contracts which could not be modified without their consent.

He thought some saving might be made by reducing the length of conferences, but he was opposed to doing away with Minutes altogether. The records of the Conference on Bills of Exchange, for example, were extremely valuable in interpreting the Conference's decisions, and probably the records of economic conferences would later be of historical value. Those of the Conference on Road Signals, however, were of less importance. Economies might be made on special publications, but here, too, discrimination was necessary. For example, a document on international air navigation had been published at the time of the Conference on the Co-ordination of Civil Aviation which contained articles that might easily have been published in specialised reviews without involving the League in the considerable cost of the French and English editions.

M. Giannini thought there had been some exaggeration during the discussion, but he was confident that the Supervisory Commission, in agreement with the Secretary-General, would be able to propose the necessary and possible economies.

Mr. BURRELL (Canada) said that two desires had to be reconciled. The first was a very widespread desire to reduce expenditure in order to give tangible proof that the League was not indifferent to the problems with which Governments and peoples were faced at the present time. The second was the desire not to curtail the League's activities, which, after all, benefited the whole of mankind.

The question was, Who and what should be sacrificed ? Mr. Burrell strongly supported Lord Astor's remarks with regard to the objection to curtailing the League's humanitarian activities. They were most valuable in breaking down the barriers of race and creed and inspiring belief in the League of Nations.

It was very important that the League should enlist the support and sympathy of the humblest member of each nation. The ultimate victory of its aims would be won only when the poorest member of every community saw in it an agency for the promotion of his happiness and welfare.

As regards the specific ways in which economy might be effected, he supported the proposal that the Supervisory Commission be asked, in the light of the discussion which had taken place, to make proposals for reducing expenditure.

The SECRETARY-GENERAL said that, happily, the consensus of opinion which had developed in the Committee dispensed him from making a lengthy speech. He did not intend to reply to certain observations made by M. Hambro, because they were a continuation of a controversy which had gone on for some years. His own views would be found in the records of past sessions. There were, however, one or two points to which he must reply.

The British delegate had mentioned political posts. It should be fully understood that there were no purely political posts in the Secretariat. The posts to which reference had been made combined political and administrative functions.

With regard to conferences, the Fourth Committee had laid down a rule that conferences should only be held outside Geneva provided the Government of the country in which they were held paid the additional expenses incurred as the result of holding meetings away from the headquarters of the League. That rule had been and would be scrupulously observed.

With regard to the cost of living, the Secretary-General pointed out that, while in many countries it had fallen appreciably, it was practically stationary in Geneva. In 1929, when the salaries of League officials had been stabilised, it was 95.9 per cent, in 1930, 96.7 per cent, and in 1931, 95.7 per cent.

He promised to do everything in his power to help the Supervisory Commission to fulfil the very difficult task entrused to it. Though he did not know how far the revised budget would meet the Committee's expectations, he urged it to realise that the only contribution which States made to the preservation of peace and to international co-operation was their contribution to the League budget.

It was fashionable to say that the League had been somewhat of a failure. Yet, in the twelve years of its existence, it had performed its two main functions—the preservation of peace and international co-operation—exceedingly well. Three or four months previously, national passions had been excited over a political question in Europe; but, immediately the dispute was referred to the League, those passions had died down. What would have happened had the League not been in existence? It was not fair, because there was an economic crisis, to say that the League had not succeeded in its task. Indeed, the crisis might have been much less violent if the Governments had followed the recommendations of the 1927 Economic Conference.

The Secretary-General added, in order to remove any misunderstanding which might exist, that, in referring to New Zealand, he had had no intention of criticising its Government's policy towards the League. New Zealand had always paid its contributions regularly and punctually, and had carried out her financial obligations to the League even at a time when it was suffering from a great national catastrophe in addition to an economic crisis. New Zealand had everyone's sympathy in its efforts at reconstruction.

Mr. KNOWLES (New Zealand) thanked the Secretary-General for his observations.

M. Albert THOMAS (Director of the International Labour Office) said that, as the proposals of M. Zumeta and M. Trip had been withdrawn, it was unnecessary for him to show that it would be impossible to reduce the budget of the Labour Office by 10 or 12 per cent without seriously interfering with its activities. In spite of all the difficulties peculiar to the organisation of the

Labour Office however, he would do his best to help the Supervisory Commission to comply to a reasonable— that was to say, a very small—extent with the Committee's desire for economy.

M. HAMMARSKJÖLD (Registrar of the Permanent Court of International Justice) said he was at the disposal of the Supervisory Commission. He pointed out, however, that, in view of of the very special situation of the Court, he was afraid the result of the efforts of the Commission to economise would not be very appreciable.

The previous discussion had shown that an endeavour must be made to effect economies in two directions—the curtailment of activities and the rationalisation of services.

The Court was not in a position to restrict its activities, for they depended, not on its own will, but on the requirements of litigants. On the other hand, an analysis of the budget would show that efforts at rationalisation could affect only one-fourth of the budget. Moreover, the Court had expressed its present organisation, as it resulted from the Assembly's work in 1929 and 1930, in the following formula—the judges are always at the disposal of the Court, which is always at the disposal of litigants. Rationalisation must not be carried to a point where it would render difficult the realisation of this principle of organisation.

M. Hammarskjöld pointed out that the main reason for the increase in the total budget of the League of Nations for 1932 was the Disarmament Conference; it must not be forgotten, however, that the organisation of international justice was a necessary complement to the work for disarmament.

M. OSUSKÝ (Chairman of the Supervisory Commission, said he would have been able to find a formula acceptable to a political committee. Unfortunately, however, his formula had to be expressed in figures, and figures allowed of no ambiguity.

With regard to the financial year 1931, his appeal to the three Administrations to make an exceptional effort to economise on the present budget had been characterised by the Spanish delegate as dangerous. Facts, were facts however, and it was the Supervisory Commission's duty to warn the Committee while there was still time to avoid disastrous consequences. At the end of 1930, there had been a Treasury deficit of over half a million. Contributions in arrears since the beginning of the League of Nations amounted to about 2,700,000 francs. During the first eight months of the present year, only 54 per cent of the contributions due to the League had been paid. The right of the Administrations to spend the money voted by the Assembly could certainly be maintained; but, if economies were not made, they would find themselves in serious difficulties at the end of the year.

With regard to the budgetary estimates for 1932, it had been insisted that the services of the Administrations should be rationalised. Technical rationalisation would be comparatively easy; but, in an institution like the League of Nations, the technical aspect was less important than the ability to create interest in the various countries in the task for which the League had been created. Every effort must be made to give relative or partial satisfaction to all the Members of the League; otherwise, countries might find themselves contributing to activities which were of little interest to them, while the problems which specially concerned them were set aside.

With regard to concrete suggestions, M. Osuský agreed that the activities of conferences and committees could be reduced. The Supervisory Commission had often urged that point of view.

With regard to publications and printing, the Publications Committee had done exceedingly useful work. Last year, the Assembly had decided that the Minutes of the Assembly Committees should be printed *in extenso*. The Supervisory Commission had proposed in its report that, in view of the heavy expenditure involved, that decision should be reversed and effect had already been given to this recommendation. It also recommended the adoption of the following resolution:

> "When proposals involving publications not immediately required for work already undertaken by the League are made by a League body, no final decision shall be taken until the Secretary-General has been consulted regarding the financial and administrative consequences of these proposals."

The question of the duplication of certain committees was one of those in connection with which the Supervisory Commission had encountered great difficulty. When measures were suggested for preventing this state of affairs the claims of each committee were immediately urged.

M. Osuský had endeavoured to express in figures the saving which had been suggested in connection with telephones, missions, etc.

The 12 per cent reduction originally proposed by M. Zumeta would represent 4,300,000 francs, but the aggregate of the suggestions and proposals made in the Committee would not reduce the budget to that extent. Nevertheless, the Supervisory Commission would make an exceptional effort to comply with the Fourth Committee's desires.

The CHAIRMAN, in declaring the general discussion closed, summarised it as follows:

The Committee was unanimously of opinion that substantial economies should be made. At the same time, those economies must be reasonable—that was to say, they must not hamper the essential activities of the League of Nations.

The Committee had also agreed that the Supervisory Commission, with the help of the Secretary-General and the other competent officials, should be entrusted with the difficult task

of suggesting the savings to be effected and to indicate the chapters in the budget where they could be introduced. It was understood that the Supervisory Commission should not confine its investigations to the suggestions made in the Committee. In the circumstances, it would be superfluous to adopt a resolution.

The budget for 1931 and the budgetary estimates for 1932 *were referred back to the Supervisory Commission*, which was requested to make suggestions in the sense explained by the Chairman.

9. **Budgetary Questions: Appointment of a Rapporteur to the Assembly.**

On the proposal of M. Cahen-Salvador (France), seconded by M. Gallavresi (Italy), M. BOHEMAN (Sweden) *was unanimously appointed Rapporteur to the Assembly.*

FIFTH MEETING.

Held on Thursday, September 17th, 1931, at 3.30 p.m.

Chairman: M. POLITIS (Greece).

10. **Audited Accounts for the Twelfth Financial Period (1930).** [1]

M. TRIP (Netherlands) asked what was the present value of the securities held by the Staff Provident Fund.

The SECRETARY-GENERAL replied that, as the valuation was made only once yearly, he was unable immediately to furnish this information.

M. HAMBRO (Norway) pointed out that, if there was no intention of selling the whole or part of the securities, it was of little importance whether they appeared in the accounts at their nominal or market value.

M. GALLAVRESI (Italy) drew attention to the following sentence on page 105 of document A.3.1931.X, which answered M. Trip's question:

> "The Investments Reserve Fund, created to meet securities depreciation, which on December 31st, 1929, amounted to 69,762.15 francs, had increased to 127,654.13 francs."

If the Secretary-General and the Supervisory Commission thought this Reserve Fund sufficient to meet the depreciation, there was no cause for anxiety.

The TREASURER stated that all the securities held by the Provident Fund were long-term securities bearing regular interest. The depreciation, which was relatively small, did not exceed 10 per cent.

11. **Financial Situation of the League of Nations on August 31st, 1931.**

M. HAMBRO (Norway) saw no necessity for discussing this question at present (Annex 3), as it would arise when the budget was examined.

M. OSUSKY (Chairman of the Supervisory Commission), replying to a question by M. Rappard, said that the question of the new buildings would be discussed during the examination of the budgetary estimates.

12. **Report of the Council and of the Governing Body of the International Labour Office on New Work involving Additional Expenditure on the Part of the League.**

M. RÉVEILLAUD (France) asked why the sum of 50,000 francs advanced by the League of Nations to the Organisation Committee of the International Agricultural Mortgage Credit Company had been drawn from Item 3 of the Budget for 1931 (Unforeseen Expenditure subject to Special Vote by the Council), whereas it should have been charged to the Working Capital Fund (Annex 4).

Item 3 only covered expenditure which could not be recovered. This, on the contrary, was recoverable expenditure, and should have been drawn on the Working Capital Fund which, for the League of Nations, played the part of a bank account.

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[1] Documents A.3.1931.X, A.3(*a*).1931.X and A.3(*b*).1931.X.

The SECRETARY-GENERAL explained that the advance had not been charged as recoverable because it was intended for an institution which did not yet exist. He had felt that, in such circumstances, he would not be justified in charging it to the Working Capital Fund.

M. RÉVEILLAUD (France) then asked where the sum would be credited when it was repaid. While the budget provided for unforeseen expenditure, it did not provide for unforeseen receipts. Article 33, paragraph 4, of the Financial Regulations, moreover, provided for advances the recovery of which was uncertain:

> "Sums drawn . . . shall be repaid to the fund, either by means of a transfer approved by the Council from some other part of the budget for the current year or by means of a specific vote for the purpose in the budget for the year following that in which they were declared by the Council to be irrecoverable."

Provision had therefore been made for the fact that recoverable advances might not be recoyered, and M. Réveillaud asked the Secretary-General to be good enough in future to conform to this principle in all similar cases.

M. HAMBRO (Norway) called attention to the fact that, while the sum spent under Item 3 for unforeseen expenditure in previous years had, with one exception, been small, it amounted to nearly 400,000 francs. The surplus to be expected on the present year's budget would be reduced considerably, since it had accrued, in the main, under Item 3. M. Hambro supported the idea of the Supervisory Commission, as expressed by M. Osuský at the beginning of the debate. He was glad M. Réveillaud had expressed a very important principle. If the sum of 50,000 francs to which the latter had referred was unforeseen expenditure, it was right that the Council should so allocate it; but, if it was an ordinary advance, it seemed doubtful whether the Council had the right to spend the money. If it were not reimbursed, he thought it should be voted on the ordinary budget, since the Council had no right to spend money which had not been passed by the Fourth Committee and voted by the Assembly. He did not think the matter had been discussed in connection with the budget last year, and objected to the Council tying the hands of the Fourth Committee or the Assembly in any budgetary expenditure.

M. GALLAVRESI (Italy) agreed with M. Réveillaud that the recoverable character of the expenditure should be emphasised. This was a question of principle to which the Committee must remain faithful.

M. OSUSKÝ (Chairman of the Supervisory Commission), replying to M. Hambro, pointed out that the 500,000 francs was placed at the disposal of the Council for use in the event of an unforeseen political emergency. At the present time, the fund had been reduced by four-fifths. He did not know what the Council would do if an unforeseen event which required urgent solution should occur before the end of the year.

With regard to the advance to the International Agricultural Mortgage Credit Company, he was sure the Secretary-General had not known, when the advance was made, whether it would be recoverable, but it was never certain whether any sum was recoverable. M. Osuský thought, however, that, in such cases, it would be preferable for the money to be advanced from the Working Capital Fund.

M. HAMBRO (Norway) asked that mention should be made in the report to the Assembly of the discussion which had just taken place.

13. Report of the Committee appointed to give Further Consideration to Certain Questions relating to the Organisation of the Secretariat, of the International Labour Office and of the Registry of the Permanent Court of International Justice.

Count CARTON DE WIART (Belgium), Chairman and Rapporteur of the Committee, recalled the circumstances in which the new Committee of Thirteen had been established, and explained the principal questions with which it had dealt (Annex 5).

The most difficult of those questions concerned the Under-Secretaries-General. Everyone admitted that the officials of the Secretariat, no matter what post they held, should, above all, maintain a strictly international character, show the necessary competence to perform satisfactory work, and accept the rules of a normal administration adapted to the needs of an international organisation. Everyone also agreed that, as the first Committee of Thirteen had pointed out, the best method of ensuring that the interests peculiar to each country were respected was not to collect at Geneva representatives of those interests, who were still bound to defend them, since that was the duty of the responsible Government representatives and the representatives of the national administrations. If the officials of the League of Nations had to perform that task they would, of necessity, be endangering the impartiality which they should maintain. It was none the less true that the nationals of certain Powers held the highest posts in the Secretariat solely because those Powers were represented permanently on the Council of the League of Nations. It was also true that the representatives of those Powers had stated that their Governments did not consider that they had any acquired right to the posts, but that they should remain open to the nationals of all countries.

Apart from acquired rights, there were certain facts which would no doubt have an influence in the future as they had done in the past. It had been pointed out that, from the beginning, the Secretariat had had three or four Under-Secretaries-General, each belonging to a country represented permanently on the Council, as in the case of the Secretary-General himself. When the United States of America had announced that they did not intend to accede to the Covenant, the American Under-Secretary-General had withdrawn. When a French Under-Secretary-General had left, he had been replaced by a Frenchman, and when two Italian Under-Secretaries-General had retired in succession, they had been replaced by Italians. The same thing had occurred with regard to Japan. When Germany had entered the League, a post of Under-Secretary-General was created for her. It was not too much to suppose that the same methods would prevail in future if the Assembly did not immediately consider means whereby a certain amount of satisfaction might be given to the observations of the States which thought it unfair that, in its composition, the Secretariat should reflect the same national factors which were rightly, and in virtue of the Covenant, represented permanently on the Council of the League.

The Secretariat should not be composed of the same political elements as the Council. What was important was to have a system which ensured the most effective working of the administration. No one could claim that the administrative capacity of an official depended on the importance of his country of origin. There were very great administrators in the small countries.

The new Committee of Thirteen, having explained in its report, to the best of its ability, the arguments in support of the proposals submitted to it, reached a conclusion on which the Fourth Committee would have to take a decision. As it had been impossible to obtain a majority for the abolition or increase in the number of posts of Under-Secretary-General, and as it was felt that a fundamental change in the organisation of the higher posts in the Secretariat during the office of the present Secretary-General might lead to serious inconvenience which it was desirable to avoid, the Committee of Thirteen had suggested that, in three years time, at the latest, the Council and Assembly should once more deal with the problem. If by any chance the present Secretary-General resigned before that date, the *de facto* situation might be altered and the League of Nations would have to examine without delay whether a general reorganisation was necessary.

The Committee therefore felt obliged to recommend that all new or renewed contracts concluded with the Deputy Secretary-General or the Under-Secretaries-General (1) should have a maximum duration of three years; (2) should contain a clause to the effect that they might be denounced within one year from the date on which the Secretary-General officially notified the Council of his intention of resigning, that denunciation only to take effect as from the date on which the new Secretary-General assumed his duties, or in the following year. In order to appreciate the scope of this recommendation, the Committee should note that the contracts of all the present Under-Secretaries-General, with one exception, would expire before the end of 1932.

Without immediately expressing a final opinion with regard to the problems of Under-Secretaries-General, the new Committee of Thirteen had therefore endeavoured to prepare the way for revision and to make it possible subsequently to remove the conditions which rendered a solution impossible at the present time. The Committee of Thirteen had expressed the opinion, with regard to the draft resolution by the delegation of the Irish Free State, which it thought should be amended, that, in appointing or promoting officials to the higher posts in the Secretariat, the first and foremost consideration must be the knowledge and capacity of the candidate, which must be in keeping with the duties he would be called upon to fulfil. Though there should be no strict allocation according to nationality, account should nevertheless be taken, in making the choice, of the representation of the different forms of civilisation.

Count Carton de Wiart added that the Belgian Government accepted the conclusions of the report and hoped they would be adopted.

M. KALNIN (Latvia) asked whether the memorandum giving the names of the persons occupying the higher posts and the dates on which their respective contracts expired (document A.8.1931.X, page 9) could be distributed to the members of the Fourth Committee.

M. GALLAVRESI (Italy) thought the Fourth Committee could not but reinforce the conclusions of the report of the Committee of Thirteen, and, on behalf of the Italian delegation and himself, he renewed his support of those conclusions, which he had already given.

M. HAMBRO (Norway) stated that, in order not to reopen the discussion, he would vote in favour of the compromise suggested by the Committee of Thirteen. He thought, however, that a separate vote should be taken on the various items—Under Secretaries-General, Treasurer, salaries of the Chiefs of Sections and the *chef de cabinet* of the Secretary-General. With regard to the Chiefs of Sections, no decision should be taken until the question of Under-Secretaries-General and Directors had been finally settled.

If it were decided to increase the salaries in question, this might lead to a final increase in the budget of 140,000 francs; but, in view of existing circumstances, such an increase would undoubtedly produce a very bad impression. He therefore thought the matter should be postponed.

Mr. LESTER (Irish Free State) expressed surprise at the attitude taken by some members of the special Committee with regard to the Irish proposal that, as a general rule, there should only be one national of any State among the Directors and Under-Secretaries-General. When that proposal was made, it had already been agreed that the candidate's capacity was the first consideration. The Irish delegation had then proposed that, among the higher officials, a general

rule as to nationality should be applied. It did not touch the question of the representation of the great Powers nor the existing arrangements, which might lead to administrative difficulties and perhaps injustice to certain excellent officials. It was a general rule, subject to exceptions, to be used by the Secretary-General in making future appointments. The Committee had made a general recommendation which was not in itself undesirable, but which be believed was already covered by a decision taken by the Fourth Committee in 1930 with regard to the nationality of officials.

M. CAHEN-SALVADOR (France), speaking on behalf of the French Government, supported the conclusions of the Committee of Thirteen, although the *status quo* in favour of which the Committee had decided was not a real solution but a compromise. The proposal to adjourn the matter was very wise and prudent, for the time had not yet come to alter fundamentally the organisation of the Secretariat. M. Cahen-Salvador therefore asked the Fourth Committee to approve the compromise without making any alteration in it.

M. BOHEMAN (Sweden) accepted, on behalf of the Swedish Government, the compromise proposed by the Committee of Thirteen.

Referring to the point raised by M. Hambro in connection with salaries, he observed that this was not an administrative but a budgetary question, and for this reason might be examined by the Fourth Committee when the budget was discussed.

M. TRIP (Netherlands) accepted, on behalf of his Government, the proposal of the Committee of Thirteen with regard to Under-Secretaries-General.

As regards the other proposals, the Netherlands Government was opposed to any proposal involving new expenditure which was not absolutely necessary and inevitable. For that reason, M. Trip agreed with M. Hambro, considering that the proposed increase was not absolutely necessary.

M. RAPPARD (Switzerland) supported M. Hambro and M. Trip, and stated that this was not a suitable time to vote an increase which was not urgent.

On behalf of his Government, he accepted the compromise proposed by the Committee of Thirteen, though he hoped it would be provisional. The situation was somewhat ambiguous, and the Under-Secretaries-General, were its first victims. The ambiguity arose from the disparity between the principles laid down in Articles 1 and 3 of the Staff Regulations and the position of the present Under-Secretaries-General, who had been appointed because of their nationality, and who, in consequence, could not be required to abstain from being influenced by their Governments. That situation should not be prolonged indefinitely.

Viscount ASTOR (British Empire) supported the proposal of the Committee of Thirteen with regard to Under-Secretaries-General, but was of opinion that no decision should be taken with regard to paragraphs 21 and 26 of its report until the Committee had received the Supervisory Commission's recommendations on the budget.

Sir Annepu PATRO (India) urged, in the name of justice and international co-operation, that, in view of the area of India, her population and contribution to the League budget, India's civilisation and culture should be more adequately represented in the Committees and Secretariat of the League. She had for some time been wondering whether the benefit she derived from the League justified the size of her contribution, which was second only to that of the five Powers permanently represented on the Council.

If the principles on which the League was based were to be popularised and knowledge of its activities disseminated in India, she must be in closer touch with the central organisation at Geneva.

Count BERNSTORFF (Germany) said that the German Government, while maintaining its opinion that the best and most economical solution would have been the abolition of all posts of Under-Secretary-General, accepted the compromise recommended by the Committee of Thirteen.

Mr. COLLINS (Australia) protested against any curtailment of the responsibility placed on the Supervisory Commission, and urged that no decision be taken with regard to increases in salary until its report had been received.

M. HAMBRO (Norway), referring to the Irish resolution, said he was opposed to tying the hands of the Secretary-General either by forcing him to appoint nationals of a certain State or in such a way that he could not appoint the best man or woman to a post among the higher officials because a national of the same State already held a similar post.

He supported the suggestion of the delegate of India, and pointed out that he himself had already called the attention of the competent authorities to the absence from the library of dictionaries of languages such as Sanskrit, Urdu, Gurumukhi and Pali, which were read or spoken by millions of the world's inhabitants.

M. GIANNINI (Italy) considered that a compromise should be accepted or rejected as a whole. A decision must first be taken on this point. If it were accepted, it would be for the Supervisory

Commission to consider whether, in view of the present financial situation, those portions which affected the budget should be maintained, modified or rejected. The Fourth Committee would take a final decision on the proposals when it had received the report of the Supervisory Commission. Moreover, as had been pointed ont, paragraph 6 was based on principles of justice which could not be forgotten.

M. VALDÉS-MENDEVILLE (Chile) accepted the compromise with regard to Under-Secretaries-General, but pointed out that the adoption of the paragraph relating to increases in salary would have a very bad psychological effect in view of the present economic crisis.

The SECRETARY-GENERAL said that the document to which M. Kalnin had referred would be brought up to date and circulated to the members of the Committee.

With regard to paragraph 26 of the report, he explained that, at present, its adoption would affect only one official in the Secretariat—his own *chef de cabinet*, whose work was comparable to that of a Director. He added that he was not sure whether the rejection of the proposal would make for economy in the long run. Its object as far as the Secretariat was concerned, was to make it possible for him in certain cases to appoint a Chief of Section at a slightly higher salary, instead of a Director.

He assured the delegate of India that he recognised India's importance to the League, and was most anxious to establish closer liaison with her. He would certainly bear in mind the desires expressed. Two years previously, the request of the delegation of India that an Indian member be appointed in the Information Section had been met. He hoped that the Fourth Committee would unanimously accept the proposal that a League of Nations Bureau be established in India, and that interchanges between the officials of the Bureau and the Secretariat would be possible.

He promised to call the Librarian's attention to M. Hambro's request, and was sure that it would receive satisfaction, provided funds were available.

M. Albert THOMAS (Director of the International Labour Office), referring to paragraph 26, said this was not a budgetary question, but one of organisation. The Assembly, on the report of the Committee of Thirteen, had adopted scales of salary for all classes of officials, with the exception of Chiefs of Section. M. Thomas appealed to the Committee's sense of justice, calling attention to the dissatisfaction created within his organisation by the fact that the status of these officials in the new hierarchy had not been settled. They were the "grey matter" of the organisation—scientists, experts, doctors, engineers—and their moral and material situation would be compromised by the decision which some members had urged the Committee to take.

The question was not only one of justice; it affected the internal solidity of the Labour Office. M. Rappard had spoken of rationalisation It had been decided to place the staff of the Labour Office on the same basis as that of the Secretariat, which made for the harmonious development of the League's organisations in Geneva; but it was impossible to apply this principle automatically, for the two organisations were in a different position. It was for that reason that the new proposal with regard to Chiefs of Section had been put forward. M. Thomas then described the staff arrangements at the Labour Office, explained the various changes that had been made in the interests of economy, and added that it was proposed that ten only of the Chiefs of Section should receive the new scale of salaries.

Constant attacks were made on what were called the exorbitant salaries paid by the League, but the number of high officials—eminent international experts of the first rank—who resigned in order to return to their countries was considerable. No doubt the question of salary was not their only consideration, but the fact that private organisations in their own countries were willing to pay them high salaries was responsible for many of these resignations.

M. Thomas urged the Fourth Committee to accept the recommendation of the Committee of Thirteen.

M. HAMBRO (Norway) denied that the Committee was dealing with a question of organisation in the true sense of the word. The question was one of salary alone. In his view, it would be irrational for the Committee to take a vote first and then ask the Supervisory Commission for its decision afterwards.

M. Thomas was well aware that some of the delegations present would vote against the budget if salaries were increased. He was also aware that the Norwegian Labour Party had always voted against the contribution to the Labour Office. There were certain countries which might even be tempted to leave the League if, at a time when millions of their workers were unemployed and all wages and salaries were cut down, their delegations returned with the news that the salaries of high officials at the Labour Office were to be increased.

Moreover, officials who left the services of the League of Nations did not always receive higher salaries from their national administrations. M. Thomas ought to bear in mind that nationals of States outside the privileged five could not be expected to stay at Geneva for any great length of time when they were well aware that, whether they were better men than the Under-Secretaries-General and Directors or not, they would never be able to obtain promotion, because of their nationality.

M. CAHEN-SALVADOR (France) supported M. Albert Thomas' request. He pointed out that, while only ten officials were affected, justice was not a question of numbers, and it was unfair that the officials in question should suffer because, though their status should have been determined the previous year, the matter had been postponed for further consideration. Justice clearly demanded that they should immediately be placed on the same basis as their colleagues.

Mr. COLLINS (Australia) pointed out that, if the Committee approved paragraphs 21 and 26 of the report, it would be indicating to the Supervisory Commission that it approved of increases in pay and expenditure. This information would hardly be pleasant reading for the millions of sufferers in all countries who were at present deprived of the necessities of life.

Count CARTON DE WIART (Belgium) suggested that the adoption of paragraph 21 would not necessarily lead to an immediate increase in expenditure. It was one thing to adopt provisions of an organic character and another to examine, as the Committee would then do, whether effect should be given to these provisions in the budget that year.

M. RAPPARD (Switzerland) thought that, if the Committee took any decision, the hands of the Supervisory Commission would be tied. He objected to Count Carton de Wiart's suggestion that salaries might be raised theoretically, but not in practice. Nothing was more calculated to increase discontent and unrest among the staff.

After an exchange of views as to procedure, *the Committee decided to vote separately on paragraphs 21, 25 and 26.*

Paragraphs 1 to 20 of the report of the Committee of Thirteen were adopted unanimously.

Mr. LESTER (Irish Free State) explained that, though there was nothing in paragraphs 14 and 15 to which he objected, he retained his right, in voting for them, to put forward his own proposal, which was a re-definition of one of the Committee's recommendations.

The Committee decided to refer paragraphs 21 and 25 (salary and status of the Treasurer and Deputy Registrar) *to the Supervisory Commission.*

The Committee decided to refer paragraph 26 (salaries of Chiefs of Section and of the Secretary-General's *chef de cabinet) to the Supervisory Commission.*

On the proposal of the Secretary-General, *it was unanimously decided to postpone without prejudice the questions of the salaries of Counsellors and septennial leave until the 1932 Assembly*

14. Financial Situation of the League during the Remainder of the Financial Year 1931: Draft Resolution to be submitted to the Assembly.

M. OSUSKY (Chairman of the Supervisory Commission) presented the following draft resolution to be submitted to the Assembly by the Fourth Committee:

"The Assembly,

"Impressed by the difficult situation through which most of the States Members of the League are passing, and by the possible effects of that situation on the finances of the League;

"Convinced that, in the present circumstances, it is important that the whole of the appropriations provided in the budget for the present financial year should not be expended:

"Requests the competent officials of the three organisations of the League to limit to the utmost possible extent the expenditure incurred between now and the end of the year;

"Makes a strong appeal to the Council and the Governing Body of the International Labour Office to endeavour to postpone or cancel the sessions of conferences and committees convened or contemplated for the last quarter of this year, provided always that such postponements or cancellations do not interfere with the essential work of the League."

The draft resolution was adopted, the Spanish delegate abstaining.

SIXTH MEETING.

Held on Monday, September 21st, 1931, at 3.30 p.m.

Chairman: M. HOFFINGER (Austria), then M. POLITIS (Greece).

15. Examination of the Report by the Supervisory Commission to the Fourth Committee, containing Proposals for Reductions in the Budgetary Estimates for 1932.

M. OSUSKY (Chairman of the Supervisory Commission), after summarising the report (Annex 6), pointed out that the original budgetary estimates for 1932 amounted to 36 million francs. The Supervisory Commission proposed the following reductions:

	Swiss francs
Secretariat	1,817,000
International Labour Office	644,000
Permanent Court of International Justice	110,000
Nansen International Office for Refugees	33,000
	2,604,000

The Supervisory Commission proposed a reduction in subsistence allowances, but had not yet come to any conclusion with regard to the League's expenditure on its officials. It hoped shortly to be able to do so.

In conclusion, the Chairman of the Supervisory Commission assured the Fourth Committee that the finances of the League of Nations were sound, and that the Commission would see that the necessary measures were taken in time to avoid endangering them.

M. BOHEMAN (Sweden), rapporteur, observed that a considerable saving had been effected, particularly as, up to the present, the Commission had not touched salaries or compromised the essential activities of the League of Nations. He recommended the Fourth Committee to adopt the Supervisory Commission's conclusions.

Viscount ASTOR (British Empire), after paying a tribute to the Supervisory Commission's efforts, said that, to examine the report paragraph by paragraph, would be a waste of time, and suggested that, after a general discussion, the Fourth Committee should accept the recommendations contained in the report.

M. GRAUŽINIS (Lithuania) drew the Committee's attention to the fact that the present world crisis was such as to justify an increase in the budget of the League of Nations rather than a reduction. Indeed, the League of Nations had been set up to take action at times of depression, and, the more serious the crisis, the heavier the League's task. Consequently, the Lithuanian delegation did not consider that, at the present time, the budget of the League of Nations should suffer from the consequences of the financial difficulties which the States were experiencing.

(M. Politis (Greece) then took the chair.)

The CHAIRMAN pointed out that the Assembly would conclude at midday on Saturday, and the work of the Fourth Committee should therefore be speeded up in order that it might be completed on Wednesday at the latest.

M. DE VASCONCELLOS (Portugal) noted that the report of the Supervisory Commission provided for the suppression of the publication of certain Minutes, among others, those of the organisations which were fighting against the opium traffic. If that campaign were to continue, it was essential that the publications relating to opium should not be affected.

M. DE MODZELEWSKI (Poland) observed that, if the fixed charges (salaries, allowances to judges, pensions, buildings), which amounted to 19 million francs, and which could not be reduced, were deducted from the budget, the balance on which economies could be made was only 16 million francs. The percentage represented by the saving proposed by the Supervisory Commission corresponded to a decrease of 15.8 per cent on that part of the budget which it was possible to reduce. That was a very good result.

M. ZUMETA (Venezuela) proposed that the Supervisory Commission's conclusions be adopted.

M. GALLAVRESI (Italy) thought the Committee should take a decision with regard to the British delegate's suggestion, and proposed that the original budget should be replaced by the new budget resulting from the Supervisory Commission's proposals. The Fourth Committee would then have only to examine each chapter of the budget.

He asked whether the veiled reference which appeared in paragraph 7 related to the local staff mentioned in paragraph 11.

M. HAMBRO (Norway) replying to the Chairman, pointed out that the bureau was not competent to decide when the Assembly should finish its work, and added that the delegations could not countenance any effort to stifle discussion. The Assembly met once a year, which was the only occasion on which the States Members could examine the League's work.

M. Hambro approved the procedure recommended by M. Gallavresi and was opposed to adopting the budget *en bloc* if that meant that the delegates were not entitled to utter any criticism.

The Netherlands delegation had put forward definite proposals for the 1933 budget. That was as necessary as the Supervisory Commission's proposals with regard to the 1932 budget. Consequently, M. Hambro proposed that the present budget should be examined chapter by chapter, and reserved his right to make suggestions for next year. He considered that many of the economies recommended by the Supervisory Commission should have been made by the competent authorities of the League before the budget was submitted to the Assembly.

Of all the Assembly Committees, the Fourth had, and must always have, the last word, since the proposals of the other Committees had to be referred to it. If it merely approved everything that had been done in a docile and subservient spirit, it would be exposed to criticism from the whole world.

In conclusion, M. Hambro said he was prepared to adopt the budget for 1932 *en bloc*, but considered that the Committee should be entitled to discuss it, chapter by chapter, and to give its views on the work which had been done, which had not been done, and which should have been done.

The CHAIRMAN agreed that everyone was entitled to express his opinion, and that the Assembly and Committees were masters of their agenda and of the time they desired to devote to the discussion. The Assembly, however, was competent to consider the discussion exhausted and to put an end to useless debates. It was the duty of the Chairman of the various Committees to comply strictly with this rule. No one could claim that discussion had at any time been stifled in the Assembly or in the Committees, particularly in the Fourth Committee. The latter would decide, when the time came, whether to adopt the budget *en bloc* or, as M. Hambro proposed, chapter by chapter.

The SECRETARY-GENERAL replied to M. Hambro's criticism by reading the following extract from the Supervisory Commission's report:

> " The budget which was examined and approved by the Commission last May was a careful estimate of the funds necessary for carrying out the decisions of the Assembly and continuing the work of the different organisations of the League under normal conditions."

He pointed out that the Norwegian delegation itself had voted in favour of the programme laid down by the Assembly last year, and said he did not consider that the budget was an unfair estimate of the sums necessary for carrying out that programme.

Count CARTON DE WIART (Belgium) regretted that the reductions proposed by the Supervisory Commission in the chapter on social questions were particularly large. He reserved his right to ask, at a suitable moment, that the reductions in regard to child welfare work and the campaign against the traffic in women and children should be reconsidered.

If, however, the Committee accepted the amended budget unanimously, without any modification, Count Carton de Wiart was prepared, in a spirit of conciliation, to support the British proposal.

M. HOFFINGER (Austria) had not wished to lengthen the list of speakers in favour of economy, although Austria, which was going through a difficult crisis, was naturally all in favour of the strictest economy. He therefore in no way wished to oppose one of the measures proposed by the Supervisory Commission, but only to express Austria's regret that, owing to the reductions made in the budget of the International Labour Office, the next International Labour Conference could not be held at Vienna. The Austrian Government maintained its invitation, however, should circumstances prevent the Conference from being held at Geneva.

M. JÄRTÉ (Sweden) after pointing out that the Financial Committee had suggested, as a solution to the crisis through which many States were passing, that they should reduce considerably their expenditure on social work, pointed out that the International Labour Office, the principal object of which was to encourage and develop social work in the various countries, could not perform this task satisfactorily without increasing the expenditure of the States. In view of the circumstances, the International Labour Office, before drawing up its future programme, should consider the position of the various countries and use its experience to bring about a rationalisation of the social services of the countries which had appealed to the League of Nations.

M. Albert THOMAS (Director of the International Labour Office) regretted that the coming International Labour Conference could not be held at Vienna and added, though without binding the Governing Body, that, if the situation improved and it became possible to hold the Conference outside Geneva, preference would be given to Vienna.

In reply to the Swedish delegate, M. Thomas drew attention to the preamble to the Peace Treaty, which laid down the principles on which the activity of the Labour Organisation should be based. In spite of the economic difficulties against which the world was struggling, the conditions of labour and the existence of workers' funds must be maintained. If doubts were raised regarding the work of the International Labour Office, the whole balance of the social structure would be seriously compromised.

M. RAPPARD (Switzerland) drew attention to the difficulty of completing the work of the Mandates Commission in one session as suggested by the Supervisory Commission. The Council should be authorised to allow the Commission to meet twice a year in case of necessity. M. Rappard hoped that this request would be granted.

Diwan ABDUL HAMID (India) proposed that the Committee should vote on whether the report of the Supervisory Commission should be adopted *en bloc* or chapter by chapter.

Mr. ROY (Canada) hoped that a permanent decision would be taken with regard to conferences and that, in future, they would always be held at Geneva. He supported the British proposal and was prepared to adopt the report *en bloc* after a general discussion.

Mr. COLLINS (Australia), on the contrary, was of opinion that the budget should be examined chapter by chapter for the edification of the members of the Committee and the countries they represented. The Minutes of the Fourth Committee must reflect the views of its members with regard to the budget.

M. RÉVEILLAUD (France) was also of opinion that the budget should not be adopted *en bloc*, not only for the reasons already put forward, but because it would be contrary to constitutional practice. This should not prevent the Committee approving as a whole the proposals of the Supervisory Commission so that the equilibrium which the Commission, in making its proposals, had endeavoured to establish would not be prejudiced. Once this vote was taken, a proposal for an increase in credits at the moment when a vote was taken on the budget, would not have much chance of success. M. Réveillaud therefore supported the British delegate's proposal.

M. GALLAVRESI (Italy) supported M. Réveillaud, especially as the general discussion appeared to have exhausted everything that could be said with regard to the various headings in the budget.

M. TRIP (Netherlands) thought the Committee should adopt the new budget *en bloc*, on the understanding that, after the vote had been taken, the delegates would not try to destroy the balance of the budget during its examination chapter by chapter.

M. RUPPEL (Germany) associated himself with M. Rappard's observations regarding the Mandates Commission and shared M. Trip's opinion with regard to procedure.

M. PALACIOS (Spain) repeated the declaration made by his delegation before the Assembly and by himself before the Fourth Committee, and added that the observations of the speakers who had proposed reductions, whatever the cost, had not shaken the Spanish delegation's convictions.

M. Palacios supported the observations of M. Rappard and M. Ruppel with regard to the Mandates Commission.

While maintaining the reasons which he had put forward in his previous speech, he stated that, if the Committee was unanimous that the budget now proposed by the Supervisory Commission should be substituted *en bloc* for the original budget, the Spanish delegation would not break that unanimity, even by abstaining.

M. HAMBRO (Norway) said he was prepared to adopt the budget *en bloc*, provided the vote was followed by a discussion chapter by chapter.

M. OSUSKÝ (Chairman of the Supervisory Commission), replying to M. de Vasconcellos, pointed out that it would be difficult to authorise the printing of the Minutes of one Committee without extending the same authorisation to the others. Moreover, the Assembly, had already made the same proposal in a resolution dated September 26th, 1928.

With regard to the Mandates Commission, the two sessions held each year, which lasted for thirty-two days in all, cost 42,000 francs. One session of the same length would make possible a saving of 15,000 francs. The Supervisory Commission hoped that, in view of the importance of the sum involved, the Mandates Commission would accept its share of the common sacrifice.

In reply to M. Gallavresi, M. Osuský said that the Supervisory Commission had not re-examined the question of the local staff. It was possible that the proposals which it hoped to make with regard to the international staff might affect the salaries.

In reply to Count Carton de Wiart, M. Osuský said that, when any item of the budget did not appear urgent or immediately necessary in view of the present crisis, the Supervisory Commission had felt bound to suggest its postponement. Other Sections had been asked to make sacrifices as great as or greater than the Social Section.

M. DE VASCONCELLOS (Portugal) said that, though he was prepared to accept the new proposals *en bloc*, he was unable to withdraw his reservation. The Minutes of the Opium Advisory Committee were its principal weapon in its fomidable struggle against the drug traffic, and he must ask that an exception be made in its favour, as in the case of the Mandates Commission.

M. OSUSKÝ (Chairman of the Supervisory Commission) pointed out that, seeing that, during a normal period, the 1928 Assembly had made an exception only in favour of the Mandates Commission, it would be hardly logical to extend the exceptions in a period of difficulty.

M. HIITONEN (Finland) asked whether the studies concerning raw material, and, in particular, timber and its derivatives, would be continued. One of the causes of the present crisis was the disorder in regard to the production, distribution and disposal of raw material.

The SECRETARY-GENERAL assured the Committee that, as far as he could tell, none of the cuts would imperil the League's work in connection with the economic crisis. Credits had been provided for a possible study concerning timber.

The CHAIRMAN, in closing the discussion, noted that the Committee desired unanimously to express its gratitude to the Supervisory Commission and the high officials who has assisted it.

The report of the Supervisory Commission was approved en bloc *it being understood that the new proposals would be substituted for the original budget.*

16. Examination of the Budget of the Secretariat and Special Organisations of the League for the Fourteenth Financial Period (1932).

The Committee proceeded to discuss the budget for 1932 chapter by chapter (document A.4.1931.X).

SECTION I. — ORDINARY EXPENDITURE.

Chapter I. — Assembly and Council.

Chapter I was adopted without observation.

Chapter II. — General Services of Secretariat.

M. HAMBRO (Norway) said that for some years the Committee had severely criticised the fact that the staff of the Under-Secretaries-General was composed only of members of their own nationality. During the present year, a new Member of Section belonging to the same nationality as the Under-Secretary-General in question had been appointed on probation in one of those offices. In view of the fact that the whole question of Under-Secretaries-General had been postponed that practice should cease. There could be no true international spirit in an office in which all the members belonged to the same nationality as their superior.

M. Hambro then suggested that new promotions or appointments should be subject to the reservation that the Assembly had full liberty to regulate salaries. He was aware that nothing could be done with regard to the salaries at present in force, on account of acquired rights and contracts; but it would be fatal, in view of the present financial outlook, to make future promotions and appointments on the same scale. The salaries of League officials had originally altered with the cost of living. Since then, salaries had risen and opportunities of promotion had increased, whereas the cost of living at Geneva had fallen by about 5 or 6 per cent, and the salaries of Government officials in most of the countries which were Members of the League had been reduced o nsiderably.

Referring to the 1933 budget, M. Hambro said that the League's expenditure should not be cut down in such a way as to aggravate the present financial and political difficulties; he would even agree to an increase in any item which had a bearing on the present crisis. At the same time, he was unwilling to spend a penny on activities which were not helpful to the League's main objects. He felt there was no longer any necessity for the large offices of the Information Section in London and Paris—in fact, they were doing more harm than good. In London, in particular, the officials were paid on the same scale as the officials in Geneva, although they were not really entitled to expatriation allowances.

Journalists were doing good work in promoting the cause of the League in England and France. and broadcasting corporations and the Press were willing to pay them liberally for such work, More than one man working in the service of the League was actually being paid twice over.

M. Hambro said he did not know how necessary it might be for the Information Section to have correspondents in the various capitals of Europe, nor was he able to express an opinion with regard to the offices in the Far East. He would like to hear the views of representatives of Asia in that connection. It seemed to him that the cost of the establishment in China and of the three missions to China was very high. If useful work was being done there, however, he was prepared to agree to its continuance, but discretion was necessary.

M. Hambro thought there were too many Members of Section in the Information Section. There was a tendency, when a State demanded that one of its nationals should be appointed on the staff of the League, to put such a national in the Information Section. There was also a tendency, when it was desired to create a vacancy, to promote an official to another Section, giving him two or three yearly increments as compensation. In one case, an official had been granted three increments.

M. Hambro deprecated the inclusion in the next budget of temporary or permanent posts in the Information Section. When members were appointed, however, they should be either journalists or persons with a thorough knowledge of the work they were called upon to perform. The member in charge of the Scandinavian work of the Section, though a very good man, was not a journalist and had no knowledge of the work in Scandinavia. M. Hambro earnestly requested the Secretary-General to make considerable cuts in the budget of the Information Section. That could be done without the slightest harm to the League. The work of the Section was certainly not worth one million Swiss francs.

The Publications Department should have the services of a larger number of persons with practical ability and business knowledge of printing and publication. A comparison of the costs of printing and publication with the income derived from the sale of publications gave the impression that the income was not very large. The increase in the last two budgets had probably been due to the increased percentage on sales offered to libraries and booksellers. M. Hambro did not

press for any reductions in the 1932 budget, but demanded that the matter should be very carefully considered.

He asked whether it was true that a Director could send as many members of his staff abroad as he thought fit, without obtaining permission from his superior officers. If so, this should be altered.

A wary eye must be kept on the budgets of the various Sections of the League. The suggestion made by the New Zealand delegate during the general debate in the Assembly that a special committee should be appointed to examine in detail the workings of the Secretariat and to put forward definite proposals for the budget of the coming year was a very sound one. An "axe" committee could do very helpful work for the League.

He was surprised to note that the Supervisory Commission's report stated that various Directors had "accepted" the Commission's proposals. A bureaucracy could hardly be expected to reform itself; but there were too many officials on the staff of the League who looked upon the machinery as an end in itself rather than as an instrument.

He thought the members of the Appointments Committee and the higher officials of the League should try to realise the difficulties with which the States Members were faced. They would then be in a better position to give effect to the desires of the Fourth Committee.

M. TRIP (Netherlands) asked whether the Fourth Committee could be provided next year with a statement showing the travelling done by officials in the previous year and the expenditure involved.

He noted that no mention was made in the report of entertainment allowances, unless the passage relating to the proposals which the Commission hoped shortly to submit referred to that item.

On behalf of the Netherlands delegation, M. Trip asked the Fourth Committee to authorise a study of the need for a special emblem which could be used as a distinction for motor cars used by the League. He understood that the Federation of League of Nations Associations already had a proposal for such an emblem.

M. DINO (Albania) thought there should be more equality in recruiting staff for the League. An endeavour should be made, in filling important posts, to appoint nationals of those countries which had hitherto collaborated with the League through the payment of their annual contributions.

M. HOFFINGER (Austria) was glad to note the large reductions proposed in regard to publications. He suggested that there should be, not only fewer publications, but that the number of copies printed and distributed should be reduced. After a certain date, say January 1st, 1932, persons who received League publications regularly might be informed that, in future, they would only be sent to those persons who expressed a desire to receive them.

M. VALDÉS-MENDEVILLE (Chile) asked whether in adopting Chapter II, the Committee would be approving the increases involved by paragraphs 21, 25 and 26 of the report of the Committee of Thirteen (Annex 5).

M. RAPPARD (Switzerland) stated that he had been instructed to say that the publication of the *Chronology of International Treaties and Legislative Measures* was of no interest to his Government. The Librarian of the League had assured him that some countries attached great importance to it, and that the sales covered the cost. The Swiss Government, however, was of opinion that its publication could be discontinued without loss.

The SECRETARY-GENERAL, replying to the various questions which had been raised, said that the wish had been expressed some years previously by certain members of the Assembly—though a formal resolution had never been taken—that, as far as possible, changes should be made in the offices of the Deputy Secretary-General and the Under-Secretaries-General. Since then, there had been a change in the office of the Deputy Secretary-General, where a national of the same country as the Deputy Secretary-General had recently been replaced by the transfer of an official of another nationality. In the case which M. Hambro had in mind, it was necessary, in view of the particular circumstances of the work, to appoint an official of the same nationality as his superior officer. The general principle ought to be that no nationality had a right to any particular post in the Secretariat, and the second principle should be efficiency.

With regard to the cost of living, the Secretary-General denied that it had fallen by 5 or 6 per cent since salaries were stabilised. Taking into consideration the factors on which the decisions of the Assembly were based—which included factors other than those given in Geneva official publications, since, obviously, in an international concern certain factors had not the same weight—the figures were as follows: 1929, 95.9; 1931, 95.7.

The Secretary-General said that, while the Assembly had with great generosity instituted a system of pensions, it must be recognised that, as the Pensions Fund was on a contributory basis, the actual purchasing power of salaries in a given year had been reduced. It was not quite accurate to say that all countries had reduced the salaries of their officials. In England, as far as he was

aware, the cost-of-living bonuses had been reduced because the cost of living had fallen, but salaries were not affected. He agreed that it might be advisable in future contracts to insert a clause to the effect that the salary could be altered by the Assembly. He promised to look into the matter to see what could be done.

Referring to M. Hambro's attack on the Information Section, the Secretary-General said he had thought that all the Members of the League appreciated the work of that Section. He regretted that Norway was an exception.

With regard to the suggestion that, in order to make transfers easier, officials were granted increases in salary, the Secretary-General explained that, in the case in question, his idea had been to obtain the best man for the post. As it involved greater responsibility, he had felt justified in giving the official two or three annual increments.

He deeply regretted that there was no Scandinavian member of the Information Section. The official who was doing liaison work with the Scandinavian Press, however, had been appointed in agreement with the Scandinavian Press Bureaux. He had been a journalist on the staff of a very important paper in the Netherlands.

M. HAMBRO (Norway) said that the official was not competent for his work in Scandinavia.

The SECRETARY-GENERAL, continuing, said that the statement for which M. Trip had asked could be prepared if the Fourth Committee desired, though it would involve considerable work and additional expenditure.

He was prepared to have a study made of the proposed League of Nations emblem, though that was a matter for the highest authorities of the League, and not the Secretariat, to decide.

With regard to the Albanian delegate's request, the Secretary-General said that he endeavoured, when a vacancy arose, to apply the principle of equality of treatment among the nationals of States Members of the League. It was now quite common to consider the claims of nationals of States whose representation was not very large. Their appointment must, however, be conditional on their being efficient and capable of performing the work.

When travelling for the League, every official, since February last, had to obtain the specific consent of the Secretary-General. Expenditure on this item would be reduced to the strictest minimum.

With regard to M. Hoffinger's suggestion, the Secretary-General said he would refer it to the Publications Committee for consideration.

Finally, referring to M. Rappard's proposal, he though that, if the publication in question were self-supporting, the position could be regarded as satisfactory.

M. OSUSKÝ (Chairman of the Supervisory Commission), replying to M. Hambro's criticism with regard to the offices of the Information Section in other countries, explained that the Supervisory Commission had not thought fit to recommend any alteration in the budget for 1932. It intended to examine the question during the coming year, however, and would submit to the Fourth Committee any concrete conclusions at which it arrived.

With regard to M. Hambro's criticism of the wording of certain passages in the report, M. Osuský pointed out that the Supervisory Commission could only make proposals. If the higher officials did not accept those proposals, it could only submit them to the Fourth Committee with an expression of its opinion.

The question of the entertainment allowance was covered by the additional proposals which the Supervisory Commission hoped to place before the Committee.

In reply to M. Valdés-Mendeville, M. Osuský said the French text of the passage to which he had referred was perhaps somewhat obscure. The Supervisory Commission considered that the title to be given to the Treasurer was a matter of organisation, with which the Supervisory Commission could not deal. As regards the question whether the increases in salary involved under paragraphs 21, 25 and 26 of the report of the Committee of Thirteen should be granted, the Supervisory Commission's opinion was in the negative.

M. Albert THOMAS (Director of the International Labour Office) said that, though for budgetary reasons the proposal relating to Chiefs of Section at the International Labour Office had been postponed, it would be his duty to bring it forward again in the following year. It was only just and logical that it should be re-examined later.

M. HAMBRO (Norway) said he would make no observations, not because he agreed with M. Thomas, but because the matter was adjourned until the following year.

M. Albert THOMAS (Director of the International Labour Office) replied that he was defending a just cause. M. Hambro would, of course, be entitled to bring forward his arguments next year; but, in the interests of justice and organisation, M. Thomas must ask the Fourth Committee and the Supervisory Commission to assure him once more, in view of the obscurity of the text of the report, that the fate of his Chiefs of Section would be discussed in the following year.

M. GALLAVRESI (Italy) said he had made no remarks or observations with regard to various points which had been raised, in particular by M. Hambro, because he understood that any reference to the 1933 budget could only be of use as an indication for the future.

M. OSUSKÝ (Chairman of the Supervisory Commission) said the Supervisory Commission had had too much experience of the administration of the League of Nations and its organisations not to have an opinion on a question of organisation. It had expressed a negative opinion simply from the budgetary aspect. There was nothing to prevent the Fourth Committee and the Assembly from examining the question in 1932.

The CHAIRMAN, in order to prevent any misunderstanding, stated that the Fourth Committee would be able to take a decision next year with regard to the principle expressed in the recommendation of the Committee of Thirteen.

M. BOHEMAN (Sweden), Rapporteur, supported by M. PALACIOS (Spain) and M. DE VASCONCELLOS (Portugal), proposed that the Committee recommend to the Assembly that the Treasurer be given the rank of Director without any increase in salary.

M. HAMBRO (Norway) said he was in favour of giving the title of Director to the present holder of the post, on the understanding that this did not tie the hands of the Assembly with regard to future holders.

M. Boheman's proposal was adopted.

Chapter II was adopted, subject to any proposals which the Supervisory Commission might be able to submit with regard to salaries.

M. TRIP (Netherlands) said that, in view of the Secretary-General's observations, he would not insist on the preparation of a complete list of the journeys undertaken during the year. He would be glad, however, if the Committee could be given some explanation next year of the number and cost of the principal journeys.

The SECRETARY-GENERAL agreed to furnish this explanation.

Chapter III. — Special Organisations of the League.

M. CIUNTU (Roumania) regretted that the work of the veterinary experts was being cut down. He was convinced that it was of the greatest value, particularly in connection with foreign trade. He trusted that this activity was only suspended and not abandoned.

The CHAIRMAN thought that was clear from the report.

M. HAMBRO (Norway) said that in a spirit of conciliation he would accept the whole chapter. With regard to the wireless station, he asked whether any contract had been made with the Swiss wireless society which would compensate the League for the money expended. The whole matter seemed to him deplorable.

The CHAIRMAN noted M. Hambro's observations and said they would be dealt with under Part V, Chapter II, of the League budget.

Count CARTON DE WIART (Belgium) pointed out that the budget of the Social Section had been reduced to a much greater extent than the budgets for the suppression of opium traffic and the Permanent Central Opium Board. He noted that the work of the Committees of Experts for Intellectual Co-operation in connection with the education of youth, and publications such as the *Educational Survey*, had not been abandoned, whereas the work of the experts and the sub-committees dealing with social questions had been abandoned. In a spirit of conciliation, however, he would accept the chapter, though not without some bitterness. He hoped the reductions in question would only constitute a postponement, the Social Section by its work having proved its usefulness and effectiveness and thus having the merit of interesting in the League many important associations both in the Old World and in the New.

M. OSUSKÝ (Chairman of the Supervisory Commission) pointed out, in reply, that the budgets for intellectual co-operation and health had been reduced by 20 per cent.

M. DE VASCONCELLOS (Portugal) urged that a credit be approved for the publication of the Minutes of the Opium Committee.

M. OSUSKÝ (Chairman of the Supervisory Commission) pointed out that material which the Opium Committee thought useful for the purposes of propaganda could be placed in its report.

M. DE VASCONCELLOS (Portugal) said that, though he was not convinced, he would not press his point.

M. HAMBRO (Norway) suggested that it might be possible to make arrangements with a syndicate or publisher to report and publish the discussions of the Opium Committee.

M. RAPPARD (Switzerland) noted that it was proposed to reduce the allowances hitherto paid to the members of the Mandates Commission. He would not speak for his colleagues, but personally he had accepted without complaint this reduction of 25 per cent. He did so on the basis of the "principle of equality of sacrifice" invoked by the Supervisory Commission. But equality with whom ?

On the other hand, he strongly opposed the suppression of a credit allowing the Mandates Commission to hold two sessions per annum. An experience of ten years showed that the Commission could not properly perform its heavy task in less than four or five weeks of very hard work. But to ask his colleagues from other countries who, according to the terms of the Commission's Statute, could not be national officials, to leave their business for a session as long as was now indicated was certainly excessive.

He asked the Assembly to authorise the Council, if it considered the holding of two sessions of the Mandates Commission essential to the working of the mandates system, to allow the Commission to meet twice next year.

M. OSUSKÝ (Chairman of the Supervisory Commission) said that, during 1932, great efforts would have to be made to prevent any transfers which were not absolutely essential. He therefore asked M. Rappard not to insist on his proposal.

M. Rappard's proposal was put to the vote and defeated by fifteen votes to six.

Chapter III was adopted.

Chapter IV. — Profits and Loss on Exchange.

M. HAMBRO (Norway) pointed out that, while in previous years there had been a profit under Chapter IV, this year there was a loss, and next year it would probably be greater. As far as he understood, the reason was that States Members could pay their contributions in dollars or gold francs.

The TREASURER assured M. Hambro that a profound study of the currency in which the League should operate was made every year. The conclusion had always been reached that it was advisable to keep to the gold standard and the dollar in view of the League's universal operations. He thought it unlikely that there would be a loss in the coming year, though if the dollar went off the gold standard the system of currency would have to be reconsidered.

Chapter IV was adopted.

SECTION II. — CAPITAL EXPENDITURE.

Chapter V. — Permanent Equipment, etc.

Chapter V was adopted without observation.

SEVENTH MEETING.

Held on Tuesday, September 22nd, 1931, at 5 p.m.

Chairman: M. POLITIS (Greece).

17. Examination of the Budget of the International Labour Organisation for the Fourteenth Financial Period (1932).

The Committee discussed the budget for 1932 section by section (document A.4(*a*)1931.X).

SECTION I. — ORDINARY EXPENDITURE.

Mme. KLUYVER (Netherlands) asked what were the reasons for the difference in the rules of the Secretariat and the International Labour Office with regard to overtime. The Supervisory Commission's report (Annex 6, paragraph 7):

> "The Secretary-General has put an end to overtime allowances in the Secretariat, but there are reasons why a similar step cannot economically be taken in the International Labour Office."

M. FLEURY (International Labour Office) replied that the International Labour Organisation gave an allowance for overtime to five officials only per month. That represented an annual expense of about 6,000 francs. The measure proposed by the Secretary-General whereby five days annual leave would be substituted for payment for overtime would mean four hundred days additional leave, or an expense of 8,000 francs a year, for the International Labour Office, where there were eighty local officials on the staff. For this reason it had been considered that the measure adopted by the Secretariat could not be applied in the International Labour Office.

Section I was adopted.

SECTION II. — CAPITAL EXPENDITURE.

Section II was adopted without observations.

18. Examination of the Budget of the Permanent Court of International Justice for the Fourteenth Financial Period (1932).

The Committee examined the budget section by section (document A.4(*b*).1931.X).

SECTION 1. — ORDINARY EXPENDITURE.

Section 1 was adopted without observations.

SECTION 2. — CAPITAL EXPENDITURE.

Section 2 was adopted without observations.

19. Examination of the Budget of the Nansen International Office for Refugees for the Fourteenth Financial Period (1932).

M. Max HUBER (President of the Governing Body of the Office) observed that the budget submitted (document A.4(*c*).1931.X) was in conformity with the scheme of liquidation for which the Assembly had asked, and which had been submitted to the Sixth Committee. The period of liquidation had been reduced from ten years to nine, and it was proposed to make a reduction of ten per cent in the budget each year.

The Office did not depend solely on the League budget; it received contributions from certain Governments and from the refugees themselves. Its income in the current year was about 30,000 francs less than last year.

The League was making certain indirect savings on the budget of the Office—viz., the officials of the Office were not receiving the regular increments to which they had been entitled when in the service of the League; the Office was meeting its treasury, typing and roneoing expenses without any increase in staff; the members of the Governing Body of the Office received no remuneration. Repeated efforts had been made to do away with the delegations, but this proposal had so far received no support from the Governments, so that the Office had been unable to reduce its departments.

In conclusion, M. Huber hoped that the Committee would not be harder on the Nansen Office than on the other League organisations.

The budget was adopted.

20. Examination of the Budgetary Estimates for Buildings at Geneva during the Fourteenth Financial Period (1932) (document A.4.1931.X) Part V.

CHAPTER I. — TERMINABLE ANNUITY PAYABLE ON ACCOUNT OF THE BUILDING OPERATIONS OF THE LEAGUE.

Chapter I was adopted without observations.

CHAPTER II. — CONSTRUCTION OF THE WIRELESS STATION.

Chapter II was adjourned pending the arrival of M. Haas, Director of the Communications and Transit Section, who was detained in another Committee.

21. Examination of the Budgetary Estimates for Pensions for the Fourteenth Financial Period (1932).

On the request of M. OSUSKÝ (Chairman of the Supervisory Commission), who pointed out that this part of the budget (document A.4.1931.X) was connected with the question of salaries and travelling expenses of officials taking leave in their home country, *this question was adjourned pending the Supervisory Commission's recommendation with regard to salaries.*

The CHAIRMAN declared the examination of the budget closed, with the exception of the three questions which had been postponed.

22. Examination of the Supplementary Budget for 1932 (document A.4(*d*).1931.X).

The CHAIRMAN observed that the Fourth Committee had decided to refer to the Supervisory Commission paragraphs 21, 25 and 26 in the report by the Committee of Thirteen (Annex 5). No decision had been taken on paragraphs 22, 23 and 24, and the best procedure therefore would be to request the Supervisory Commission to examine them.

M. HAMBRO (Norway) thought this procedure unnecessary. The paragraphs in question only confirmed the existing position and did not affect the budget. The Committee could therefore take a decision on them at once.

M. OSUSKÝ (Chairman of the Supervisory Commission), replied that the supplementary Budget now under discussion contained a credit which was closely connected with paragraphs 22, 23 and 24 of the report of the Committee of Thirteen. It would therefore be desirable for the Supervisory Commission to consider the point.

M. GALLAVRESI (Italy) thought that the best course would be to refer the matter to the Supervisory Commission.

Mr. KNOWLES (New Zealand) said that, if he had realised that the Committee was not faced with a *fait accompli*, he would have proposed that paragraphs 22 to 24 should, like paragraph 25, be referred to the Supervisory Commission. He asked what the actual position was.

M. HAMMARSKJÖLD (Registrar of the Permanent Court of International Justice), replying to Mr. Knowles' request for explanations concerning paragraph 23, briefly reviewed the position. The Court had renewed the appointment of the present Registrar in 1929. Under Article 32 of the Statute it had made a proposal to the Council for a new scale of salary for the Registrar. That proposal had been referred by the Council to the Supervisory Commission, which had decided to await the report of the Committee of Thirteen before forming an opinion. The Supervisory Commission had endorsed the view expressed in the report of the Committee of Thirteen and had approved the proposal made by the Court in 1929. That procedure had taken some time and the Council accordingly had decided to apply the new scale of salary retroactively. It was no doubt owing to that decision that there was an impression that the Registrar had been in receipt of the higher salary mentioned in the Council's resolution. That impression was not in accord with the facts.

Article 32 of the Statute said: " The salary of the Registrar shall be decided by the Council on the proposal of the Court ", and, therefore, the Council's recent decision was a final settlement, from the Court's standpoint, of the legal and administrative aspects of the question. The Assembly could, of course, exercise its budgetary powers and, if it thought fit, refuse the necessary credits to implement that decision. It followed that, though very simple in appearance, this matter might raise an important constitutional question.

M. Hammarskjöld, however, would be averse to a question of that kind being discussed with reference to himself, especially at a time when he was at the Committee's disposal in his official capacity. To stop further discussion he would waive his claim to the credit entered in the 1932 supplementary budget.

M. HAMBRO (Norway) expressed his appreciation of M. Hammarskjöld's attitude. It would, however, be unfair that the Registrar of the Permanent Court should be the only high official to agree to make a sacrifice. The Committee must come to a decision once and for all on this point so that there would be no doubt as to the standing of the high officials of the Court. M. Hambro proposed that paragraphs 23 and 24 of the report of the Committee of Thirteen be approved.

The CHAIRMAN pointed out that this would not be sufficient, since, if the two paragraphs were adopted, the means of implementing them must also be adopted and therefore the credit in the Supplementary Budget should be passed. If the Committee refused the necessary credit for the increase in the Registrar's salary, it would be in conflict with the Council and, through the Council, with the Court.

Mr. COLLINS (Australia) considered that the Fourth Committee was entitled to refuse any credit. He was instructed to resist any increase in the salary of the higher League officials. He would therefore ask that the case now before the Committee should be treated in the same way as the other cases in which the Committee had decided to refuse an increase.

The CHAIRMAN replied that equality, in the form proposed by Mr. Collins, between the Registrar of the Court and the League higher officials would necessitate a revision of the Court

Statute. So long as the present Statute was in force, the Committee must comply with it, unless it was prepared to enter into conflict with the Council, which had only exercised a right conferred on it by the Court Statute.

M. OSUSKÝ (Chairman of the Supervisory Commission) observed that the Assembly was absolutely sovereign in budget matters. It could not waive its sovereign right in any circumstances.

The CHAIRMAN agreed that the sovereign right of the Assembly could not be contested in principle. There was, however, at least one exception to that right. The penultimate paragraph in Article 32 of the Statute of the Court said: "The salary of the Registrar shall be decided by the Council upon the proposal of the Court".

That clause, which must be observed, could only be brought into harmony with the Assembly's sovereign right in one way. The Assembly would have to vote a resolution requesting the Council not to enforce the clause, or any similar clause giving it the right to fix salaries, without first submitting the matter, for an opinion at any rate, to the Supervisory Commission and the Fourth Committee.

M. OSUSKÝ (Chairman of the Supervisory Commission) pointed out that, out of deference for the Assembly's sovereign rights in the matter of the budget, the Council had, in April, asked the opinion of the Supervisory Commission, which had reported on this point: The Council had been guided by that report and was now submitting its own to the Assembly for approval. That was further proof that the Assembly's sovereign rights remained intact.

M. RAPPARD (Switzerland) did not think that there need be any fear of a serious conflict. In many countries Governments were empowered by law to take decisions on financial matters without thereby impairing the sovereign right of Parliament. The situation in the present case was identical. In order to preserve the forms, the Supervisory Commission should be asked to report on the matter to the Fourth Committee.

M. GIANNINI (Italy) considered that, even if the Council had taken a decision, the Assembly retained its power to vote or refuse the credit.

In any case, the Assembly's sovereign right had not been prejudiced, because the Fourth Committee, which was a Committee of the Assembly, had been asked to take a decision on the credit required to implement the Council's resolution.

M. OSUSKÝ (Chairman of the Supervisory Commission) explained that there was no conflict between the Council and the Assembly or between the Council and the Fourth Committee. That was proved by the Council's decision of May 21st, 1931 (document A.4(*d*).1931.X), showing that the Council had in actual fact respected the Assembly's sovereign rights in budgetary matters.

The Committee decided to refer the matter to the Supervisory Commission.

The Supplementary Budget was adopted with the exception of the foregoing point.

23. **Examination of the Budgetary Estimates for Buildings at Geneva during the Fourteenth Financial Period (1932)** (continuation).

PART V. CHAPTER II. — CONSTRUCTION OF THE WIRELESS STATION.

M. HAAS (Director of the Communications and Transit Section) after going over the history of this question, which went back to 1929, reminded the Committee that an estimate of the expenses for the establishment of a wireless station on the basis of an agreement with the Swiss Government and the Radio-Suisse Company had been placed before the 1930 Assembly. In spite of the somewhat elastic terms of the instructions given by the 1929 Assembly to the Secretary-General, the contracts for the construction of the wireless station had only been passed after the adoption by the 1930 Assembly of the financial measures mentioned on page 43 of the draft budget (document A.4. 1931.X). With the exception of a supplementary expenditure of 50,000 francs for a provisional antenna, the original estimate, amouting to 2,280,264 francs, would be exceeded by only a very small amount, and, so far, the estimates had been adhered to very closely. The wireless station would be opened not later than the beginning of 1932. One of the transmitters would probably be ready before the end of 1931, so that the station would be in working order for the Disarmament Conference.

The receipts accruing from communications would be shared, in accordance with Article 16 of the Convention, between the Secretary-General and the Radio-Suisse Company (document C.192.M.92.1930.VIII). The Radio-Suisse Company would receive a premium for managing the station and the premium was calculated in such a way as to rise with the development of traffic, the object of this being to interest the operating company in the development of traffic. The receipts that might be expected in the course of the first year's working could not be estimated in advance. M. Haas, however, thought he could say that, from this point of view, the Disarmament Conference would do much to further the station's operations.

M. HAMBRO (Norway) reminded the Committee that, in 1929, the cost of the station was roughly estimated at 1,600,000 francs; the figure had now risen to 2,280,000 francs. He had very

few illusions about the revenue which the League would derive from the station; it was an unnecessary luxury and its upkeep would be very costly. Wireless stations soon became obsolete, and in Norway their cost was amortised in five years. In his view, the League should relinquish the station as soon as possible, making a long-term contract for its use.

M. RAPPARD (Switzerland) pointed out that that was what the Swiss Government had suggested.

M. ZUMETA (Venezuela) asked whether the present estimate was approximate or final.

M. RAPPARD (Switzerland) pointed out that, in spite of its own policy in such matters, the Swiss Government had signed the contract in its present form in deference to the League. He assured the Committee that, if the cost to the League were somewhat heavy, the outlook was no more brilliant for the Radio-Suisse Company.

M. HAAS (Director of the Communications and Transit Section) pointed out that the Assembly's decision was not based on the figure of 1,600,000 francs, a rough estimate for the purposes of the 1929 budget, but on the figure of 1,900,000 francs, which was indicated to the 1929 Assembly as the probable cost. In view of recent technical improvements and an increase in the cost of certain materials, the figure had been raised to 2,280,000 francs, which amount was accepted by the 1930 Assembly. Owing to unforeseen requirements, however, the actual cost would be about 50,000 francs more, a not unreasonable increase on so large a sum.

M. Haas thought it somewhat premature to discuss the cost of operating the station before practical experience had been acquired. The most difficult part of the negotiations between the League and the Radio-Suisse Company had related to the proportion in which receipts should be allocated, after the reimbursement of the League's outlay and of the preliminary deficit. From the point of view of traffic, the situation had certainly become worse owing to the present crisis. Nevertheless, M. Haas thought it not unlikely that the budget of the station would eventually balance.

Meanwhile, if it were handed over to the Radio-Suisse Company and the same services demanded, the cost to the League, in view of the contracts signed with the Radio-Suisse Company, would no doubt be exactly the same. The same amount of traffic would be done, and, if there were a deficit, the Radio-Suisse Company would doubtless ask the League for compensation.

M. HAMBRO (Norway) said he had no desire to discuss what had been done in the past, but merely to draw attention to the financial danger of operating a wireless station at the present time. Nor had he any intention of casting a reflection on the Swiss Government. He had some experience of the affairs of broadcasting companies, however, and feared that, if the League did not get rid of the station as soon as possible, it would be faced with yearly deficits. He therefore asked the Supervisory Commission to look into the matter carefully.

Chapter II was adopted.

24. Organisation of the Secretariat, of the International Labour Office and of the Registry of the Permanent Court of International Justice: Appointment of a Rapporteur to the Assembly.

On the proposal of M. Réveillaud (France), supported by Count Carton de Wiart (Belgium), M. Palacios (Spain) and M. Gallavresi (Italy), M. DE VASCONCELLOS *was appointed Rapporteur on this question.*

25. I. Examination of the Report of the Administrative Board of the Staff Pensions Fund.

II. International Institute of Intellectual Co-operation: Affiliation of the Staff to the Staff Pensions Fund of the League of Nations: Resolution by the Governing Body of the Institute.

III. Nansen International Office for Refugees: Affiliation of the Staff to the Pensions and Sickness Insurance Funds of the League of Nations.

M. RAPPARD (Switzerland), chairman of the Administrative Board of the Staff Pensions Fund, presented and commented on the report (Annex 7).

That the staff appreciated the institution of the Pensions Fund was shown, he thought, by the fact that out of about a thousand officials almost two-thirds had joined it. The number would no doubt be even larger by December 31st, the date on which the time-limit for joining expired.

With regard to the fund itself, the position was less satisfactory. In fixing the contributions to be paid by the beneficiaries and by the League it had been assumed that the average yield of the investments would be 4 ¼ per cent. The greatest international financiers had been consulted for the purpose of obtaining advice and information as to the possibility of reconciling the need for absolute security with a yield of 4 ¼ per cent, but the Board had been told that that was impossible. Indeed, it had recently been advised that the best course would be to keep the money at call, even at the risk of obtaining no interest whatever. The Board had invested £12,000 sterling at 3 per cent, which fell due during the present week; but, unfortunately, owing to recent events, its value would be reduced considerably. The Board would henceforward endeavour to invest its funds in dollars, French and Swiss securities; but in view of the prevailing low rates of interest, it was faced with a difficulty which was not foreseen in 1930.

The Administrative Board was unanimously of opinion that the collaboration of the Treasurer of the League of Nations was absolutely essential. The Secretary-General had, however, appointed another official to represent him on the Board, as also the Director of the Labour Office. The Board therefore proposed that the Treasurer should be an *ex-officio* member. In order to preserve the balance of representation, it suggested that the number of representatives of the staff should be increased from two to three.

The Board also proposed that, in certain cases, adopted children, step-children or children not born in wedlock should be assimilated to legitimate children. The actuaries had assured it that the extra expense would be small.

M. Rappard hoped that these two amendments to the Statute drawn up in 1930 would be adopted.

The Committee had also before it proposals from the International Institute of Intellectual Co-operation and the Nansen International Office for Refugees, whose officials were anxious to share in the benefits offered by the Fund. No doubt the Committee would be unanimously of opinion that it could not reach a final decision immediately, but that the matter should be referred to the Board and the competent department of the Secretariat. Difficult actuarial and other problems were involved, and there must be no danger to the Fund. The conditions under which officials of other institutions could be permitted to join it must therefore be very carefully considered, particularly in view of the fact that, if the present requests were granted, similar requests would probably be received in the future.

In conclusion, M. Rappard said that the Administrative Board was unable at present to make any definite proposals with regard to the contribution to be made by the League, as the Fund was not yet completely constituted. He therefore proposed that, in 1932, the same percentage be adopted as in 1931—viz., 9 per cent.

M. Hambro (Norway) supported the proposal that the Treasurer be made an *ex-officio* member of the Board.

He was doubtful as to the advisability of allowing the staff of the International Institute of Intellectual Co-operation to join the Fund, the estimates for which had been based on salaries and conditions of work at Geneva. It would be highly unwise to alter and extend the fund until at least one year's experience of its working had been gained.

Mme. Kluyver (Netherlands) thought that, in view of the difficulties involved, no decision should be taken for the moment. Moreover, as the Assembly was extremely anxious to make economies and to undertake no new expenditure, it was essential to postpone the question.

M. Rappard (Switzerland) pointed out that the Committee was merely asked to consider the matter. There could therefore be no harm in referring it to the authorities concerned. He pointed out that the applicants had themselves recognised that the Fund should be involved in no additional expenditure.

The Committee decided to refer the requests of the Institute of Intellectual Co-operation and the Nansen Office to the Administrative Board.

M. Osusky (Chairman of the Supervisory Commission) observed that it was understood that the general reservation he had made at the beginning of the discussion with regard to the League contribution to the Pensions Fund in the 1932 budget applied also to the maintenance, in 1932, of the League contribution at the rate of 9 per cent.

Subject to this observation, the report and its conclusions were approved.

EIGHTH MEETING.

Held on Wednesday, September 23rd, 1931, at 10 p.m.

Chairman: M. POLITIS (Greece).

26. Examination of the Report of the Supervisory Commission to the Fourth Committee regarding Supplementary Credits.

1. CONSTITUTION OF A SPECIAL COMMITTEE TO STUDY THE EXISTING SYSTEM OF ELECTIONS TO THE COUNCIL AND TO REPORT TO THE ASSEMBLY AT A LATER SESSION WITH REGARD TO ANY REFORMS WHICH MAY APPEAR DESIRABLE (Annex 6, paragraph 46).

M. GIANNINI (Italy) thought it should be stated in the report that the members of the Committee would be Government representatives.

M. OSUSKÝ (Chairman of the Supervisory Commission) explained that a Committee composed of persons sitting as individuals would cost 20,000 francs, whereas a Committee composed of Government representatives would cost only 5,000 francs. The latter sum represented printing expenses, the sum of 15,000 francs representing travelling expenses and subsistence allowances.

The Supervisory Commission, noting that the Chairman of the First Committee had expressed no preference in his letter, had adopted a solution which involved the least expenditure.

M. HAMBRO (Norway) stated that he intended to vote against the appropriation. Though the present methods of election to the Council were obsolete and caused great difficulties, he was of opinion that the Members of the Council and the officers of the League could study the question without the intervention of a special Committee.

M. DE VASCONCELLOS (Portugal) pointed out that the States which were prejudiced by the present system were in a very difficult position, and urged the Committee to vote the necessary credit.

M. ZUMETA (Venezuela) saw no necessity for a credit for printing and intended to vote against it.

M. HAMBRO (Norway) asked that, if the credit were voted, the Minutes should state that it was desirable that the special Committee should also study the methods of election to the Permanent Court of International Justice, which were far worse and more complicated.

M. PALACIOS (Spain) said that the Committee appeared to be discussing, not only the budgetary expenditure, but also, in connection with it, the purpose for which the credit was asked. He submitted to the Chairman a question of competence on which a decision must be taken.

The CHAIRMAN pointed out that the only question which the Committee was competent to decide was whether the budget could carry the necessary credit.

M. HOFFINGER (Austria) supported M. de Vasconcellos. He pointed out that the question was one which concerned all the Members of the League of Nations, particularly those who were in the same position as Portugal. A credit for printing was essential, so that the discussions of the Committee might be brought to the knowledge of all the Members of the League in order that they might take a decision.

Count CARTON DE WIART (Belgium) and Mr. LESTER (Irish Free State) approved the credit in question. Count Carton de Wiart observed that, if certain delegations were of the opinion expressed by M. Hambro that the methods of election to the Permanent Court should be altered, they could bring the matter before the next Assembly.

This section of the report was adopted by seventeen votes to six.

M. ZUMETA (Venezuela) observed that the Assembly's Rules of Procedure were applicable to the Committee's discussions, and asked that his negative vote should be given the same weight as was given to votes taken in the Assembly.

The CHAIRMAN pointed out that voting in the Committees was by a majority. M. Zumeta's declaration would, however, appear in the Minutes.

2. COMMITTEE TO EXAMINE THE MATERIAL RELATING TO SLAVERY (Annex 6, paragraph 47).

Viscount ASTOR (British Empire) said the proposal to constitute a special Committee to examine the material relating to slavery was not new. Only in the present year, however, had the Sixth Committee been able to accept it unanimously. He was of opinion that the Fourth Committee should not turn down a recommendation supported by members of the delegations in other Committees. Although economy was desirable, there was a general feeling that the League's humanitarian activities, especially those which appealed to the outside world, should not in any way be hampered.

It appeared that some misunderstanding had arisen. The passage in the report to the effect that the Sixth Committee had rejected a proposal for the appointment of three experts only was a mistaken statement of what had actually occurred. The British delegate, in proposing a Committee, had not pressed for any particular number, but merely asked that it should not be limited to three.

With regard to the sum to be provided in the budget, Viscount Astor estimated that it would not amount to from 38,000 to 43,000 francs, an estimate which was based on a committee of seven or nine, but to about 11,000 or 12,000 francs.

Viscount Astor called attention to the passage relating to a possible donation from a private source, which seemed to imply that there were no precedents for accepting such a gift. He pointed out that part of the expenses of the enquiry into opium-smoking in the Far East, and of an enquiry into the traffic in women and children, which were quite as delicate as the question of slavery, had been paid out of non-League funds. He understood that certain funds in the United States of America would be available in the present instance.

With regard to the credit of 5,000 francs already provided in the budget, the Sixth Committee had contemplated that a body of experts, and not the officials of the League, would collect material relating to slavery.

The attitude that the League could not provide the money itself and would not allow anyone else to do so was unreasonable. Viscount Astor proposed that, since the Supervisory Commission had not been in possession of full data on which to base a decision, and for the reasons he had just explained, the Fourth Committee should adopt the following resolution:

> " The Fourth Committee requests the Assembly to remit to the Council of the League the proposal of the Sixth Committee to appoint for one year a temporary expert committee on slavery to sift confidentially the evidence which is available and report thereon to the Council, on the understanding that this enquiry does not involve the League in expenditure exceeding..... "

He left it to the Committee to fill in the amount.

Diwan ABDUL HAMID (India) asked how the amount of 38,000 francs had been calculated, and why it was said that the Sixth Committee had had in mind a committee composed of from seven to nine members. As a member of the Sixth Committee and its Sub-Committee on Slavery, he explained that the latter had had in mind a very small committee composed of about three or four experts, who would collect information, examine the information already collected and report to the Assembly in the following year.

M. OSUSKÝ (Chairman of the Supervisory Commission) replied that, according to the information received by the Commission, the Sixth Committee had had before it a British and a Netherlands proposal. The latter, which was for a Committee consisting of three members only, had been rejected. The Supervisory Commission had therefore concluded that the Sixth Committee desired a larger committee. This interpretation was borne out by the interventions of various delegates in the Sixth Committee. The Italian and Portuguese delegations had asked for representation because Italy and Portugal were colonial Powers. It was to be assumed that other colonial Powers—France, England, the Netherlands and Belgium—would claim the same right. Apparently, it was also desired that a representative of Asia and a woman should sit on the Committee. On that basis, the Supervisory Commission had arrived at the figure of 38,000 for a committee of eight and 43,000 for a committee of nine members.

M. PALACIOS (Spain) supported Viscount Astor, but pointed out that the Committee was entering into a question of substance, which was beyond its competence. If that question were to be discussed, however, he would be in favour of a committee of eight or nine members. Spain was a colonial Power, and might also be a candidate for membership. But he persisted in the view that the Fourth Committee was running the risk of pronouncing without the necessary competence on questions which had already been settled by the delegates sitting in the proper Committees.

Count CARTON DE WIART (Belgium) said that Viscount Astor's interesting observations raised a question which had never been definitely settled—namely, whether the League of Nations could accept gifts from charitable associations or persons. There was another precedent in addition to those mentioned—an American association had borne the expense of an enquiry into the position

of children in moral danger. In his view, there was no objection to accepting gifts, at any rate for humanitarian activities, though the position might be different in the political sphere.

Count Carton de Wiart asked whether any association had offered to bear the fairly high expenditure of about 40,000 francs. If so, he would have no hesitation in accepting the Sixth Committee's proposal; if not, the Committee should decide whether it was necessary, in view of the desirability of adjourning all activities which were not immediately necessary, to postpone the matter.

Sir Thomas WILFORD (New Zealand) considered that the problem was urgent, and suggested that the Committee should vote a small credit, leaving it open for anyone who desired to do so to supplement it by a donation.

M. RAPPARD (Switzerland) pointed out that the Sixth Committee unanimously recommended the creation of a committee of enquiry. This meant that the Sixth Committee acknowledged the continued existence of slavery, condemned it as an evil and recognised the utility of a committee as a weapon against that evil. That being so, it was essential, for reasons of humanity, to vote this credit.

M. HAMBRO (Norway) supported Sir Thomas Wilford's proposal. No one, he thought, would suspect Norway's motives.

M. GALLAVRESI (Italy) thought that no credit would be better than an inadequate one. If the proposed committee was to do effective work, it must not be a small committee emanating from a charitable association.

Diwan ABDUL HAMID (India) suggested that the matter be referred back to the Supervisory Commission, on the assumption that the special committee would consist of three or four members only.

M. BOHEMAN (Sweden) proposed that the title of the credit of 5,000 francs maintained in the budget be changed in order that the money might be used for a committee of experts, if the League received a gift for this purpose.

Sir Thomas WILFORD (New Zealand), in reply to M. Gallavresi, said that many people would be glad to help the anti-slavery cause with money and voluntary services, and there would be nothing derogatory in allowing them to do so.

M. RAPHAEL (Greece) was in favour of voting a reasonable sum for the constitution of a special committee, for the reason given by the Swiss delegation.

Viscount ASTOR (British Empire) proposed the following addition to his resolution:

> ". . . 10,000 francs, on the understanding that the balance is available from other sources."

M. OSUSKÝ (Chairman of the Supervisory Commission) said the Supervisory Commission had inserted the paragraph relating to donations because it felt that, apart from its social and humanitarian aspects, slavery had a political aspect, and that no external pressure should be brought to bear on the political work of the League. The Supervisory Commission thought the latter should itself take full responsibility and provide the necessary credits for its political activities. It was for the Fourth Committee to decide, however, whether, in the preparatory stage of the work, a donation from a private source could be accepted.

The Committee agreed by nineteen votes to four to insert in the Budget a credit of 10,000 francs.

The CHAIRMAN observed that, when the matter came before the Council, it would be for any who desired to make gifts to inform the Council.

3. PROVISION OF A CREDIT OF 250,000 FRANCS FOR THE WORK OF THE FINANCIAL COMMITTEE IN 1932 (Annex 6, paragraphs 48 and 49).

These paragraphs were adopted without observations.

4. CREDIT OF 50,000 FRANCS FOR THE ENQUIRY INTO THE QUESTION OF THE RECURRENCE OF ECONOMIC DEPRESSIONS (Annex 6, paragraph 50).

This paragraph was adopted without observations.

5. LETTER COMMUNICATING TO THE SUPERVISORY COMMISSION THE SIXTH COMMITTEE'S REPORT ON REFUGEES (Annex 6, paragraph 52).

M. RAPHAEL (Greece) understood that the Supervisory Commission had no objection to the plan of liquidation submitted to the Assembly by the Nansen International Office for Refugees. He asked for an assurance that the measure taken by the Fourth Committee on the

previous day was regarded as an exceptional one and would not create a precedent for future budgets.

M. OSUSKY (Chairman of the Supervisory Commission), replied that the 1932 Assembly retained complete discretion as to its decision in respect of the budget for 1933.

M. FOTITCH (Yugoslavia), speaking as Rapporteur to the Assembly, said that the President of the Governing Body of the Nansen Office had told him that he was bound by the Supervisory Commission's recommendations for the current year, but that the work of the Office would be completely paralysed if reductions were demanded in future years.

The CHAIRMAN pointed out that the Supervisory Commission's report stated explicitly that the reductions related to 1932. The 1933 estimates were an entirely different matter. He suggested that the Committee had merely to take note of the paragraph in question.

This paragraph was adopted.

6. LETTER FROM THE SIXTH COMMITTEE TO THE SUPERVISORY COMMISSION ON CREDITS FOR PUBLICATIONS, FOR LIAISON WITH CHINA AND FOR THE INTELLECTUAL CO-OPERATION SECTION (Annex 6, paragraph 53).

This paragraph was noted.

27. Examination of the Report of the Supervisory Commission regarding Miscellaneous Questions.

1. EXPENDITURE INCURRED IN 1931 ON LIAISON WITH CHINA (Annex 6, paragraphs 58 and 59).

These paragraphs were adopted without observations.

2. AMENDMENTS TO THE STAFF REGULATIONS (Annex 6, paragraphs 62 to 73).

(a) *Modifications in Certain Articles as a Result of the Creation of a Pensions Fund.*

These paragraphs were adopted without observations.

(b) *Question of maintaining the Statute of the Administrative Tribunal or of amending it.*

This paragraph was approved without observations.

(c) *Definition of Locally Recruited Staff.*

M. RAPPARD (Switzerland) said that if, under the proposed new definition, locally recruited staff were to be practically synonymous with staff of Swiss nationality, he would have to make a categorical reservation. The report did not expressly say that, but it contained certain statements the meaning of which was not altogether clear. There was, for instance, the following passage, paragraph 70:

> "It is difficult to regard any native of Switzerland as expatriated by taking work in another part of Switzerland. The linguistic and cultural differences which exist between different parts of Switzerland hardly create frontiers of such a kind that the crossing of them amounts to expatriation."

M. Rappard had been somewhat surprised to see an organ of the League of Nations state in this solemn manner such an obvious fact as the national unity of his country.

He considered, however, that an official coming, for example, from Coire or Lugano could much less be regarded as locally recruited than an official coming from Annecy; the removal expenses were at least as great, but the language was different, etc.

To avoid placing locally recruited staff on the same footing as foreigners who, although domiciled at Geneva, were not to be considered as locally recruited, the report, after referring to reasons of health—for which something could be said—mentioned reasons of recreation. Recreation, however, was a voluntary act.

Paragraph 72 (*a*) and (*b*) were equally open to criticism. He did not think that sons of foreign families domiciled in Switzerland or members of a legation, delegation or consulate could be considered as recruited abroad. How was it possible for anyone to be a member of a legation, delegation or consulate and, at the same time, belong to the League Secretariat? Point (*b*) was directly contrary to the recommendation of the Committee of Thirteen, and seemed to lay down as the law a state of affairs that had already been the subject of complaint.

M. OSUSKY (Chairman of the Supervisory Commission) replied that an endeavour had been made to avoid the disadvantages of the old system by simplifying and widening the definition of locally recruited staff. M. Rappard's objection regarding the higher expenses of a journey from

Coire to Geneva compared with one from Annecy to Geneva had already been provided for, as it was stated in paragraph 73 that:

> " . . . The Commission would favour giving travelling and removal expenses on entering and leaving the service to locally recruited officials engaged from places at a greater distance than 25 kilometres from Geneva."

M. RAPPARD (Switzerland) thought that, if the proposed text were adopted, all Swiss would be placed in a lower grade, and all foreigners, who had settled at Geneva before the decision, in a higher grade. This might not have been the real intention of the Supervisory Commission, but it would none the less be the inevitable result of the adoption of the proposal. The existing position would be aggravated and not improved.

M. OSUSKÝ (Chairman of the Supervisory Commission) pointed out that the two-category system had been in existence for some years. It was not perfect and, for that reason, the Fourth Committee had been called upon to revise it from time to time. It was fair that foreign officials should receive an expatriation bonus and that, in order to keep in touch with their native country, they should have special facilities for returning occasionally to their homes. It could not be said that a Swiss official needed to return to his own country in order to keep in touch with its culture and national life.

With regard to paragraph (*b*), it was clear that an official who belonged to a legation, delegation or consulate ceased to belong to it on engagement by the League.

Count CARTON DE WIART (Belgium) appreciated the distinction drawn between international staff and locally recruited staff, and that those foreigners who had been, say, five years in Switzerland, or within a certain radius of Geneva, might be assimilated to the latter, unless they could prove that their residence there was necessitated by reasons of health, or was a strictly temporary matter of recreation or study.

On the other hand, he did not understand the last sub-paragraph of paragraph 73, which said that the new rule, if adopted, would only apply to appointments made after its adoption. Foreigners staying at Geneva as a result of the war and its consequences had been treated, perhaps to a too great extent, as locally recruited staff. It was necessary that a fair distinction should be drawn, not merely for the future, but also as regards the past.

The Marquis PAULUCCI DI CALBOLI BARONE (Under-Secretary-General in Charge of Internal Administration) pointed out to M. Rappard that, by maintaining the existing arrangements relating to locally recruited staff, a large number of his compatriots were excluded from the possibility of obtaining posts reserved for local staff. But it had been expressly intended that this facility should be extended to all Swiss.

In reply to the observations of Count Carton de Wiart, the Under-Secretary-General pointed out that, if the suggested measure were adopted, it would involve fresh expenditure which the Fourth Committee might not be inclined to sanction.

M. CAHEN-SALVADOR (France) was of opinion that the first solution adopted by the Committee of Thirteen, after a detailed examination of the question, appeared to be the clearest and fairest. By the terms of this formula, officials were considered as locally recruited if they had been established for five years in that part of Swiss territory referred to by the Committee as French-speaking Switzerland *(La Suisse romande)*, or in French territory within a radius of 15 kilometres from Geneva. That was obviously an arbitrary solution, but it had the merit of being clear, and, so far, no one had shown that it had disadvantages. Perhaps it was not fair in all cases, but it was to be feared that absolute fairness could never be achieved. For that reason, M. Cahen-Salvador wondered whether it were worth while modifying the existing text, and proposed that the original formula should be maintained, at any rate provisionally.

M. OSUSKÝ (Chairman of the Supervisory Commission) pointed out that the proposal did not originate with the Supervisory Commission but with the Secretary-General. The Supervisory Commission had examined it and submitted it for approval to the Fourth Committee. The international staff was a source of great expense to the League of Nations, and, moreover, the original formula excluded from the Secretariat a large number of Swiss who, under the new definition, would have a better chance of joining it.

M. RAPPARD (Switzerland) felt that the question closely affected his country's dignity. The new definition created an ambiguity by arbitrarily contrasting the idea of locally recruited staff with that of international staff. If locally recruited staff included officials living at Geneva at the time of their engagement, whatever their nationality, why set up distinctions like those laid down in sub-paragraphs (*a*) and (*b*) of paragraph 72 ? If the term " locally recruited " applied to staff recruited within a radius of 200 kilometres, provided it did not pass beyond the Swiss frontier, the system was completely modified, since an official from Zurich or St. Gall changed his environment possibly to a greater degree than, say, a young Frenchman from Annecy.

One of two courses must be chosen—either the idea of the place of engagement independently of nationality must be retained, or this idea, which was being abandoned in fact, must be actually so stated as abandoned, and that of nationality adopted. It was, however, enough to state this latter proposition to see how inadmissible it was from the point of view of the general principles of the League and of the dignity of one of its Members.

M. Rappard suggested that anyone living anywhere, irrespective of nationality, should be allowed to accept an inferior post by competing in the examinations restricted to locally recruited staff. The post would be one selected of his own free will and was not to be despised in these times of unemployment.

In conclusion, M. Rappard stated that he was not asking any favour for the Swiss, but equality for all.

M. OSUSKÝ (Chairman of the Supervisory Commission) recalled that one of the reasons why there was a category of locally recruited staff was that the Swiss authorities were largely responsible for it.

M. RAPPARD (Switzerland) replied that his protest was not directed against the distinction between locally recruited staff and international staff. He merely objected to the new definition which had been given and which the Swiss authorities could never approve.

The CHAIRMAN was of opinion that this question had not been thoroughly examined, and that the Commission could not decide offhand to adopt a text which raised such difficulties. He proposed that the Committee should adopt M. Cahen-Salvador's proposal, which was the simplest.

The Committee decided to postpone its decision on the question of locally recruited staff.

28. **Salary of the Registrar of the Permanent Court of International Justice** (Annex 6, paragraph 40).

This paragraph was adopted without observations.

29. **Supplementary Credits requested by the First Committee.**

The CHAIRMAN submitted the following letter from the First Committee:

[*Translation.*]

" I have the honour to inform you that, at its meeting this afternoon, the First Committee requested me to ask the Fourth Committee to include the following appropriations in the 1932 budget:

	Francs
" 1. Nationality of Women:	
Printing of the observations which the Governments and the Committee of Representatives of Women's International Organisations will be invited to submit with a view to the discussion of this question at the next session of the Assembly	1,500
" 2. Proposal of the Government of Finland to confer on the Permanent Court of International Justice jurisdiction as a tribunal of appeal in respect of Arbitral Tribunals established by States:	
Printing of observations which the Governments will be invited to submit with a view to the discussion of this question at the next session of the Assembly.	1,000
" 3. Amendment of the Covenant of the League. With regard to this question, a proposal to set up a committee consisting of representatives of all the Members of the League, which will present a report to the next Assembly, was submitted to the First Committee by its Sub-Committee. If the First Committee, which has not yet been able to discuss the question, adopts this proposal, the following credits will be necessary:	
Printing of the Committee's report.	1,000
Printing of the Minutes, if desired by the Committee and subject to the approval of the Council.	3,500

" It is understood that, if the First Committee decides to make a proposal which does not involve the expenditure contemplated, the request for funds will be withdrawn.

" I regret that the First Committee found it impossible to submit the above-mentioned requests for credit within the period prescribed by Article 16 (*c*) of the Financial Regulations. The First Committee hopes that the Fourth Committee will nevertheless view the proposals with favour and agree to examine them in virtue of the powers conferred on it by the article in question.

(Signed) Vittorio SCIALOJA."

He added that point 2 of this letter need not be examined, the First Committee having decided that there was no necessity to continue the study of the Finnish proposal.

The Committee decided to refer the letter to the Supervisory Commission.

NINTH MEETING.

Held on Thursday, September 24th, 1931, at 3.30 p.m.

Chairman: M. POLITIS (Greece).

30. Examination of the Report by the Supervisory Commission on the Financial Situation in regard to the Construction of the New Buildings.

After discussion in secret session,[1] the Committee adopted the following draft resolution:

"The Assembly,

"Having noted the report of the Fourth Committee on the question of the new buildings;

"Painfully surprised at the information furnished to the Fourth Committee by the Supervisory Commission to the effect that it is feared that the estimate approved by the Assembly at its eleventh ordinary session may be exceeded by from 7 to 8 million Swiss francs, unless the situation is taken in hand:

"Declares that it is resolved in principle to keep within the estimate adopted last year, and

"Instructs the Supervisory Commission, after having obtained the necessary technical and legal advice and without excluding the possibility of reconsidering the contract concluded with the architects, to submit to the Council for approval as soon as possible a programme which will comply, under the best possible conditions, with the above decision."

31. Election of Two Members of the Supervisory Commission.

The Committee proceeded to a secret ballot to fill the two vacancies created by the resignation of Count Moltke and the expiration of Lord Meston's term of office, which was renewable.

Mr. Philippe Roy (Canada) and M. Boheman (Sweden) acted as tellers.

The result of the vote was as follows:

Number of delegations voting	35
Voting papers valid	35
Absolute majority	18

The votes obtained were as follows:

Lord Meston	30
M. Hambro	19
M. Ottlik	15
Count Carton de Wiart	4
Viscount Astor	1
M. Ruppel	1

The Fourth Committee will therefore propose to the Assembly that Lord MESTON and M. HAMBRO be appointed to the two vacancies on the Supervisory Commission.

32. Examination of the Report of the Supervisory Commission concerning:

(*a*) **Requests for Supplementary Credits from the First Committee** (Annex 6, paragraphs 54 to 57).

(*b*) **New Duties of the Financial Committee during the Present Financial Period** (Annex 6, paragraph 60).

(*c*) **Transfers in the Budget for the 1932 Financial Period** (Annex 6, paragraph 61).

These paragraphs were adopted without observations.

33. Examination of the Report of the Sub-Committee on Contributions in Arrears.

M. RAPPARD (Switzerland), Chairman of the Sub-Committee on Contributions in Arrears, said the Committee would perhaps be struck by the extreme weakness of the Sub-Committee's recom-

[1] A copy of the Minutes of the discussion of this question and of the report of the Supervisory Commission has been filed in the archives of the Secretariat.

mendations (Annex 8). Everyone agreed that it was deplorable that contributions in arrears were increasing, and that moral pressure should be brought to bear on the offenders to fulfil their obligations. Everyone also agreed, however, that this pressure must not lead to withdrawals from the League.

The Sub-Committee, feeling that it was undesirable to risk wounding the self-respect of the representatives of the States concerned, had departed from the practice adopted in previous years, and had not convened to its meetings the representatives of the debtor States. It had preferred to ask the two representatives of Latin America on the Sub-Committee to ask the representatives of countries whose contributions were in arrears for explanations.

M. Rappard drew attention to the fact that there were three types of States whose contributions were in arrears, and reminded the Committee that a special arrangement had been made for China. With regard to the Argentine Republic, whose constitutional position was not clear, he pointed out that she had been represented only at the first Assembly, but had paid her contributions for eight years. The change in regime had resulted in the suspension of payments for two years, the new President not considering himself competent to make contributions which had not been authorised by Parliament. It was hoped the Argentine Parliament, which would meet in the spring, would authorise the payment of the contributions in arrears.

The Sub-Committee was aware that the Fourth Committee might feel some impatience, and even irritation, on reading the text of the resolution. M. Rappard thought, however, that the members would pass through the same psychological process as the members of the Sub-Committee, and would themselves thus reach the state of resignation in which the resolution was submitted.

M. Hambro (Norway) thought the States had shown greater willingness to pay their contri. butions in 1930 than in 1929. The percentage of contributions in arrears, however, was higher- He suggested that, from January 1933, interest should be payable on contributions in arrears or a discount allowed to States which paid in advance. He pointed out, with regard to M. Rappard's observations, that no State could withdraw from the League until it had fulfilled its obligations under the Covenant.

M. Buero (Uruguay) explained that, for the first time, Uruguay had not paid her contributions in 1930 owing to a fall of 50 per cent in the exchange, which rendered insufficient the credit of Uruguayan pesos voted in the budget for foreign affairs. His Government had immediately applied to Parliament for a supplementary credit, which would, he hoped, be forthcoming shortly.

Count Carton de Wiart (Belgium) suggested that the word *inquiétude* in the French text of the resolution was too strong and might be replaced by the word *appréhension*.

The Chairman thought the words "and some measure of concern" might be suppressed.

M. Rappard recalled that M. Hambro's suggestion had been submitted to the Assembly some years previously; the latter had been unable to accept it unanimously. This year it was even less likely that such a suggestion would be accepted.

M. Rappard stated that Uruguay was one of the League's most faithful supporters and satisfactory payers. The Committee was filled with admiration for her efforts, in spite of a situation for which she was not responsible, to pay her contributions.

The Committee adopted the report and resolution, the words "and some measure of concern" being omitted from the latter.

TENTH MEETING.

Held on Friday, September 25th, 1931, at 5 p.m.

Chairman: M. Politis (Greece).

34. Financial Questions: Examination of the Draft Report of the Fourth Committee to the Assembly.

Subject to certain amendments proposed by various members of the Committee, *the draft report was adopted in the form shown in the Annex* (Annex 9).

Referring to the recommendation made by the Committee that the printing of Committee Minutes shall be discontinued, M. Hambro (Norway), supported by Viscount Astor, asked that roneoed copies should be sent to the various League of Nations societies and to similar societies for propaganda in favour of the League.

M. GALLAVRESI (Italy) also asked that Minutes dealing with opium should be sent to associations and organisations engaged in the campaign against narcotic drugs.

M. HAMBRO (Norway) further suggested that roneoed copies of Minutes should be sent to any libraries in the United States which requested them.

Mme. KLUYVER (Netherlands) asked that the same documents should be communicated to the various Governments.

Marquis PAULUCCI DI CALBOLI BARONE (Under-Secretary-General in Charge of Internal Administration) replied that the administration noted these various requests and would instruct the Publications Committee to take the necessary action.

Referring to Chapter III of the draft report, M. KALNIN (Latvia) pointed out that it only dealt with the question of the new definition of local staff, while the question of the application or non-application of the definition to be adopted had also been referred to the Supervisory Commission with a view to a fresh examination. He therefore proposed to add after the words " local staff " the words " and the question of the non-application of the new definition to nominations made before its adoption ".

The CHAIRMAN pointed out that the definition had not been adopted, as the question had been left in suspense and referred to the Supervisory Commission for further examination.

M. KALNIN (Latvia) said that the Rapporteur's statement, confirmed by the Chairman, that the question of the application of the definition which would be adopted was also covered by the report, satisfied him, and he withdrew his proposal.

M. ZUMETA (Venezuela) recalled, in connection with the credit of 5,000 francs for the publications of the Committee appointed to study the methods of election to the Council, that he had voted against the majority while pronouncing in favour of setting up this Committee, which showed that only financial reasons had led him to oppose the credit. He thought that the publications in question would risk duplicating those of the Council, and that it was consequently unnecessary to create a special item in the budget.

M. BOHEMAN (Sweden), Rapporteur, replied that he had himself voted against this credit, but had been obliged to give way to the majority. If the Committee in question was set up, its Minutes would be of great importance to all the States Members of the League.

M. ZUMETA (Venezuela) simply asked that his remarks should be entered in the Minutes.

35. Construction of the New Buildings: Examination of the Draft Report of the Fourth Committee to the Assembly.

The CHAIRMAN said that the publication of this report would be particularly useful, inasmuch as very inaccurate information, from he knew not what source, had been published in the Press. The report which contained the Committee's official views would fortunately make it possible to rectify misleading and erroneous news.

Subject to certain drafting amendments, the report as a whole was adopted (Annex 10).

36. Organisation of the Secretariat of the League of Nations, of the International Labour Office and of the Registry of the Permanent Court of International Justice: Examination of the Draft Report of the Fourth Committee to the Assembly.

M. GALLAVRESI (Italy) asked that it should be recorded in the Minutes that the Rapporteur had indicated the reasons for the adjournment in his draft report.

The CHAIRMAN replied that this would be recorded in the Minutes.

M. HAMMARSKJÖLD (Registrar of the Permanent Court of International Justice) asked the Rapporteur whether he would insert a phrase in the passage relating to Article 32 of the Statute of the Permanent Court to the effect that the Registrar had also expressed the opinion that the Council's decision with regard to the Court's proposal did not invalidate the budgetary powers of the Assembly. He was anxious to prevent any appearance of a divergence of opinion between the Court and the Supervisory Commission on this point.

M. Hammarskjöld also asked the Rapporteur to agree to omit the phrase " by a disinterested act of generosity . . . appreciate ". The statement he had made on September 22nd was a very natural and simple act. Having, in his official capacity, to provide the Committee with explanations, which unfortunately involved, as a consequence, certain pecuniary advantages to himself, M. Hammarskjöld would have been unable to do so had he not at the same time renounced those

advantages. He would be particularly glad if the Rapporteur would agree to the omission, since the statement had given rise to certain comparisons which had been very far from his intentions.

M. Hammarskjöld nevertheless expressed his gratitude to the Rapporteur and M. Rappard—who had asked for the insertion in a previous report of a courteous expression—for their kind intentions.

M. DE VASCONCELLOS (Portugal), Rapporteur, said that, in order to accede to M. Hammarskjöld's request, the second passage tow hich he had referred would be drafted as follows: " The Registrar of the Court spontaneously decided . . . "

Subject to certain other drafting amendments, the report was adopted (Annex 11).

37. **Revision of the Regulations regarding the Granting of Retiring Pensions to Ordinary Judges and to the Registrar of the Permanent Court of International Justice** (Annex 2, Appendix I).

The CHAIRMAN pointed out that the First Committee had been called upon last year to examine what changes should be made in the Regulations regarding the granting of pensions to ordinary judges and to the Registrar of the Permanent Court of International Justice, in view of the increase in the number of judges. The First Committee's attention had been drawn to two points which, in the opinion of certain of its members, were apparently not settled satisfactorily by the provisions at present in force. These two points were: (1) pensions for widows and children; (2) invalidity pensions.

The question had been referred to the Supervisory Commission, which had postponed its decision in the absence of definite instructions from the Assembly. He thought the Fourth Committee would agree that the Supervisory Commission should be authorised to deal with the question.

He added that, owing to a misunderstanding, the question had not been referred in time to the competent Committee. He therefore proposed that it should be adjourned to the following year, in order that the Supervisory Commission might examine it.

This proposal was adopted.

38. **Examination of the Supplementary Report by the Supervisory Commission** (Annex 12).

M. HAMBRO (Norway) asked whether the Supervisory Commission had studied the question of the special allowances received by a number of officials in addition to their salaries and not covered by the ordinary contracts; though the sums in question probably amounted to not more than 30,000 or 40,000 francs in all, he thought it might be wise to reconsider some of the allowances. As an example, he stated that the Secretary of the Administrative Tribunal, which had met only twice during the past year, received the extraordinary allowance of 2,500 francs. There were other cases of the same kind.

Personally, he did not desire to alter the contracts and regulations adopted at the last Assembly. He had been in a minority in the Committee of Thirteen, because he was in favour of greater economy than most of the members, but it would be dangerous to take away any of the rights now given to the staff. His remark was not intended as criticism of the Supervisory Commission, but he felt some economy might be effected in the direction he had suggested.

The Marquis PAULUCCI DI CALBOLI BARONE (Under-Secretary-General in Charge of Internal Administration) pointed out that, although the Administrative Tribunal had only met for two days, the Secretary's work was considerable.

M. GALLAVRESI (Italy) proposed that the Committee should not enter in detail into the questions raised in the report, and asked the Supervisory Commission to say frankly whether it really considered that the position was as extreme as the document suggested. The Supervisory Commission deserved all the Committee's gratitude for the work it had done, but it appeared to have lost sight of its own principles. It had started by deciding " to reject systematically any proposal that might involve an attack on the contractual commitments of the League to its officials ". M. Gallavresi was of opinion that paragraph III at least was in flagrant contradiction to the Staff Regulations of the three Administrations—so much so that, as a measure of prudence, the Supervisory Commission itself had proposed that the application of certain clauses of the Regulations be cancelled for a year.

M. Gallavresi, speaking not of the legal but of the moral aspect of the question, said that, during the past few days, the staff had been considering to what extent it could contribute to the economies which the Fourth Committee was endeavouring to make, but it had been unable to reach agreement with regard to a voluntary act.

Now a measure was suggested which might be regarded as a kind of reprisal, and was of a nature to interfere seriously with the efficiency of the work on the eve of the Disarmament Conference, at a time, moreover, when the work of the staff was even heavier owing to the economic crisis.

The Supervisory Commission was proposing to stop, or at least to reduce, leave. He thought it had somewhat exceeded the object in view, and therefore proposed that the Committee should simply take note of the document and of M. Hambro's suggestions.

M. ZUMETA (Venezuela) asked that the Committee should not close its session without completely clearing up this question. The Venezuelan delegate had not been present when salaries were discussed, and he had therefore not been able to say that the budget should not be reduced beyond what was normal, for the report must not give an impression of panic. To touch the salaries of officials was to touch one of the main forces of the League of Nations, and this could not be done without diminishing the efficiency of the Secretariat.

With regard to the Pensions Fund, if the contribution of one of the parties were decreased, the contribution of the other would be increased. The Venezuelan delegation supported M. Gallavresi's proposal.

M. OSUSKY (Chairman of the Supervisory Commission) pointed out that the question of salaries had been referred to the Supervisory Commission by the Fourth Committee itself, and had not been taken up by the former on its own initiative.

(The continuation of the discussion was adjourned to the next meeting.)

ELEVENTH MEETING.

Held on Friday, September 25th, 1931, at 10.15 p.m.

Chairman: M. POLITIS (Greece).

39. Examination of the Supplementary Report of the Supervisory Commission (continuation).

The CHAIRMAN urged that the report (Annex 12) should be discussed from the right angle. No blame could be attached to the Supervisory Commission, which, on the contrary, deserved the Committee's gratitude. He hoped, accordingly, that the debate would proceed in a spirit of complete objectivity.

M. RAPPARD (Switzerland) thought that, although the discussion could give no pleasure to any of those taking part in it, it was nevertheless impossible, while professing real devotion to the League of Nations, to observe silence at the same time. He joined in the Chairman's tribute to the Supervisory Commission. Nothing would have been easier for the Commission than to say that, having met with a refusal from the majority of officials to join in the work of retrenchment, it could only take note of the failure of its negotiations. In taking that line, the Commission would have simplified its task, but it would have failed to perform its duty to the Fourth Committee and the League.

M. Rappard had demonstrated, on a previous occasion, that there were two classes of economy possible: (1) that affecting the League's work and (2) that affecting the instrument carrying out that work—namely, the staff. The Fourth Committee had, it hoped, succeeded in making reductions in the first category without sacrificing anything that was fundamental to the League's activity. M. Rappard was convinced of the absolute moral necessity for going further. A reduction under the heading of the staff was desirable in the interests of the staff no less than in that of the League.

The advantage of economies of that kind to the League was plain. The League was the creation of public opinion and in public opinion it found the support that was essential to its growth. It was an indisputable fact that public opinion regarded the League staff as a privileged staff. Everyone was aware of the keen desire of the young to worm their way on to the staff, and that the feelings of the national civil services towards the League officials were a mixture of admiration and envy. Public opinion would see that it had been found possible to make appreciable reductions in the League's work. How would it receive the news that the only head under which no economy had been possible was that of the staff, at the very time when throughout the entire world reductions were being imposed on many officials whose position was far less enviable than that of the members of the Secretariat and other League organisations? The officials of a League which, in existing circumstances, should give tangible evidence of generosity more than any other organisation were the only ones categorically to refuse any reduction. Would not public opinion undoubtedly conclude that the work was being sacrificed to the workers?

The staff had an equally great interest in such economies. Those who upheld M. Rappard's argument were charged with being the enemies of the League and its staff. M. Rappard believed that there was no need to justify himself. Before entering the service of the League, all the time he had been in its service and since he had left it, he had devoted much of his time to creating friends and support for the League. He did not in any way share the public feeling to which he had drawn attention in the earlier part of his speech, and he combated a view which, in his opinion, was fundamentally unjust. Again, he strongly denied the charge that he was the adversary of the staff, and took the opportunity to express his appreciation of the capacities and devotion

of the great majority of the officials. They subordinated their personal interests to the work to which they were devoting their energies, and the best of them were those who were most anxious to avoid even the appearance of an attitude which would be wrongly ascribed to them.

Hence, in the interests of the League and its officials, it must be possible to tell the world that they had not refused to take part in the work of retrenchment to which the entire world had put its hand.

There were two possible methods of effecting reductions under the heading of staff: (1) concessions imposed from above and (2) concessions accepted by a voluntary sacrifice. The first method was deplorable in all respects. Even supposing it was legal—and that was doubtful—it should be rejected because it would detract from a psychological and moral factor that was essential to the League's good name. The work done at the League could not be carried out in a spirit of obedience to regulation. Those performing it must do so because their hearts were in it. It would be disastrous if the staff felt that they had been ill-treated and misunderstood. Finally, such a course would be deplorable because the chief disadvantage would be that it would not safeguard the members of the Secretariat and the other organisations from the criticisms made against them in certain quarters.

There remained the second method. A gesture of spontaneous generosity was to be desired. It would confound the League's enemies and justify its admirers and friends.

There had come to M. Rappard's ears reports of certain meetings at which it had been asked whether a voluntary reduction in salaries was feasible. One of the opponents of any such reduction had come spontaneously to M. Rappard and told him that it would be intolerable to allow the staff to be accused of having been opposed to making a voluntary gift to the League. He had handed M. Rappard a declaration, and added that he was prepared to accept and to sign it second on the list if the head of the organisation would sign first. That declaration entirely exonerated, not only those who had been ready to show a spirit of self-denial, but even those who had been regarded as the opponents of any sacrifice whatever. The declaration, dated September 25th, 1931, was as follows:

"The undersigned officials, being desirous in the present world conditions of making a contribution to the work of the League, such contribution to be entered as an extraordinary receipt in the 1932 budget, without in any way affecting the regulations governing contracts and pensions, have decided to give to the League Assembly for this purpose a percentage of their salary in accordance with the following scale. This receipt, if the entire staff were to join in this offer, would amount to about 225,000 francs.

	Per cent
"Secretary-General and Under-Secretaries-General	5
Directors	4
Chiefs of Section	3.25
Members of Sections in receipt of a salary above 20,000 francs	3
Salaries from 12,000 to 20,000 francs	2.5
Salaries from 7,000 to 12,000 francs	2
Salaries from 4,000 to 7,000 francs	1
Below 4,000 francs	0.5

"The salaries to which these percentages apply are the nominal salaries, plus entertainment allowances and special allowances for the purpose of certain duties.

"Individual applications for the repayment of entertainment expenses from the joint fund will be reduced by the percentage applicable to the salary of the grade concerned."

M. Rappard emphasised, not only that he knew nothing about the drafting of the document, but also that he was not acquainted with the movements of the staff. He had seen the document for the first time that evening. The statement proved that even those who passed for opponents of any reduction in salaries were not anxious to bear the weight of so serious a reproach. If that were the Secretariat's feeling, it could not be said that nothing could be done.

M. Rappard had no advice to offer the high officials of the Secretariat; but, just as in time of war the superior officers were the first to leave the trenches, so the heads of the Secretariat and the other organisations should set the example, and not appear to be acting under pressure from below. If they took the initiative, nothing would so greatly increase their prestige in the eyes of their collaborators.

To economise on the travelling expenses of officials whose homes were at a distance from Geneva would present more injustice than advantage, for the whole burden of the sacrifice would fall on officials whose homes were farthest from Geneva. Those who were not affected would certainly be the first to protest against a method which was contrary to the interests of all, as well as to the most elementary justice.

A possible solution would be to deduct a figure similar to that mentioned in the document M. Rappard had just read, and without demanding anything of the officials, to count on them to show their self-sacrifice, discernment and sense of opportuneness by an act which all would approve, and which would enable their friends to defend them against the reproaches which would otherwise be levelled at them.

M. HAMBRO (Norway) thought the Supervisory Commission was in duty bound to put forward proposals for a possible reduction in staff expenditure. He congratulated it on having stopped, by its proposals, a debate on such essential questions as salaries granted under contract and the

Pensions Fund, which for many reasons could not be touched. It remained to examine the proposals contained in the third report of the Supervisory Commission—travelling expenses of the officials and their families proceeding on leave, length of paid leave allowed and entertainment allowances.

M. Hambro was prepared to vote for M. Gallavresi's proposal with regard to paragraph III (travelling expenses and leave), and added that the Committee had not had time to consider in detail the position of officials who came from distant countries. He did not know, however, whether it was M. Gallavresi's intention that paragraph IV (entertainment allowances) should be left outside the discussion.

If the staff had spontaneously suggested any reduction in salaries as a provisional arrangement, M. Hambro would have voted against their proposal, as a provisional arrangement would only complicate matters and the same difficulties would arise the following year. It would be particularly disastrous to alter for one year only the structure of the Secretariat and the International Labour Office fixed scarcely a year previously. It would be an injustice to many officials who had been tempted by the conditions offered them.

The time when the Secretariat might have shown a spirit of sacrifice was past, and an offer made under pressure would have no value and would not make the same impression on public opinion.

Moreover, many officials of the League of Nations were not receiving high salaries as compared with those obtaining in Switzerland and in other countries. The gesture which it had been suggested they should make would have been a *beau geste*, but it would have meant hardship for some of them. They had framed their lives and planned their expenditure on the basis of their contracts —that was to say, in consideration, not only of their salaries, but of the increases to which they were entitled, the payment of travelling expenses and so on. It would be unjust not to respect the terms of their contracts.

For these reasons, M. Hambro was unable to accept the Supervisory Commission's proposals, which he had not had time to examine with the necessary care. The present discussion would have the advantage of enabling the competent officials to take a decision after careful consideration. Next year it might be necessary to re-examine the whole question; but the Fourth Committee would have had time to study it thoroughly. For the present year, it would be better to avoid giving the impression that it was acting in a panic.

M. Palacios (Spain) maintained the point of view of the Spanish delegation, which he had already explained. He considered that the Committee should accept M. Gallavresi's conclusions, which, in his view, applied as much to " travelling and leave " as " entertainment allowances ".

M. Hiitonen (Finland) thought the measures proposed by M. Rappard were not sufficient. If results were obtained, it would be thanks to the staff and not to the Fourth Committee or to the Assembly; the results would only apply for one year. The Fourth Committee, however, was expected to prepare a definite programme covering even the future. While it was desirable, on the one hand, that the officials of an institution like the League of Nations should enjoy certain advantages, it was obvious, on the other hand, that the League of Nations could not live in a condition of splendid isolation, if the large majority of the States Members reduced salaries.

M. Hiitonen therefore suggested that the Assembly, as a preliminary to a possible reduction in the salaries of League officials, should recommend a study of the decrease in salaries in the various countries.

M. Hiitonen supported M. Rappard's observations with regard to travelling expenses. Sacrifices could only be asked of all the officials, not simply of those who, owing to the very fact that their homes were farthest away, were already in a less privileegd position than the others. It was desirable, not only for reasons of equity but also from the political aspect, that officials from distant countries should be able from time to time to get in touch, once again, with their home countries. It should not be forgotten that the promise that travelling expenses would be paid had certainly encouraged a large number of officials from distant countries to accept a post at the League of Nations. That promise must be kept.

M. Gallavresi (Italy) feared that some of his colleagues had understood that he thought the Supervisory Commission had exceeded its mandate. That was not his idea, but he was of opinion that the whole question should simply be adjourned in order to avoid taking measures which, if not controvertible (he thought they were), had at any rate been contested. Obviously, the loss of efficiency which would result from the reduction of salaries would be far greater than the 200,000 francs it was hoped to save.

In his previous statements, M. Gallavresi had had more particularly in mind the provisions of Chapter III, but neither had he any sympathy with the provisions of Chapter IV. The entertainment allowances, if used carefully, were valuable for the League's prestige.

While he appreciated the considerable work which the Supervisory Commission had accomplished, M. Gallavresi urged that the discussion should be adjourned to the following year, and even expressed the hope that it might be adjourned *sine die*.

M. Cahen-Salvador (France) thought it would have been better had the discussion not taken place; but, since a question of dignity was involved, the French delegation felt bound to state its views, particularly as it could not accept all the conclusions of the Supervisory Commission, which, however, M. Cahen-Salvador congratulated on its work.

The report stated that the Commission had considered the possibility of reducing salaries and decreasing the League's contribution to the Pensions Fund. Economies of that kind, which were contrary to contractual commitments, would have been irregular and the Commission had done well to reject them. The French delegation would have combated these two proposals.

It had then been asked whether the persons concerned would not make what had been called a spontaneous gesture. M. Cahen-Salvador had little taste for these arranged " improvisations ", for these " spontaneous " acts which, in reality, were imposed or suggested. He recalled a rule of public law that constraint vitiated consent. Moreover, these reductions, even if agreed to freely, would bear more hardly on certain officials who, though accepting the decision of the majority, had their families to consider and deserved the greatest solicitude. In any case, on this point also the Supervisory Commission's report was a failure.

In the report, the Fourth Committee was asked to approve a policy which M. Cahen-Salvador did not hesitate to describe as one of " relative reprisals ". The new proposals before the Committee would lead only to the saving of an insignificant sum. On the other hand, they would create trouble and animosity. Leave was covered in the Staff Regulations. In the strictly legal sense of the word, the Regulations were perhaps not an integral part of the contracts, or at any rate not for their whole duration. Obviously, the supreme authority of the League of Nations was entitled to change the Regulations in case of necessity. As a member of the Committee of Thirteen, however, M. Cahen-Salvador affirmed that, when scarcely a year previously the new Regulations had been prepared, a moral agreement had been concluded. The French delegation considered that a moral agreement had the same value as a formal legal agreement. It should be accorded the same respect as though it were strictly and legally executable.

The measures adopted the year before by the Committee of Thirteen were based on the desire to give the staff the guarantees of security of which they were so greatly in need. Leave, however, was not given only for the pleasure of the staff. A period of rest was essential after incessant work. M. Cahen-Salvador could not understand how, in a year in which the officials would be asked to make an exceptional effort, the advantages and guarantees of security granted less than a year previously could be withdrawn. He asked his colleagues whether they had reflected on the consequences of the measure recommended in the report—namely, to reduce leave by a quarter, any official being free to take the full amount of his annual leave on condition that he regarded himself as on leave without pay. That amounted to saying that only the richer officials, or those without family ties, would be able to take all their leave. Were the staff, to whom the Committee of Thirteen had guaranteed the equal, fair and suitable treatment to which they were entitled, to be placed in a position of such glaring injustice ? Improvised measures would only compromise the stability and justice which the Committee of Thirteen had introduced in putting an end to a troubled situation which had lasted for five years. M. Cahen-Salvador feared that the economy recommended in the report of the Supervisory Commission, in spite of its praiseworthy intentions, would have disastrous consequences.

In the present period of distress, the Fourth Committee, far from introducing confusion in to the minds of those who assisted in the League's general efforts to improve the situation, should give the staff all the assurances of security which they needed. The position of League officials had been compared with that of officials of other countries. M. Cahen-Salvador refused to admit such an argument. Although French officials were among the worst paid, that did not prevent the French delegation from asking for international officials the guarantees which they deserved and which had voluntarily and with full knowledge been granted them the previous year.

In conclusion, he asked his colleagues to reflect on the consequences of an improvised vote, and stated that, in any case, the French delegation would vote against the measures proposed.

Viscount MUSHAKOJI (Japan), while appreciating the difficulties of the Supervisory Commission's task, associated himself with M. Gallavresi's proposal. As he had already stated in the general discussion, a reduction in salaries would have a very bad effect, and the economy of 2,600,000 francs already proposed by the Supervisory Commission made it unnecessary to effect any saving on salaries, and more particularly on travelling expenses of non-European officials. He had had the greatest difficulty in getting that proposal approved last year, but he was glad to see that M. Hambro had now come round to his opinion. In conclusion, he could not accept the proposals in the report.

M. OSUSKÝ (Chairman of the Supervisory Commission) was glad that he had refrained from asking permission to speak at the beginning of the discussion to explain the Supervisory Commission's report and that members had had an opportunity of expressing themselves freely. He tendered his special thanks to the Chairman, M. Rappard, M. Hambro, as well as M. Cahen-Salvador and M. Gallavresi, for their remarks.

A week ago, the Supervisory Commission had submitted to the Fourth Committee the revised budget, and the Commission had then been asked what it was doing about salaries. M. Osuský had replied that the Supervisory Commission was studying the matter, but, having reached no conclusion, would have to report later. Surely that had been an admirable opportunity for the members of the Fourth Committee to point out that salaries were inviolable in virtue of the individual contracts. He had not heard a single remark to that effect. Had the Committee expected miracles of the Supervisory Commission and assumed that it could economise on salaries without touching them ?

During the discussions in the Fourth Committee on the question of the Chiefs of Section, it had been said that the Committee should not be guided by moral but only by financial considerations. Last year the moral right of Chiefs of Section to an increase had been recognised, and yet the Fourth Committee had refused to vote that increase on the ground that budgetary considerations must be paramount. For financial reasons, the Registrar of the Court had made a very noble gesture. Why had not considerations of dignity and morality preponderated in his case ? Why had the Committee accepted the offer of this devoted official ?

During the last ten days the heaviest pressure had been brought to bear on the officials to drag from them a spontaneous gesture. Who had exercised that pressure ? Was it the Secretary-General, the Director of the International Labour Office, or the Supervisory Commission ? The latter was entirely innocent. When approached by the officials, the Commission had stated that it asked for nothing because the League could not beg from its officials. The Commission, however, had been much alarmed at the pressure that was being brought to bear on the officials. To prevent any diminution of the contractual rights and the security of the officials, it had anxiously considered the ways and means of easing the pressure upon them. After much hesitation, the Commission had attempted to bring forward a concrete proposal in view of the statements made by various delegations to the Fourth Committee. It had hardly intimated that it had arrived at a result, it had not even particularised its conclusions, before it felt a wave of moral indignation. Yet the Supervisory Commission had only received instructions and endeavoured to execute them worthily.

If the result of the Supervisory Commission's report was to be a decision by the Fourth Committee that the rights of, and guarantees of stability accorded to, the staff must be respected, the report in question would not have been useless. In that case, however, the officials must be defended, not only at Geneva, but in Parliament, in the Press and before public opinion. If that were done, the Supervisory Commission would feel the greatest satisfaction. In conclusion, M. Osuský hoped that, henceforward, the officials would be left to work in peace and that they would cease to be importuned and troubled by constant criticisms and reproaches regarding their position at Geneva.

The SECRETARY-GENERAL asked for permission to reply to certain observations which appeared to reflect on the higher officials of the three organisations. He did not think that there could be any question of his devotion to the League. In 1921, when the budgetary situation had been unfavourable, he had surrendered 35 per cent of his total emoluments. Other officials had made the same gesture, and the combined sum amounted to 80,000 francs a year, or 800,000 francs over a period of ten years.

The Secretary-General thought the Swiss delegate's indignation might perhaps be more usefully employed in inducing some of his co-citizens to reduce prices in the Geneva hotels, which no delegation would say were very low.

He sympathised with the Finnish delegate's remark, but asked him to consider the position of the League officials. They were drawn from all countries, and it was on that account that the League had originally decided that the rates of pay should be based on the highest rates of any Civil Service in Europe. A reduction in the rate would have meant excluding from the service people whom the League was particularly anxious to attract. That might be hard on national officials, but the Secretary-General felt sure that, if matters were fully explained to them, they would not resent it but would appreciate the position.

It had been suggested that the highest officials had been against any voluntary offer of a reduction. So far as he was concerned, that was not the case. No member of the Fourth Committee would have wished him, or the Director of the International Labour Office, or the Registrar of the Court to put pressure on the other officials in order to extract from them a voluntary gesture. The officials had felt a certain resentment at some of the speeches made by certain delegates at the beginning of the session. Those speeches had not eased the situation, but the Secretary-General had nevertheless made the following recommendations to the staff:

> " The staff assembly,
>
> " Recognising the grave economic, financial and social situation in many countries and its effects on the League budget:
>
> " Recommends all members of the staff whose effective salary is not less than 4,000 francs on January 1st, 1932, to offer for 1932 a contribution of which the aggregate amount would be equivalent to the sum voted for the statutory annual increments of the said officials during 1932 on condition that this aggregate sum is obtained—in accordance with a progressive scale to be determined by the Secretary-General after consulting the Staff Committee—by a deduction from the salary of each official earning not less than 4,000 francs as on January 1st, 1932, including officials with fixed salaries and those who have reached the maximum of their grade."

The Secretary-General had hoped that the officials would be able to put aside their feelings and respond to his recommendations; but, unhappily, they had been unable to swallow their resentment entirely, and the motion had not been accepted, although it had been approved, apart from certain amendments proposed by him, by the Staff Committee. It was therefore clear

that the highest officials had done their best to obtain a voluntary gesture, and a large number of the staff were ready to make such an offer. The ultimate refusal was entirely due to human feelings which no one could disregard. The Secretary-General therefore hoped that it was plain that the highest officials had not been against a reduction.

M. Albert THOMAS (Director of the International Labour Office) said that the remarks made by those who had spoken later in the debate had somewhat tempered his feeling of indignation at the Swiss delegate's suggestion that the staff had categorically refused to accept any reduction. That allegation was entirely unjust. M. Rappard himself had expressed his appreciation of the staffs of the Secretariat and the International Labour Office. The staff had shown that, in all circumstances, they were capable of generosity and self-sacrifice. In 1921, the staff of the International Labour Office had for six months unanimously contributed 2 per cent of their salaries for the relief of suffering children in Europe.

Why, then, had the staff appeared to hold back in the last few days ? The reasons were very simple. They had been stated by various speakers during the discussion. It was because the staff had felt that there was little substance in the references to public opinion that had been reiterated *ad nauseam*. M. Albert Thomas had himself suffered from such methods. Newspaper misrepresentations had made it appear that the salaries of the League staff reached astronomical figures. While, of course, there was some truth in the judgment of public opinion, the latter was, M. Rappard had said, partly actuated by jealousy. That was a perfectly human trait. But were people who had a sense of their responsibility to yield to pressure of that sort from public opinion ?

Would, as Sir Eric Drummond and the Chairman of the Supervisory Commission had asked, the officials of the League be defended in circumstances like those by men who were conscious of their responsibilities towards the League ? Were the staff to be handed over to the lions the day after the necessity of certain rates of salary had been agreed ? Would no voice be raised to justify outside the League what had been justified without difficulty in the Fourth Committee of the League Assembly ? That was the first consideration that had occurred to the staff.

There were others as well—that of M. Cahen-Salvador in particular. Last year, the Committee of Thirteen, the Fourth Committee and the Assembly had one after the other reiterated the necessity of conferring on the staff a secure and stable situation. It had been said over and over again that injustices and uncertainties that had lasted for years were to be corrected. They had been corrected. It was impossible a few months later to say, " Yes, we must respect security and stability, but the times are hard, we shall change the whole position and revert to the conditions we decided to consolidate last year ". Was that the line that was to be adopted in regard to a staff which was expected to make a generous and spontaneous gesture ? The staff might be asked to make sacrifices under certain specific circumstances, but fairness on both sides was essential.

The staff could hardly forget that they possessed contracts requiring regular, efficient work. That work they had performed for ten years. Nor could they forget that they had respected their engagements. M. Thomas had the right to ask whether everyone had kept his engagements. The question of contributions in arrears was a delicate political matter, but he might remind M. Rappard that, on the previous day, the Committee had spent some time on toning down a report that was already in a low enough tone and on discussing a suggestion to substitute the word *appréhension* for the word *inquiétude*. At the moment, when the members of the staff were asked to make a voluntary sacrifice, M. Albert Thomas could not help pointing out that certain States Members had not respected their primary obligations to the League.

As the Secretary-General had observed, the staff had been subjected for ten days to pressure from no one knew where. It had been thought that the pressure came from the Fourth Committee; but the remarks made by those who had spoken at the beginning of the debate had apparently had less force than might have been supposed. Nor, it seemed, had the pressure come from the Supervisory Commission. Perhaps it was thought that the pressure had been exercised with the utmost measure of discretion by the Secretary-General or the Director of the International Labour Office. For ten days, notwithstanding difficulties which the Committee perhaps failed to realise, and notwithstanding the heavy work entailed by the Assembly, the staff of both bodies had made an effort to reach some conclusion. They had not succeeded. Why ? The Committee itself had indicated the reasons. The staff had felt that any improvised reductions might give rise to injustice. The proposal to forgo the annual increment, although legally possible, and although it could have been passed with the consent of the staff, would, it had been observed, affect only those who were entitled to it next year. The Secretary-General's suggestion for distributing the amount thus sacrificed among all members of the staff gave rise to too many complications. It would, it had been considered, be a source of embarrassment and difficulty for which no solution had so far been found. The possibility of a reduction of annual leave, raised by the Supervisory Commission, had also been thought of by the staff, but here again it had been seen that there would be all kinds of inequality and unfairness and, therefore, because it had been asked to improvise in haste a resolution that might be a source of injustice, the staff had given up any attempt to take a decision which might cause general demoralisation and poison the whole atmosphere at a time when all its attention should be concentrated on its work.

That was the entire story. An effort was, of course, being made in the League organisations to effect certain necessary adjustments. The administration was attempting to lighten the whole organisation without, however, impairing its efficiency or radically changing the whole system.

That, however, was work that could not be improvised. The Committee must trust the high officials. They must not be expected to take a hasty decision which might be dangerous to the prestige and future of the League.

Viscount ASTOR (British Empire) had been struck by one fact in the discussion. Members appeared to be continuing a debate which had begun two years ago. It was therefore somewhat difficult for a new member like himself to pick up the threads. He would suggest that the discussion of this point be terminated to-night and should not be continued in 1932 or 1933.

He would make one practical suggestion. The Secretary-General would not, he hoped, take it as a reflection on himself if Lord Astor suggested that he should call in some outside person to carry out a general rationalisation of the League organisations. That system had been found very useful in many business organisations in England and elsewhere. In conclusion, he suggested that the discussion be now closed.

M. BOHEMAN (Sweden), Rapporteur, agreed with Lord Astor's proposal and would refrain from offering the remarks he had intended to make. He hoped that the Committee would not expect him to give a full report of the discussion to the Assembly.

The CHAIRMAN declared the discussion closed. Unless any member objected, he would take it that the conclusion of the debate was the withdrawal by the Supervisory Commission of its proposals. He would express the Fourth Committee's warmest thanks to the Supervisory Commission.

40. **Work of the Supervisory Commission during its Forty-first Session** (continuation) (Annex 2).

II. DISPOSAL OF THE SURPLUS FOR 1930: REIMBURSEMENT TO THE STATES OUT OF THE BUILDING FUND AND REIMBURSEMENT TO THE WORKING CAPITAL FUND.

This Section was approved without observations.

IV. MISCELLANEOUS QUESTIONS.

1. *Annual Report of the Publications Committee.*

The resolution of the Supervisory Commission (paragraph 49) *was adopted.*

2. *Constructional Work on the New Buildings.*

Paragraphs 50 *to* 52 *were adopted without observations.*

3. *Salaries of Locally Recruited Staff.*

M. OSUSKY (Chairman of the Supervisory Commission) observed that this section had been approved by implication, but still required to be definitely adopted.

Paragraphs 53 *to* 59 *were adopted.*

41. **Request by Nicaragua to be relieved of the Payment of its Contribution for at least One Year.**

The CHAIRMAN read a letter from the President of the Assembly asking him to communicate to the Fourth Committee a request from the Government of Nicaragua to be relieved of the payment of its contribution for at least one year.

M. PALACIOS (Spain) supported the Nicaraguan Government's request. Owing to the earthquake which had ravaged the country and entirely destroyed the capital, Nicaragua was in a state of complete impoverishment. The League might express its sympathy with Nicaragua by relieving it of its contribution for one year.

M. RAPPARD (Switzerland), speaking as Chairman of the Sub-Committee on Contributions in Arrears, thought that it would be a dangerous precedent to say that, if a country made a request to be relieved of the payment of its contribution for one year or more, that request could be granted. It was one thing to show patience to debtors in distress, and another to dispense them from paying altogether. Other States in a difficult position might have adduced special considerations.

M. HAMBRO (Norway) supported M. Rappard. It was outside the Committee's competence to take any such action.

The CHAIRMAN pointed out, first, that there was already a precedent for postponing payment on grounds of a public disaster, and, secondly, that the present request aroused special sympathy because it was made by a country whose capital had been entirely destroyed by an earthquake and where the general disorganisation was such that it was absolutely unable to pay its contribution this year. The least that could be done was to say that, in view of the exceptional circumstances and in conformity with an earlier precedent, the payment would be deferred until better times.

M. RAPPARD (Switzerland) could accept this proposal, but still feared the danger of creating a dangerous precedent. It would perhaps be better to reduce the contribution by one-half without granting exemption from payment. That apparently was the course adopted in the earlier case to which the Chairman had referred.

M. HAMBRO (Norway) was averse to discussing a matter of this kind in public. He would prefer M. Rappard's solution and suggested that the subject be referred to the Council, which would be asked to take the necessary steps.

The CHAIRMAN thought that it would be more in order to refer the matter to the Supervisory Commission.

M. VALDÉS-MENDEVILLE (Chile) asked why the Fourth Committee itself should not take a definite decision to reduce the contribution by half. The Committee would be perfectly competent to do so in view of the exceptional circumstances. He would, however, have no objection to the matter being referred to the Supervisory Commission.

M. RAPPARD (Switzerland) suggested that the Press might be asked not to report the discussion in the newspapers. He would suggest that perhaps the best solution would be for the Assembly to instruct the Secretary-General to inform Nicaragua that the Assembly hoped that it would be able to pay half its contribution, the League relieving it of the other half by reason of the terrible disaster that had overtaken the country.

The Supervisory Commission was not a body that could negotiate with States. The Secretary-General was the Assembly's executive organ, and, as he had for some time been in negotiation with the countries whose contributions were in arrears, M. Rappard's solution was the one most in accord with the traditional procedure. It would, in particular, not create a dangerous precedent.

M. HAMBRO (Norway) said that, out of sympathy for Nicaragua, he would accept M. Rappard's suggestion.

M. HOFFINGER (Austria) suggested that, in addition to remitting one-half of the contribution, the Assembly might allow Nicaragua to postpone payment of the other half to a later year.

M. BOHEMAN (Sweden), Rapporteur, pointed out that there was an objection to this solution, because Nicaragua's contribution amounted to one unit. It was impossible to distribute half a unit among the other Members of the League. The simplest solution would be to postpone the contribution for one year.

The CHAIRMAN said that it would be stated in the report—and perhaps also in a draft resolution—that, in view of the exceptional circumstances which had led to the destruction of the capital of Nicaragua, her request would be met by the remission of one-half of her contribution and the postponement of the payment of the other half.

The Chairman's proposal was adopted.

42. Preparation by the Supervisory Commission of Regulations for the Payment of Contributions at the Rate of at least One-twelfth Each Month: Draft Resolution submitted by the Delegation of Uruguay.

The CHAIRMAN recalled that the following resolution had been proposed by the delegation of Uruguay:

"The Fourth Committee,

"Considering that the absence of practical regulations with regard to the payment of contributions by the various States Members of the League of Nations involves difficulties for the regular working of the Treasury of the Secretariat;

"Considering that these difficulties are mainly due to the fact that the contributions are expressed in the scale by the total annual figure, which obliges the Government to pay the whole amount at some date during the year;

"Considering that the commitments of the Treasury of the Secretariat begin on January 1st and, as in the case of State budgets, are roughly divided into liabilitiespa yable by twelfths:

"Is of opinion that it would be well to have regulations prepared by the Supervisory Commission informing the various Governments of the necessity of paying contributions at the rate of at least one-twelfth each month beginning in January of each year;

"Accordingly requests the Supervisory Commission to study this proposal and give its opinion to the Fourth Committee."

He pointed out that the Supervisory Commission would be unable to take up this question for some time. It could not accordingly submit its conclusions to the Fourth Committee until the following year.

The draft resolution was referred to the Supervisory Commission with the request that it should present a report to the next Assembly.

43. Credit of 50,000 Francs for the Study of the Question of the Recurrence of Periods of Economic Depression: Letter from the Secretary of the Second Committee.

The following letter, dated September 25th, 1931, from the Second Committee was read:

"M. Janson, Chairman of the Second Committee, has instructed me to acknowledge receipt of your letter of September 24th, 1931, in which you inform him that the Fourth Committee has decided to enter a credit of 250,000 francs in the 1932 budget for the work of the Financial Committee in 1932; but that, on the other hand, it has been unable to accept the Second Committee's proposal to enter in the budget a supplementary credit of 50,000 francs for the study of the question of the recurrence of periods of economic depression.

"This latter question was again studied by the Second Committee yesterday afternoon. The Second Committee decided to ask its Chairman to approach the Chairman of the Fourth Committee once more with a view to asking that Committee to consider afresh the possibility of entering a sum of 50,000 francs, or possibly some smaller sum, in the 1932 budget for the study of the question of the recurrence of periods of economic depression, since the Second Committee believes that, in present circumstances, this problem is of special urgency and importance.

(Signed) KERNO."

M. GALLAVRESI (Italy) suggested that 25,000 francs might be voted for this purpose. That would make it possible to contemplate making at least a start with the work.

M. OSUSKÝ (Chairman of the Supervisory Commission) pointed out that last year's budget contained a credit of 100,000 francs for the same purpose. There was, therefore, no question of work that had to be begun. He could not form an opinion on the matter without having first studied the Minutes of the discussion in the Second Committee.

M. HOFFINGER (Austria) had noticed great consternation in the Second Committee on the previous day when the Fourth Committee's rejection of this credit had been announced. The studies which had been begun would have to be suspended, and the Second Committee had been unanimous in regretting the refusal of the vote.

M. HAMBRO (Norway) replied that the Second Committee had not been unanimous. The Norwegian delegation had voted against the credit. Acceptance of this request might encourage other Committees to ask for the reconsideration of rejected credits, and he therefore hoped that the Fourth Committee would not rescind its decision.

The Committee decided to reject the Second Committee's request and to grant no credit for this subject.

44. Allocation of Expenses: (1) Contribution of Mexico; (2) Revised Scale of Contributions.

M. RÉVEILLAUD (France), Chairman of the Committee on the Allocation of Expenses, submitted the following draft resolution:

"The Fourth Committee, approving the recommendation of the Allocation Committee, fixes at fourteen the number of units allocated to Mexico in the scale of apportionment of the League's expenditure;

"Amending the decision taken on September 26th, 1928, request the Council to ask the Allocation Committee not to submit its draft revised scale until the 1934 Assembly."

M. Réveillaud explained that the Committee on the Allocation of Expenses had met in the course of the winter and had immediately taken a unanimous decision to the effect that, owing to the economic situation, it was impossible to prepare a new scale on a stable and final basis. The Committee realised that the budgets of many States were very seriously affected by the depression, and had therefore decided to request the Assembly to prolong the use of the scale now in force.

Mr. COLLINS (Australia) reminded members that, in the beginning, an attempt had been made to divide the League's expenditure according to revenue. That method, however, had been found unsatisfactory, and it had accordingly been decided to allocate the expenditure in proportion to the expenditure of the Member States.

Australia had cheerfully accepted a very high allocation of units—namely, 27—but times had changed, and Australia had recently been passing through perhaps the most severe crisis in the history of any country in the world. Australia produced raw materials, the prices of which had fallen very considerably. Formerly, it had been Australia's practice to borrow large sums of money for development purposes. She could now borrow nothing at all. Her standard of living had been maintained largely owing to this borrowing, which had now ceased. She looked forward accordingly to relief in her contribution to the League. She was perfectly willing to pay her fair share, but it was a serious disappointment to her that the revised scale should be postponed for two years. That, indeed, would be very unfair to a country like Australia, in view of her exceptional circumstances.

Mr. Collins produced figures to show that, owing to the reduction of expenditure and the fall in the exchange value of the Australian pound, the purchasing power originally of £100 now amounted only to £60. Australia's expenditure had been reduced by 20 per cent; but, nevertheless, she was unable to balance her budget. Mr. Collins, therefore, must press for relief at the very earliest date. He would consequently propose an addition to the resolution so as to enable the Allocation Committee, during the next year, to take into consideration the special situation of Australia with a view to fixing her contribution at an amount which would be commensurate with her financial position.

Viscount ASTOR (British Empire) said that he had not been forewarned that such a substantial change was to be proposed. He had no authority from his Government to agree to the postponement of the new scale for two years. To meet Mr. Collins's case for a re-allocation of the Australian contribution—other States might have an equally strong case—he would suggest that postponement should be for one year only.

M. RÉVEILLAUD (France) replied that, if the preparatory work on the new scale were postponed for only one year, the Allocation Committee would certainly be forced next year to ask for a further postponement, because it would have to base its work essentially on the 1931 budgets and possibly to some extent on those for 1932—that was to say, on budgets necessarily affected by the present depression. If, however, as appeared certain, delegates had received no instructions and could not agree to a postponement for more than one year, M. Réveillaud would make no fundamental objection to Lord Astor's proposal.

Mr. COLLINS (Australia) said that the proposal would involve such serious injustice to Australia that, if it were adopted, he would have to make a solemn protest against this violation of the League spirit. He suggested that a special allocation might be made for Australia, to be submitted to the 1932 Assembly and to take effect as from January 1st, 1933. He could give full details in support of Australia's request to the Allocation Committee.

M. RÉVEILLAUD (France), Chairman of the Allocation Committee, said that, if the Fourth Committee was of the opinion that special consideration should be given to the case of Australia, the Allocation Committee would be quite prepared to examine the figures which Mr. Collins would present. He felt, however, that there was serious objection on the part of many delegations to the adoption of special treatment for one State.

If Lord Astor's proposal were adopted, M. Réveillaud would be obliged to ask for an increase of 25,000 francs in the credit voted to meet the expenses of the sessions of the Allocation Committee next year. The preparation of a final scale demanded much arduous work, and two years would not be too long for the purpose. If the present scale were extended for only one year, the Committee would have to hold many more meetings than had originally been contemplated.

He pointed out that the British member of the Allocation Committee had supported the proposal he had made in the name of the Committee.

M. FOTITCH (Yugoslavia) was prepared to assent to the Australian delegate's proposal, but was against a special mention of Australia. He feared that, if that were done, many delegates might ask for consideration of their country's position. He would prefer Lord Astor's compromise.

M. HOFFINGER (Austria) agreed with M. Fotitch.

Viscount ASTOR (British Empire) emphasised the difficulty of discussing a proposal when the papers had not been distributed beforehand. If he had had time to study the resolution, he would have consulted his Treasury expert. He did not wish to reverse the decision reached by the Allocation Committee with the assent of the British Treasury expert, and was therefore prepared to withdraw his motion.

M. HAMBRO (Norway) pointed out that the Australian delegate had made no definite proposals, but had merely stated that he would submit to the Allocation Committee particulars in support of Australia's special case. Every delegation had the same right, and the Allocation Committee would have to decide on each case. Since Lord Astor had withdrawn his proposal, the discussion could be closed.

M. RÉVEILLAUD (France) suggested, as a compromise, that the new fourteen units constituting Mexico's contribution should be placed at the Allocation Committee's disposal, so that the latter might be in a position to give, as a provisional measure, partial satisfaction to the countries asking for a reduction of their contribution; in that case, however, the Allocation Committee

would ask to be granted the period of two years which it required to enable it to draw up the final scale. In this way the necessity for an additional credit of 25,000 francs would be obviated.

M. VALDÉS-MENDEVILLE (Chile) observed that the fourteen units might not suffice to meet all demands; he therefore could only accept this proposal on condition that the arrangement would be provisional. On that understanding, he would urge Mr. Collins to accept M. Réveillaud's compromise, remembering that there were other countries outside Europe which had serious difficulties and had had to reduce their budgets.

M. RAPPARD (Switzerland) could agree to M. Réveillaud's proposal, but thought it would be dangerous for the Committee, where there was now scarcely a quorum, to take a decision on so grave a matter, and thus perhaps precipitate discussion in the Assembly. He therefore moved the adjournment.

Mr. COLLINS (Australia) regretted that the serious position of his country made it necessary for him to press his request. If there were other countries in the same position, their cases could be dealt with as well. If necessary, he would have to bring the matter before the Assembly, if not this year, at any rate next year.

The CHAIRMAN thought that the Committee was in agreement with M. Valdés-Mendeville's proposal. He would request the Rapporteur to consult M. Réveillaud in drawing up his report, which would state that M. Réveillaud's draft resolution was adopted with the substitution of the year 1933 for 1934, and that countries claiming a reduction in their allocation as a result of the admission of Mexico to the League should submit their requests to the Allocation Committee.

Mr. COLLINS (Australia) was anxious to meet the Committee as far as possible, and would withdraw his proposal to bring the matter before the Assembly. He accepted the Chairman's suggestion provided he had an opportunity of laying his case before the Allocation Committee. He would then leave it to that Committee to say whether Australia should be allowed a reduction over and above the number of units that might be available out of Mexico's fourteen.

M. VALDÉS-MENDEVILLE (Chile) explained that, according to his idea, Mexico's fourteen units would not be touched. Her contribution, representing roughly 400,000 francs, would go into the general pool, and the payment of each State would thus be reduced. The question would be postponed until 1933.

The CHAIRMAN suggested that, in view of the importance of the problem and the lateness of the hour, the Committee should adjourn the discussion to another meeting.

The Chairman's proposal was adopted.

TWELFTH MEETING.

Held on Saturday, September 26th, 1931, at 3.30 p.m.

Chairman: M. POLITIS (Greece).

45. Allocation of Expenses: (1) Contribution of Mexico; (2) Revised Scale of Contributions (continuation).

Mr. COLLINS (Australia) hoped he could assist his colleagues to arrive at a decision acceptable to all. The way out of the difficulty could be found in the acceptance of the resolution proposed by the Allocation Committee, with one alteration—the substitution of 1933 for 1934. If other countries had met with extraordinary difficulties, it was right, of course, that their cases also should be examined. His subsequent enquiries had confirmed him in that opinion, and he did not now wish the case of Australia to be considered apart from the others. He now appreciated more fully the position of the Allocation Committee. He therefore supported the resolution, subject only to the shortening of the period for which the re-allocation was to be deferred.

Viscount ASTOR (British Empire) said he had been in touch with the British Treasury expert, and found that the difficulty was that the final budget figures were only available a year or more after the end of the financial year to which they related. It would therefore be impossible to submit to the 1933 Assembly a new scale based on figures later than those for 1930. The financial crisis, however, had not been at its worst during 1930, and the result of allocating the

expenses on the basis of that year might very easily be both inequitable and unsatisfactory to the very countries which had suffered most. If 1930 was adopted as a basis for the new scale, he suggested that the latter should remain in force only for a short period.

M. RÉVEILLAUD (France) urged Mr. Collins to accept his original proposal, for the purely technical reasons which Lord Astor had explained. If Mr. Collins's suggestion were adopted, it would probably be necessary to make a provisional arrangement with which no one would be satisfied.

M. RESTREPO (Colombia) explained the Colombian Government's point of view with regard to the allocation of expenses. Colombia had paid her contribution regularly in spite of difficulties. She noted, however, that expenditure on the League had increased out of all proportion to its aims and its original budget. Instead of concerning itself with peace and security, it had grown into an enormous and complicated organisation which was performing work far removed from its original object.

M. Restrepo regretted that the States which were in arrears with their contributions were non-European. These States had, however, suffered greatly from the crisis. With the exception of Colombia, of which the Government was the result of a combination of all the political forces and which, in consequence, was supported by practically all the citizens in South America, a political crisis had arisen, which had overthrown several Governments, even the oldest and best established, and at the same time an economic crisis, affecting the countries which produced raw materials for sale to the United States and Europe. Owing to over-production and to the fact that half the factories were closed, sales of raw materials had fallen by half and the budgets of the South American countries were badly hit by the general crisis.

His Government had instructed him to ask for a revision of the scale of contributions, next year or in two years. It hoped the Allocation Committee would see that the contributions of the American States and, indeed, of all States were not too burdensome. In South America, the question was often asked: What is the League doing ? To that the authorities replied that it maintained peace in the world, combated all the difficulties which threatened peace and promoted the welfare of the peoples. That reply was not accepted without some complaint. Many felt that the American League of Nations was Pan-Americanism, and, so long as they were faithful to that idea, it was sufficient. Europe was now endeavouring to form a Customs Union, economic or political; but, if she combined against other parts of the world, she would have failed in international solidarity.

M. Restrepo regarded without any anxiety this idea of a European union, particularly if it led to the abolition of Customs barriers and the freedom of trade which America had for so long supported.

He hoped that the Allocation Committee would bear in mind the economic, financial, fiscal, moral and political situation of the South American countries, which were so seriously affected by the world crisis that they could not support additional expenditure for the League of Nations.

M. OTTLIK (Hungary) supported M. Réveillaud's resolution, which was calculated to safeguard the stability of the League and those countries which were undergoing financial difficulties.

M. HOFFINGER (Austria), as representative of a country which was suffering very severely from the economic crisis, would have been obliged to object to the special mention of the difficult situation of any particular country. He wished to express his gratitude to the Australian delegate for his understanding of the situation of other countries and the conciliatory spirit he had shown. In the interest of the very countries which had been affected by the crisis, he would prefer M. Réveillaud's proposal, since the budgets for 1931 and 1932 would certainly represent the truth more accurately than those of the preceding years.

M. COSTA DU RELS (Bolivia) said that Bolivia was a debtor to the League of Nations owing to unfortunate circumstances which had led to a considerable reduction in her receipts. Her budgetary deficit in 1931 was 67 per cent. He could only accept an adjournment of the matter for one year. Meanwhile, he suggested that, during the present year, the Allocations Committee should examine the possibility of readjusting the contributions of countries mortally wounded by the crisis. To maintain the contributions of those States at their present level would only increase the contributions in arrears.

M. IBARRA (Venezuela) accepted M. Réveillaud's proposal.

M. RUPPEL (Germany) thought it would be impossible to prepare a new and satisfactory scale on the basis of the budgets for 1930. He would have preferred an adjournment for three years. He would, however, accept an adjournment of two years.

Mr. LESTER (Irish Free State) presumed that the Allocation Committee would endeavour to find a scientific basis for the new scale. The fact that certain delegates had not expressed their views with regard to the present scale did not mean that they were satisfied with it.

Diwan ABDUL HAMID (India) said that, though India would welcome a reduction in her contribution, the present time was not opportune for settling the question. India would prefer to postpone the matter for two or three years.

M. DE VASCONCELLOS (Portugal) supported M. Réveillaud's proposal. The provisional adjournment suggested by the Bolivian delegate would, he thought, be impossible. If the

contribution of one State were reduced, that of the others would have to be increased. No State would agree to an increase in its contribution unless the allocation were made on a scientific basis; it would, however, be impossible to make a provisional arrangement scientifically.

M. VALDÉS-MENDEVILLE (Chile) pointed out that, if the Committee agreed to an adjournment for one year, the Allocation Committee would not meet until 1933.

He himself was in favour of adjournment for one year—that was to say, until 1933—but in the interests of unanimity he was willing to accept adjournment for two years.

Mr. COLLINS (Australia) said that, in view of the general feeling, he would not press for any alteration of M. Réveillaud's proposal.

M. DE BLANCK (Cuba) supported the Bolivian delegate's observations.

M. COSTA DU RELS (Bolivia) suggested that any unforeseen receipts in the budget of the League of Nations might be used to assist countries like his own, which were in a desperate situation.

M. RÉVEILLAUD (France) appealed to M. de Blanck and M. Costa du Rels to withdraw their opposition.

M. COSTA DU RELS (Bolivia) and M. DE BLANCK (Cuba) agreed.

M. Réveillaud's resolution was adopted unanimously.

M. BOHEMAN (Sweden), Rapporteur, suggested that the report to the Assembly should not mention the name of any particular State.

This proposal was adopted.

46. **Close of the Session.**

The CHAIRMAN, after a closing speech, declared the session at an end.

ANNEXES.

ANNEX 1.

A.IV/3.1931.

PROVISIONAL AGENDA.

1. Election of Vice-Chairman.
2. Publicity of Meetings.
3. Approval of Detailed Provisional Agenda.
4. Appointment of the Sub-Committee on Contributions in Arrears.
5. Appointment of Rapporteur.
6. Report of the Supervisory Commission.
7. Audited Accounts for 1930.
8. Financial Situation of the League on August 31st, 1931.
9. Report by the Council on New Work involving Additional Expenditure on the Part of the League.
10. *(a)* Report by the Committee appointed to give Further Consideration to Certain Questions relating to the Organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice.
    (b) Salaries of Counsellors ; Septennial Leave.
11. Budget for 1932 :
    (a) Secretariat and Special Organisations of the League.
    (b) International Labour Organisation.
    (c) Permanent Court of International Justice.
    (d) Nansen International Office for Refugees (after discussion by Sixth Committee).
12. *(a)* Report of the Administrative Board of the Staff Pensions Fund.
    (b) International Institute of Intellectual Co-operation ; Affiliation of the Staff to the Staff Pensions Fund of the League of Nations ; Resolution by the Governing Body of the Institute.
13. Consideration of the Report of the Sub-Committee on Arrears.
14. Consideration of the Conclusions of the Reports of the Supervisory Commission (in so far as not previously adopted).
15. Election of Members of the Supervisory Commission ; Report of the Commission.
16. Supplementary Credits.
17. Miscellaneous Questions.

ANNEX 2.

Official No. : A.5.1931.X.

REPORT OF THE SUPERVISORY COMMISSION ON THE WORK OF ITS FORTY-FIRST SESSION.[1]

1. The Supervisory Commission met in ordinary session at Geneva from Wednesday, April 29th, to Saturday, May 2nd, to examine the closed accounts of the financial year 1930, the budget for 1932 and various financial and administrative questions which had been submitted to it by the competent organs of the League of Nations.

There were present at the session : His Excellency M. Stefan Osuský (Chairman), M. Jean Réveillaud (Rapporteur), His Excellency M. C. Parra-Pérez, M. Georges Ottlik, His Excellency M. Jean de Modzelewski.

I. Closed Accounts of the Financial Year 1930.

2. After taking cognisance of the report submitted to it by the Auditor, M. A. Ceresa, and of various observations with regard to details made by its Rapporteur, the Supervisory Commission decided to recommend the Assembly to adopt the accounts as submitted by the competent officials of the Secretariat and the autonomous organisations of the League. It noted with satisfaction the improved form of the accounts which now fully complied with its previous recommendations on the subject.

3. The question of contributions in arrears was discussed by the Commission with the Secretary-General. The Auditor and the Rapporteur of the Supervisory Commission having expressed some anxiety in this connection, the Secretary-General and the Treasurer, while assuring the Commission that the situation was perhaps not so serious as might appear at first sight, agreed that the number of States whose arrears in respect of the previous financial year were still outstanding at the end of April of the following year was a disquieting symptom to which the Commission was bound to devote attention. For the first time for many years — owing, it is true, to reasons of an exceptional character — the Secretariat had been obliged, for about twenty days at the beginning of 1931, to draw on the Working Capital Fund to meet expenditure provided for in the budget voted by the Assembly.

The Commission noted the detailed explanations given by the Secretary-General concerning the negotiations entered into with the Governments whose contributions were in arrears, and urged him to continue those negotiations steadily. The Commission hoped that positive results might be obtained by the time the next Assembly met.

4. Two questions were raised by the Deputy Auditor :

(a) Final allocation of the surplus handed over by the International Labour Office to the Secretariat of the League from the refugee accounts for 1929 which have, up to the present, been shown in the Suspense Account of the balance-sheet.

The Commission was of opinion that this surplus, which amounted to 895.76 francs, should be paid into the funds of the League of Nations and be shown in the 1931 accounts as an appropriation-in-aid. The last Assembly, having decided that the contributions of the League of Nations to the Nansen Office for Refugees should henceforth be a lump-sum contribution, no similar question will arise in the future, as all annual surpluses, if any, will remain in the possession of the International Office for Refugees.

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[1] The present report also refers to the fortieth session of the Supervisory Commission, held at Geneva on February 9th and 10th, 1931, at which the Commission elected its officers as follows : Chairman, M. Osuský ; Vice-Chairman, Lord Meston of Agra ; Rapporteur, M. Jean Réveillaud.

A report was communicated to the Council on the revision of the regulations regarding the granting of retiring pensions to ordinary judges and to the Registrar of the Permanent Court of International Justice (Appendix I).

(b) A series of small debts amounting in all to 340.60 francs, representing sales of publications up to the end of the financial year 1929, which still remain unpaid in spite of several attempts to recover them.

The Commission thought that there was no need to continue to mention these sums in the accounts ; it consequently absolved the Treasury from further responsibility and invited the Deputy Auditor to inform it from time to time of the existence of irrecoverable debts in regard to which similar steps might have to be taken.

II. Disposal of the Surplus for 1930 : Reimbursement to States out of the Building Fund and Reimbursement to the Working Capital Fund.

5. As the printed accounts and the auditor's report indicate, the available surplus of the League for 1930 amounts to 659,077.82 francs.

According to precedent, the Commission recommends that the reimbursement of the advances, amounting to 535,179 francs, made out of the Working Capital Fund, to the International Labour Office during 1930, should be considered as a first charge on this surplus, which would thus be reduced to a net sum of 123,898.82 francs. Under Article 38 *(a)* of the Financial Regulations, the latter sum should be returned to the Members of the League in 1932.

6. As regards the reimbursement to be made from the Building Fund, the Commission would advise the maintenance of the arrangement made during the last three years, whereby the sum actually repaid to the States entitled thereto was fixed at 700,000 francs.

7. On the proposal of the Supervisory Commission, the eleventh Assembly decided to take from the Working Capital Fund the difference between the total cost of setting up the new wireless station (2,330,464 francs) and the credit of 795,822 francs inserted as a first contribution in the 1931 budget. It had also recommended that the sum thus obtained should be repaid subsequently to the Working Capital Fund, " by making such special yearly financial provision as may be considered justifiable after an examination of the annual accounts ".

The Commission therefore recommends that a round sum of 250,000 francs should be added to the 123,899 francs net surplus for 1930, and that the total, 373,899 francs, should be entered in Part V of the 1932 budget — " Buildings at Geneva " under Item II : " Construction of a Wireless Station : *(b)* Partial Reimbursement of the Costs of Construction to the Working Capital Fund ".

III. Budget for the Fourteenth Financial Period (1932).

1. *Secretariat and Special Organisations of the League.*

8. Part I of the 1932 budget, which included the proposals of the Secretary-General for the Secretariat and the special organisations of the League, amounted, in the draft submitted to the Supervisory Commission, to 20,625,093 francs, an increase of 3,867,307 francs as compared with the 1931 budget, which — excluding the contribution to the International Refugees Office which is now shown in a separate part of the budget—totalled 16,757,786 francs. Two sources of expenditure which account for this unusual increase should be mentioned immediately. One is the Disarmament Conference, involving an increase of 3,700,000 francs[1] ; the other being the development of liaison with China by means of a credit of 480,000 francs. These two items together total 4,180,000 francs, so that it is only fair to note at the outset the sincere endeavour to effect economies which has made it possible for the Secretary-General to submit a budget that in reality is less by 312,693 francs than that for the present financial year. In order to obtain this result, in spite of the constant increase in the work of the various services, which he emphasised by indicating that the number of letters received and sent had increased by 10 per cent in 1930 as compared with 1929,[2] the Secretary-General explained, in submitting his budget to the Commission, that he had been obliged to arrange for the adjournment of certain meetings of commissions and conferences and had, in some cases, reduced from two to one the number of the regular sessions of League organisations. He had also endeavoured to reduce printing costs, and even proposed to adjourn for one year the publication of certain documents which had previously been contemplated.

With regard to the staff, only two new posts — which appeared to be unavoidable — had been created. Certain new charges, such as the normal salary increments provided by the Staff Regulations amounting to 214,356 francs, were entirely counterbalanced by the reductions it had been possible to make in other items of the budget.

In terminating his statement, the Secretary-General pointed out to the Commission that, although probably the 1933 budget would be appreciably less than the 1932 budget, because it would hardly be likely to include any appropriation for the Disarmament Conference, the adjournment of certain expenditure which, in normal circumstances, would have been provided for in the 1932 budget would involve the increase of certain appropriations in the 1933 budget.

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[1] The 1931 budget included a credit for 300,000 francs, and the 1932 budget includes one for 4,000,000 francs (see also paragraph 20).

[2] In 1929, 59,035 and, in 1930, 65,034 — excluding (for 1930) printed petitions and the correspondence of the Refugee Service.

9. The Commission thanked the Secretary-General for his efforts to effect economies. If it had endeavoured with particular care during its examination of the budget to see whether there were still a few economies to be gleaned, that was to satisfy its conscience in view of the difficulties of the present time.

Even so, it had only been able to make a very few changes and comments.

10. Beginning with the estimates for the *Assembly Session*, the Commission noted that these had been drawn up on the supposition (based on the recommendation of the Publications Committee) that the Assembly would revert to the system in force up to the time of the 1930 Assembly of shortened Minutes prepared by minute-writers. The Supervisory Commission very strongly recommends this system.

11. With regard to the *Salaries of the Staff*, the Commission requested the competent officials of the three Organisations not to budget for any increases which might result from the adoption by the Assembly of the recommendations of the new Committee of Thirteen: as soon as the Assembly had taken a decision on that point, the necessary sums would be provided in the budget by means of supplementary credits. That was the only meaning to be attached to the reduction of 4,000 francs in item 4 *(a)*.

Notwithstanding its desire to reduce expenditure, the Commission agreed, after hearing the Secretary-General's explanations, to insert, under the heading " Information Section ", a new credit of 45,000 francs for the establishment of a liaison office in India.

12. *Reserve Fund for the Death and Invalidity Fund* (Sub-head *(b)* of Item 13, "Special Staff Charges ").

The Secretary-General agreed to reduce the provision from 15,000 to 10,000 francs in view of the fact that this item refers solely to a possible deficit in the Provident Fund and that a large number of officials of that Fund have already opted in favour of the Pensions Fund. Moreover, this provision, which has been included in all budgets since 1926 as a safeguard, has never been employed.

13. The Commission also considered that it might without danger reduce to a certain extent the appropriations for its own sessions (item 17 *(b)*). A saving of 4,000 francs was thus effected in the Secretariat budget and of 2,000 francs in the budget of the International Labour Office.

14. The Commission examined with particular care the budget of the *Financial Section and Economic Intelligence Service.*

It noted that, with regard to staff, the Secretary-General was asking for the creation of two new posts and the transformation into permanent posts of three other posts, including one post of Member of Section, the cost of which had been previously covered under the appropriation for " Temporary Staff " in the (now abolished) chapter " Consequences of the World Economic Conference ". The Commission urgently requested the Secretary-General to consider whether these posts were really indispensable. Admitting that certain work was likely to continue or even increase, the Commission supposed that other work would probably be terminated fairly soon.

After pointing out that the permanent posts would not necessarily be occupied by officials holding permanent contracts, the Secretary-General declared that, in the present circumstances, he was prepared forthwith to defend his proposals. In view of the present economic crisis, he thought it would be most undesirable to decrease the staff of a section one of whose principal duties was precisely to seek out and propose measures for combating that crisis. The activities which would soon come to an end involved relatively little work, whereas other new activities might develop. For instance, when the present stage of the gold enquiry had been completed, the League of Nations might be entrusted with new work in the same sphere, as had already happened in the case of agricultural credits — a problem which at present formed one of the most important branches of the Section's work.

The Secretary-General agreed, however, to a reduction of 5,000 francs in the appropriation for the printing of the Section's scientific publications. It should be added that the sale of these publications is growing and constitutes one of the most important items of the appropriations-in-aid.

The draft budget proposed by the Secretary-General included an appropriation of 25,000 francs for the study in 1932 of the problem of the recurrence of periods of economic depression, in case the Assembly decided to institute an enquiry into the subject. The Secretary-General agreed to the Commission's proposal that this credit should be omitted, it being understood that the point would be reconsidered if the Assembly took any steps in the matter.

15. *Section for Economic Relations.* — The Commission noted the proposal to convert into permanent posts four posts already occupied temporarily by officials whose salaries had previously been provided under the appropriation headed " Consequences of the World Economic Conference ". After obtaining detailed information regarding the work done by each of these officials and noting, further, that their duties now formed part of the normal activities of the Section, the Commission accepted the proposal to raise from 21 to 25 the number of permanent posts in the Section.

The Secretary-General agreed to reduce by 15,000 francs the provision for the sessions of the committees and sub-committees, since it had become possible to decrease from three to two the number of sessions of the Committee of Experts on Customs Nomenclature owing to the advanced stage which the Committee had reached in its work. He also agreed to a reduction of 5,000 francs in the printing costs of these committees.

16. The explanatory note on the budget of the *Communications and Transit Organisation* showed that, owing to the Disarmament Conference, the appropriation for the meetings of the Communications and Transit Organisation had been appreciably reduced. The Secretary-General was therefore able to agree to the proposal to reduce by 1,000 francs the provision for the printing of documents for the meetings of the Organisation.

One of the delegates on the Fourth Committee of the eleventh Assembly had asked whether it would not be desirable to transfer the salaries of the officials appointed to deal with wireless work from the budget of the Transit Section to the item regarding the wireless station. The Commission, having been informed that these officials might, when not engaged on their special duties, be called upon to deal with questions coming within the domain of the Transit Section, concluded that it would be preferable to maintain the existing arrangement.

The Secretary-General, however, agreed to reduce from 25,000 to 20,000 francs the credit opened under item 32 for the meetings of the committees of experts in connection with the wireless station. The sum in question was intended to cover the cost of experts to advise the Secretary-General both on the installation and construction of the station and its operation when completed.

17. The budget of the *International Health Organisation*, as submitted to the Commission, amounted to the same sum as in the present year.

When strongly urged by the Commission to reduce the figures on his budget, in view of the present period of stress and in view of the fact that the Organisation would have at its disposal part of the new credits provided for the liaison with China in order to establish a new field of activity in that country, the Medical Director agreed to consider the possibility of holding only one session of the Health Committee in 1932 (instead of two sessions), thus effecting an economy of 25,000 francs under the heading "Sessions of the Health Committee", and another economy of 5,000 francs on the appropriation for general printing.

He remained, however, practically adamant with regard to the surplus of the budget of the Organisation, pointing out that any reduction in the appropriation for the activities of the Section in Europe would produce an immediate repercussion on the efficacy of the work conducted in other continents, because Europe and North America were the spheres in which the Organisation pursued its experiments. The budget of the Organisation bore all the cost arising as a result of the programme of co-operation with the Chinese Government approved in the previous year, whereas the new credit for liaison with China was only intended to cover occasional and exceptional costs such as those of any experts who proceeded to China.

The only agreement reached was that the appropriation for miscellaneous enquiries should be reduced from 200,000 to 190,000 francs, it being understood that the reduction would be made in connection with publications concerning the work carried out in the Far East.

18. At its February session, the Commission had been informed by the Secretary-General of the decision he had taken to fill the vacant post of head of the *Opium and Social Questions Section.* Having reached the conclusion that the time had not yet come to divide the Section into two as the Assembly had decided in accordance with the proposal he had made to the Committee of Thirteen, he had, with the approval of the Council, appointed a single Director for the whole Section instead of two Chiefs of Section, who would have been placed in charge of the new Opium Section and the new Section for Social Questions respectively. This difference did not involve any increase in the expenditure for 1931 and the Supervisory Commission recommended the Assembly to confirm it.

With regard to the *Social Questions Section*, the Commission agreed to the increased provision for the sessions of the Advisory Commission for the Protection and Welfare of Children and Young People in order to meet the expenditure involved by the appointment of two new assessors. Moreover, in view of the heavy increase in the budget of 1932, it proposed that the Assembly should defer until 1933 the printing of the " Digest of Laws and Regulations concerning Traffic in Women and Children ", the cost of which would amount to 12,000 francs. In addition, the Secretary-General agreed to a reduction of 2,000 francs under the heading " Printing and Documents " in connection with Child Welfare.

19. Expenditure of the *Permanent Central Opium Board.* The Secretary-General explained that a reduction of the appropriation for the sessions of the Board had been obtained only because the Board had agreed to meet three times instead of four times in 1932. Even if each of the sessions were longer, an important economy would be effected on travelling expenses.

20. Owing to the continued uncertainty as to the place at which the *International Disarmament Conference* would meet, the Commission decided to defer until a later session the detailed examination of the credits provided for this Conference. It merely pointed out that the estimates were based on the supposition that the Conference would last for six months and that the delegates would be far more numerous than the delegates to the Assembly. Consequently, a considerable allowance would have to be made for printing costs and a very large temporary increase in the staff of the central services. Figures for the other headings of the *Section for the Reduction of Armaments*

are almost the same as those in the present budget. The Commission recommends the Assembly to adopt them.

21. The printed budget submitted to the Commission for the *Intellectual Co-operation Section* amounted to 291,453 francs in all, but the Under-Secretary-General, Director of the Section, submitted to the Commission a note to the effect that the original estimates would be insufficient to meet the probable expenditure for 1932.

22. According to the Under-Secretary-General's statement, only after four months' experience of the new organisation approved by the Assembly had it become possible to calculate exactly the expenditure involved by the various aspects of the recommendations put forward by the Committee of Enquiry on the working and organisation of the International Committee on Intellectual Co-operation and of the International Institute of Intellectual Co-operation. The Committee recommended *inter alia:*

(a) The creation of an executive committee to meet four times a year, either at Paris or at Geneva, in order to ensure the continuity of the work of the International Committee on Intellectual Co-operation between its annual sessions ;

(b) The abolition of the sub-committees which used to meet once a year, and the creation of a permanent committee on arts and letters consisting of twice the number of members as one of the former sub-committees ;

(c) The creation of committees of experts for each of the new questions to be studied ;

(d) The creation of a League of Nations centre of educational information, the continuation of the publications on educational questions printed by the Secretariat, and the extension of the League's activity in the educational sphere.

The experience during the first three months of the present financial year had shown that it was impossible to carry out the programme approved by the Assembly within the present limits of the budget. For instance, the sessions of the executive committee had lasted longer than had been foreseen and the cost of each session would amount to 8,500 francs without counting the expenses of any experts called upon to collaborate with the Committee. It would therefore be necessary to increase from 71,500 to 96,500 francs the credit provided for the plenary sessions of the Committee and the executive committee and of the permanent committee on arts and letters. The provision made for the committees of experts had also proved to be insufficient and would have to be raised to 10,000 francs.

Finally, it was absolutely necessary to make provision for the creation of the post of a clerk (first class), to replace the secretary who would henceforth have to assist the Member of Section in charge of educational questions. In short, the Director of the Section concluded that the total appropriation necessary for intellectual co-operation would have to be raised from 291,453 to 327,853 francs.

23. The Commission desires to remind the Assembly that the budget for intellectual co-operation was stabilised two years ago at the sum of approximately 250,000 francs. That total having been exceeded, it had hoped that the appropriations might be kept below 300,000 francs. The present proposal is to raise them to about 330,000 francs, and the Commission was informed that it would probably be necessary to provide in the 1933 budget credits for a conference on the abolition of Customs duties on educational films, and for meetings of the representatives of the national committees of intellectual co-operation.

In agreement with the Secretary-General, the Commission merely lays these facts before the Assembly, leaving that body to decide what action should be taken in the light of the heavy burdens which will be laid on the next budget.

24. The appropriation in the 1932 budget for the *Committee of Enquiry for European Union* amounts to 150,000 francs. That sum would cover the expenditure involved by convening three sessions of the plenary committee, ten sub-committees and six committees of experts. The Committee of Enquiry having met for the first time in January 1930, it would be difficult at present to estimate with any accuracy the financial consequences of the scheme it will study. But experience since the beginning of the year seems to indicate that the figure shown in the budget is not excessive.

25. The Commission noted the explanations of the Secretary-General regarding the new appropriation of 480,000 francs for *liaison with China.* The expenses of the various experts which the League of Nations will place at the disposal of the Chinese Government will be covered by this new item of the budget.

The Chinese Government having given explicit assurances regarding the payment of its contributions, including arrears, the Commission does not raise any objection to the inclusion of the new appropriation in the 1932 budget.

26. For the present year, in fact, it would, on account of the desirability of immediate action along the lines desired by China, agree that, if the sums allocated by the Council for the purpose out of those which are at its free disposal (item 3 of the budget) prove insufficient, the Secretary-General might, as a quite exceptional measure and as a derogation from the Financial Regulations, be authorised to utilise part of the arrears which the Chinese Government will pay in 1931 to meet the otherwise uncovered portion of the expenditure of the various missions. Naturally, the derogation in question will only be possible if the Assembly explicitly consents.

27. With regard to Part V of the budget (Pensions), the exact sum which will have to be paid into the Pensions Fund can only be determined on the expiration of the period allowed for option (December 31 st, 1931), because the sum in question will be proportionate to the number of officials members of the Provident Fund who will leave that fund to become members of the Pensions Fund. A report by an actuary will then make it possible to estimate exactly the expenditure involved by the new regulations. This information will be submitted to the 1933 Assembly.

The Commission was informed that the election by the Assembly of two nationals of countries distant from the headquarters of the League as members of the Administrative Board of the Pensions Fund had necessitated an increase in the budgetary appropriation for that purpose. The Secretary-General agreed to a decrease of 3,000 francs on the new figure, which is thus reduced to 12,000 francs.

2. *International Labour Organisation.*

28. The Deputy Director said that, except with regard to the following points, the budget of the International Labour Organisation for 1932 would not involve any important increase.

(a) Conferences. — An additional sum of 150,000 francs is provided to meet the cost of a second conference which will discuss maritime questions. The convening of this conference has already been postponed several times, and it must be held in 1932 if the results of the technical meeting next October are favourable.

(b) The increase in the provision made for " Sessions of the Governing Body " is due to the latter's decision in 1930 to increase from three to six the number of substitute employers' and workers' members who may be present at each session at the expense of the Organisation. Probably also a sufficient number of ratifications will be received before the end of 1931, to bring into force the reform of the Governing Body. This reform would involve increased appropriations for that item of the budget.

(c) Salaries of Staff. — It is not proposed to create any new post in the 1932 budget. The increase as compared with the budget of the present year is solely due to the annual statutory increments and readjustment of salaries in conformity with the decisions of the last Assembly.

(d) The appropriations for the *Branch Office in China* have been augmented in order to allow the Office to co-operate more effectively with this great country, in which so many serious social and economic problems arise.

29. Examining the items one by one, the Deputy Director accepted a reduction of 2,000 francs on the automobile service for conferences.

The Commission raised no objection — in the item regarding salaries — to the inclusion of a sum of 8,000 francs to cover the granting, retrospectively, of the new scales of salary to Chiefs of Division and to the Deputy Director of the International Labour Office. The Deputy Director had previously explained to the Commission that according to the decisions of the last Assembly these officials had been entitled to receive the increases from the beginning of the year ; the increases had not been granted immediately because no funds were available. Applying the same principles to the International Labour Office and to the Secretariat, the Commission requested the Deputy Director to omit from the draft budget the appropriation of 13,000 francs (increase in the salary of Chiefs of Section) as no decision had yet been taken by the Assembly on the subject.

30. The following additional questions were also considered by the Commission :

(a) *Brazil's contribution for the financial period 1931.* — In the light of Article 22 of the Financial Regulations, the Commission held that Brazil's contribution for the financial period 1931 could not be reckoned as an appropriation-in-aid until it had actually been paid. It would therefore only be possible to include this sum if Brazil paid her contribution before the end of the next Assembly.

(b) *Sale of the apartment occupied by the Rome Branch Office.* — The Commission was unable to agree to the financial arrangements proposed by the correspondent of the Rome Office in case the apartment at present occupied by the Office (which the League of Nations purchased some time ago) is sold. An appropriation of 8,600 Swiss francs was therefore included in the budget to cover the rent and cost of installing the new office, it being understood that the yield of the sale of the former premises would be credited to the League's capital account.

(c) *Possibility of holding the International Labour Conference in 1932 elsewhere than at Geneva.* — The Deputy Director informed the Commission that it might perhaps be necessary to provide an additional credit of at least 200,000 francs in case the International Labour Conference were unable to meet at Geneva on account of the Disarmament Conference. The Commission decided not to make any recommendation on the subject until a decision had been reached by the Council regarding the place at which the Disarmament Conference would be held.

(d) *Proposal to construct an annex.* — The Commission had before it the following resolution adopted by the Governing Body at its last session :

" . . . the Governing Body . . . authorises the Director :

" (1) To remind the Assembly of the communication that was made to it on this subject last year ;

" (2) To inform it that, although the Governing Body has not yet decided on any definite plans for building, a preliminary examination of the question shows that it is necessary to count on an expenditure of up to one and a-half million francs, according to the plan adopted ;

" (3) To state that a formal request for a grant may be made in 1932. "

The Commission noted this resolution, which did not call for any decision on the part of the next Assembly. It felt, however, bound to point out immediately that, in any case, some time must elapse before the League of Nations could contemplate any extension of its present building programme.

3. *Permanent Court of International Justice.*

(a) *General Observations.*

31. The Commission noted the explanations of the Registrar to the effect that the budgetary estimates of the Court for 1932 had been drawn up on the same lines as those of the budget for 1931, except in so far as the effects of the resolutions adopted by the Assembly in 1930 were concerned, the aim of those resolutions being to achieve partially, within the general framework of the 1920 Statute and by administrative methods, some of the objects which it had been sought to attain by the revision of the Statute in 1929, which has not yet come into force. As an example of these effects may be mentioned a new appropriation for long leave to be granted every three years to judges coming from distant countries, this sum being to a large extent compensated by a reduction in the appropriation for removal expenses.

Moreover, the Commission specially noted the following points :

(b) *New Posts.*

32. The Commission approved the transformation into a permanent post of a temporary post already existing under the title " Assistant in the Printing Department ".

The Commission noted the decision of the Court not to fill the temporary post for the Press Service created in the 1931 budget. It also noted the desire of the Court to create a new post in the Registrar's Office which would also be temporary with the same salary as that proposed for the Press attaché. After hearing the detailed explanations of the Registrar on this subject, the Commission concluded that the desire of the Court should be complied with.

(c) *Salary of the Registrar.*

33. The following report was forwarded to the Council which, under Article 32 of the Statute of the Court, is responsible for fixing the Registrar's salary.

34. By a decision taken on May 19th, 1929, the Council decided "to forward to the Supervisory Commission, for its opinion, the letter from the President of the Permanent Court of International Justice regarding the salary of the Registrar of the Court ".

There was attached to the letter of the President of the Court a resolution, dated September 10th, 1929, in which the Court, after having paid tribute to the " exceptional qualifications and unfailing devotion to duty " of the Registrar, whom it had re-elected for a further period of seven years, proposed that the maximum of his salary should be increased from 27,000 florins to 32,000 florins, this maximum being reached by annual increments of 1,250 florins.

35. On May 6th, 1930, the Chairman of the Supervisory Commission informed the Council that the Commission was " satisfied of the advantage of being in possession of the recommendations of the Committee of Thirteen before submitting to the Council its advice on the question of the salary of the Registrar of the Permanent Court of International Justice. "

36. The question being again brought before it by a note which was shown in the Supplementary Budget of the Court for 1931, the Supervisory Commission, at its meeting on September 30th, 1930, " with reference to the suggestion which it had made in its communication to the Council in May, considered that, as a consequence of the recommendation made by the Fourth Committee in regard to the emoluments of the senior officers of the Secretariat, the question raised by the Court should be deferred until next year ".

37. The question of the salaries of the senior officers of the League having been expressly referred to it by the eleventh Assembly, the new Committee of Thirteen made, on February 5th, 1931, the following recommendation :

"22. Linked up with the question of the salaries, etc., of the principal officers of the Secretariat is that of the salaries of the Registrar and Deputy Registrar of the Permanent Court of International Justice, which was referred to the Committee in the terms given in the following extract from the Fourth Committee's report :

" 'The Committee adopted the chapter relating to the Registry of the Permanent Court on the understanding that paragraph 62 concerning the salary of the Registrar and

Deputy Registrar would be referred to the Special Committee in the same way as similar questions relating to the principal officers of the Secretariat.'

"23. By a resolution dated September 10th, 1929, the Permanent Court of International Justice made a proposal with a view to fixing the salary of the Registrar of the Court for the seven-year period beginning on January 1st, 1930. This proposal was to take as a basis the present salary of the holder of the office (27,000 florins) and to increase it during the new period by the same amounts (1,250 florins) and at the same intervals (annually for four years) as during the first period of service ; the maximum salary would thus be raised from 27,000 to 32,000 florins.

"24. Having regard to the provisional character of its recommendations in connection with the Under-Secretaries-General, the Committee thought it better not to adhere to the proposal made by the Committee of Thirteen last year to the effect that the Registrar should be assimilated, as regards salary, to the Under-Secretaries-General. On the other hand, it agreed to the resolution adopted by the Court in 1929 and advises the competent bodies of the League to adopt it" (see document A.8.1931.X, page 5).

38. Being in agreement with the recommendations of the Committee of Thirteen, the Supervisory Commission recommends that they should be adopted by the Council, which, in accordance with Article 32 of the Statute of the Court, is responsible for fixing the salary of the Registrar of the Permanent Court of International Justice.

(d) *Pensions of the Ordinary Judges and of the Registrar.*

39. The Commission noted the explanations of the Registrar to the effect that, with an annual appropriation of 30,000 florins, together with the fund of 70,000 florins which had accumulated since 1925, the Court would be able, during the nine-year period ending December 31st, 1939, to meet its obligations under the existing pensions rules, but that at the end of that period other resources would have to be provided.

The Commission decided to ask the Registrar to submit to it a memorandum on the question, indicating, in particular, the average annual expenditure for which provision would have to be made in future in respect of pensions. On the basis of the memorandum, the Commission will, when the time comes, consider whether a pensions fund sufficient to meet current expenditure in this connection ought to be created by means of larger annual appropriations.

(e) *Capital Account.*

40. The Commission noted the Registrar's statements to the effect that the appropriations indicated in the two articles appearing in this section for 1931 concerning furniture and the Library were repeated in 1932 because, owing to reasons for which the Registrar was not responsible, the work to which they referred could only be completed in 1932. There would therefore probably be a considerable saving on this chapter in the closed accounts for 1931.

(f) *Additional Premises for the Court.*

41. Following on negotiations begun in 1930, the Secretary-General has recently received from the Carnegie Foundation a provisional proposal the result of which would be to place at the disposal of the Court ten new offices. The League of Nations would have to bear the expense (by means of annual payments spread over a long period), not only of adapting these offices, but also of the construction of a new wing to house the Academy of International Law, which at present occupies the premises in which the new offices would be established. These premises would become the freehold property of the Foundation.

The Commission felt that it could not recommend the acceptance of the proposal of the Carnegie Foundation. It therefore requested the Secretary-General to enter into negotiations on the subject.

42. Consequently, it is of opinion that it would be useless to create at present the new post of office-keeper, as proposed by the Registrar, in view of the enlargement of the premises at the disposal of the Court.

(g) *Total Budget.*

43. In the light of the above changes suggested by the Supervisory Commission and accepted by the Registrar, the budget of the Court for 1932 will amount in all to 1,321,981 florins (2,753,687 francs).

4. *Budget of the Nansen International Refugees Office.*

44. On April 28th, the Commission received, through the Secretary-General, the budget of the International Refugees Office which had been adopted on the same day by the Governing Body of the Office. M. Max Huber, President of the Office, was also good enough to place himself at the disposal of the Commission for the purpose of supplying further information.

The Commission immediately observed that the amount of the total contribution requested by the Office was approximately the same as that granted in the previous year by the League of Nations (330,847 francs, instead of 333,800 francs). It therefore asked the President how the Office proposed to give effect to the decision of the 1931 Assembly that the Office should be liquidated before December 31st, 1939.

45. M. Max Huber replied that neither he nor the Governing Body had lost sight of the decision. It had been necessary to draw up the budget now submitted to the Commission without delay, in order that it might be incorporated in the budget transmitted to the States Members. As, however, investigations were to be conducted within the next few months, the Governing Body hoped to meet on July 1st to prepare a report to the Assembly which would include a scheme for gradual liquidation.

Naturally, he could not forestall in any way the decisions the Governing Body would take regarding the plan for liquidation.

46. This statement convinced the Supervisory Commission that its sole duty at present was to embody these explanations in its report for the purpose of drawing the " special " attention of the Assembly to this case, in accordance with Article 16, paragraph 5, of the Financial Regulations, in order that the Assembly may " specially examine " the plan of the Governing Body of the Office on which the eventual budgetary solution will entirely depend.

The case in point is not an ordinary matter in which the Commission is called upon to supply funds for an organ of the League and to judge of the advisability of the various items of expenditure.

The Office is an autonomous organ which establishes its own budget. The League has only undertaken to supply it until 1939 with a lump-sum contribution. It will therefore be for the 1931 Assembly, when it has before it the proposed scheme for progressive liquidation, to decide whether it agrees to accept the scale of progressive diminution proposed. Only then will the Supervisory Commission be able to take action under the terms of Article 16*(c)* to which Article 16, paragraph 5, refers.

5. *Total Budget of the League of Nations for 1932.*

47. In short, the total amount of the *net* reduction proposed by the Supervisory Commission and accepted by the Secretary-General and the competent officials of the autonomous organisations amounts, for :

		Swiss francs
I.	The Secretariat and special organisations, and Pensions (3,000 francs) to.	120,250
II.	The International Labour Organisation to	8,400
III.	The Permanent Court of International Justice to 11,150 florins, or	23,225
	Total	151,875

The budget for 1932 is therefore as follows :

I.	Secretariat and special organisations	20,507,843
II.	International Labour Organisation	9,050,810
III.	Permanent Court of International Justice	2,753,687
IV.	Nansen International Office for Refugees	330,847
V.	Buildings at Geneva	1,748,899
VI.	Pensions	1,015,023
	Total	35,407,109

IV. Miscellaneous Questions.

1. *Annual Report of the Publications Committee.*

48. The Committee noted with satisfaction the fourth annual report of the Publications Committee of the Secretariat (Appendix II). The report shows that commendable efforts have been made to reduce the charges which heavily burden three chapters of the budget (staff, printing and supplies).

As has already been observed in connection with the appropriation for the Assembly, the Committee agreed to the Secretary-General's proposal to abandon the system of verbatim records — introduced as an experiment in 1930 — in the Assembly Committees.

49. With regard to the last paragraph of the report, the Commission is of opinion that the proposed safeguard would be useful. It therefore suggests that the Assembly should adopt the following resolution :

> " When proposals involving publications not immediately required for work already undertaken by the League are made by a League body, no final decision shall be taken until the Secretary-General has been consulted regarding the financial and administrative consequences of these proposals."

2. *Constructional Work on the New Buildings.*

50. The Supervisory Commission having been instructed by the 1930 Assembly " to deal with all future questions which may arise in connection with the new buildings ", and being determined to see that the cost of the work remains well within the bounds of the estimates adopted by the Assembly, was disagreeably surprised at its February session to learn, in a communication

from the Secretary-General, that these estimates had already been exceeded in two directions — in connection with the work of levelling and draining.

The first point was to determine the exact rôle of the Supervisory Commission as compared with the Building Committee, and then to endeavour to ascertain whether the combined action of the Committee and the Commission was adequate to defend the interests of the League as against the architects and contractors.

51. The Commission instructed its Rapporteur to obtain further information on the subject — information which was forthcoming at its April session.

The Rapporteur's enquiries on this point (Appendix III) show that the Building Committee, particularly since it has obtained the assistance of an " inspector-reviser ", is in a position to keep in touch with the daily progress of the work. Unfortunately, early experience tends to suggest that the Committee is not infrequently confronted by unforeseen circumstances which may entirely or even more than counterbalance the economy obtained through the 18.5 per cent rebate granted by the contractors on the main construction work.

52. The Supervisory Commission is prepared to use all its influence within the limits of its powers to assist the Building Committee.

It therefore requests the Assembly to call upon the Building Committee :

(1) Whenever it is faced with a difficult situation which might eventually mean that the estimates would be exceeded to a considerable extent, to notify the Supervisory Commission of the fact in time to enable the latter to take such action as may be incumbent upon it ;

(2) To communicate to the Supervisory Commission quarterly a table with explanatory notes, so that the Commission may see how the work is proceeding and what expenditure is being incurred and anticipated under each item of the estimates.

3. *Salaries of Locally Recruited Staff.*

53. According to the decisions of the eleventh Assembly (see documents A.86.1930.X (page 8) and A.16.1930 (page 19, paragraph 38)) the Supervisory Commission examined at its February session reports submitted to it by the Secretary-General and by the Director of the International Labour Office regarding the salaries of locally recruited staff.

It should perhaps be pointed out that the Committee of Thirteen regarded the present situation as unsatisfactory inasmuch as it entails a feeling of inequality between two officials doing the same work at different salaries. The Committee therefore proposed that, in future, there should be more equality of treatment for all officials of the same category, due account nevertheless being taken of expatriation in the case of international officials. The Assembly adopted the conclusions of the Committee of Thirteen and instructed the competent officials of the various organs of the League, and the Supervisory Commission, to re-examine the question.

54. The proposals submitted by the Secretary-General were based on the following considerations :

(a) A much fairer and far more simple result was obtained by calculating the expatriation bonus at 25 per cent of the international salary for the first category of the second division and at 30 per cent for the other categories, instead of the present arrangement under which the bonus might amount to as much as 41 per cent at the beginning of the scale and 29 per cent at the end.

(b) The percentage of the deduction from the international salary for non-expatriation was considerably decreased in the maximum salaries as compared with the minimum salaries ; it was reduced to 15 per cent for the first category and to 20 per cent for the other categories.

This proposal would produce greater equality and would also take into account the following consideration : the longer the service of locally recruited officials, the less attention need be paid to comparison with local administrations. Attention was, in fact, directed, more and more, as length of service increased, to comparison with the salaries of those international officials with whom the local official came into contact.

(c) Finally, the figures for annual increments were the same for both international and local officials, so that the maximum salary would be attained in about the same number of years by both categories.

55. The memorandum of the Director of the International Labour Office pointed out that the establishment of the second division of the Office had from the beginning been modelled on the system of a single scale of salaries. Whereas in the Secretariat officials doing absolutely the same work were paid differently according as to whether their " homes " were in Switzerland or in some other country, at the International Labour Office the international categories were at the top of the scale of the second division and the local categories at the bottom. This differentiation in salaries corresponded to a differentiation in duties and responsibilities. In view, however, of the decisions of the Assembly, the International Labour Office was of opinion that equalisation between the salary conditions of international and local staff should be attained by a re-estimation of the rates and number of annual increments and of the expatriation bonuses, which latter should be a fixed sum to be kept entirely distinct from salaries.

56. The Director of the International Labour Office, acting on the instructions of the Governing Body, also thought that it would not be sufficient to decrease the existing inequality between the situation of international and local officials, but that another inequality should also be remedied — the inequality, from the point of view of their careers, between staff (whether international or local) of the second division and staff of the first division. He pointed out that whereas, in the course of his career, the salary of a Member of Section might be increased in the ratio of 100 to 233, the most favoured official from the point of view of career in the second division only passed from 100 to 160.

The Director of the International Labour Office therefore proposed a system of promotion by seniority which would make it possible for officials in the second division who had attained the maximum salary of their category to pass normally into the immediately higher category of the same division. Promotion by seniority on those lines would mean the utilisation, for a career in each group of employment (stenographers, clerks, roneographers), of two consecutive categories constituting the second and first class of each particular branch of work. Newcomers would enter the second (and lower) class, the first (and higher) class being reserved for promotion.

57. Having noted that, in the matter of figures, the difference between the proposals of the Secretariat and those of the International Labour Office was slight, the Commission requested the competent officials to combine, in a single series of scales, the proposals which they had submitted separately, taking into account the following principles :

(1) The indemnity for expatriation should be fixed at a definite figure for each category ;

(2) Annual increments should be fixed at the same figure both for local and international officials ;

(3) There should be the same possibilities from the point of view of career for both categories — *i.e.*, the maximum of each category should be attained in an equal number of years by local and by international officials.

58. The competent officials of the Secretariat and the International Labour Office accordingly submitted to the Commission the following scale of salaries for local officials in the Secretariat and in the International Labour Office. The Commission recommends the Assembly to adopt this scale.

International Scale	Number of years necessary to obtain the maximum	Local scale proposed [1]	Number of years necessary to obtain the maximum	Constant expatriation bonus	Percentage of difference	
					At the maximum	At the minimum
10,000—400—14,400	11	7,500—400—11,900	11	2,500	17	24
8,500—250—11,250	11	6,000—250— 8,750	11	2,500	23	30
7,500—200— 9,500	10	5,250—200— 7,250	10	2,250	24	30
6,500—175— 8,000	8½	4,550—175— 6,050	8 ½	1,950	24	30
No international scale.	—	3,600—150— 5,100	10	—	—	—

The adoption of these scales would cost roughly :

	Immediately	At maximum
For the Secretariat.	26,000	60,000
For the International Labour Office	15,000	50,000
	41,000	110,000

59. The Commission was of opinion that the proposals of the International Labour Office with regard to promotion by seniority lay outside the scope of its terms of reference as defined by the last Assembly, which had merely instructed the Commission to adjust the existing inequalities between the local and international staff. The Supervisory Commission therefore can do no more than bring the said proposals to the knowledge of the Assembly, with the observation that their adoption would probably involve further expenditure.

[1] Present local scales :

7,500—250—11,500
5,000—200— 8,000
4,500—175— 7,000
4,000—150— 6,000
3,500—125— 5,000

APPENDICES.

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I. Revision of the Regulations concerning the Granting of Retiring Pensions to Ordinary Judges and to the Registrar of the Permanent Court of International Justice (Report of the Supervisory Commission to the Council) . . . . . .

II. Fourth Annual Report of the Secretariat Publications Committee . . . . . .

III. Note by the Rapporteur of the Supervisory Commission on the Question of the New Buildings. . . . . .

Appendix I.

REVISION OF THE REGULATIONS REGARDING THE GRANTING OF RETIRING PENSIONS TO ORDINARY JUDGES AND TO THE REGISTRAR OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

Report by the Supervisory Commission to the Council.

In his verbal report to the Assembly on September 25th, 1930, the Rapporteur of the First Committee on the question of the organisation of the Permanent Court of International Justice said that the fact that the Committee had refrained from making certain amendments which might have appeared desirable in the regulations regarding the granting of retiring pensions to ordinary judges and to the Registrar of the Permanent Court of International Justice was explained partly by motives of expediency and partly by the circumstance that these regulations could always be revised by the Assembly on the proposal of the Council.

According to the Rapporteur's statement, the following three points were those to which certain members had drawn attention :

(1) Exemption from taxation ;
(2) Pensions for widows and children ;
(3) Invalidity pensions.

At its last session, the Council decided to ask the Supervisory Commission to examine the questions raised by the First Committee, since the regulations governing retiring pensions for the members of the Court had been drawn up by the Council and the Assembly on the basis of proposals put forward by the Supervisory Commission.

At its fortieth session, held at Geneva on February 9th and 10th, 1931, the Supervisory Commission examined the question which had been referred to it by the Council.

1. As regards the question of exemption from taxation, the Commission noted that the resolution of December 18th, 1920, with regard to the salaries of members of the Court stated that " allowances and salaries shall be free of all taxes ". Further, the report adopted by the 1920 Assembly concerning the organisation of the Permanent Court of International Justice contained the following passage on the question :

> " To ensure an equal position for all the members of the Court of International Justice by neutralising the different degrees in which their salaries may be affected by taxation in the various countries, the Committee proposes that all salaries and allowances should be free of taxation. As, however, the decisions of the Assembly may be inoperative as against the fiscal laws applied in the different countries, it has been proposed that the League of Nations should reimburse the members of the Court for any taxes which they may be obliged to pay."

The Supervisory Commission has always considered, and still considers, that the idea of equality thus put forward as a basis for exemption from taxation only holds good while the judges are performing their duties. There seems no reason to grant the former holders of high international posts, once they have retired into private life, a privilege giving them an advantage over the other nationals of the countries in which they live.

2. As regards the other two points, the Supervisory Commission postponed any decision for the present; for, as any proposal on its part would involve fresh expenditure, it did not feel authorised to undertake the revision of the regulations which have just come into force in the absence of definite instructions from the Assembly. It points out, however, that, as regards one of the two points at least, that of invalidity, a specific solution is provided by the Regulations (Article 1, paragraph 3), which authorises the Court "by a special decision based on the fact that the person concerned is in a precarious state of health and has insufficient means " to grant invalidity pensions.

Appendix II.

FOURTH ANNUAL REPORT OF THE PUBLICATIONS COMMITTEE OF THE SECRETARIAT.

The following table shows the amount and cost of League publications in 1930 compared with 1929 :[1]

Printed Documents.

Year	Number of pages	Cost in Swiss francs	Sales Swiss francs	Percentage printed in Switzerland	Percentage printed elsewhere	Percentage of authors' corrections
1929 . .	55,288	1,173,226	253,392	74	26	3.7
1930 . .	61,435	1,310,111	323,500	67	33	4

Salaries and Overtime Expenses.

Printing Department	Swiss francs	Publications Department	Swiss francs
1929	157,559	1929	56,161
1930	188,915	1930	63,704

Roneoed Documents.

	Number of pages
1929.	67,033
1930.	86,322

General Observations.

This table shows that 1930 has been a very heavy year in League publications and the question at once arises whether a reduction is possible in 1931. The Committee's answer to that question is that it is advisable both in the interests of the League's work and of economy. It believes reduction possible if the responsible League organs take greater care when adopting new proposals to restrict the amount of material to be published in connection with these proposals, and if certain reforms recently instituted and referred to later are strictly carried out.

In April 1930, the Secretary-General issued a circular demanding strict observance of the following recommendation made by the Supervisory Commission and adopted by the ninth Assembly :

> " Chairmen of all Committees are requested :
>
> " . . . to limit strictly at one meeting the amount of material which is to form the basis of their discussions at the next, quite apart from the question whether they have the money for publication or not :
>
> " *(a)* By framing their requests for information in a form which will induce short replies ;
>
> " *(b)* By instructing either the Rapporteur or the Secretariat to summarise that material, keeping the original replies merely for reference ;
>
> " *(c)* By emphasising the importance of conciseness in any reports requested from outside sources."

The Secretary-General's circular has had some, but not sufficient, results.

He has recently issued instructions that when information which is to form the basis of a report is asked for by questionnaire, circular letter or other means, the appropriate part of the above recommendation shall be reproduced in the letter asking for the information.

[1] Details are given in the Sub-appendix.

The following instances are given to illustrate the need of limiting in the early stages the amount to be published on a given question :

(1) The Child Welfare Committee appointed a Sub-Committee of Jurists to draw up a questionnaire to be sent to all Governments concerning auxiliary services to juvenile courts. The questionnaire drawn up by three Rapporteurs can hardly be said to be framed in a form to induce short replies, and the resulting document is 136 printed pages.

(2) The report of the Committee of Enquiry on Opium-smoking in the Far East contains, in addition to the main report, separate chapters giving detailed information on each country visited. The Committee does not feel competent to express an opinion on the necessity of including all this information, but points out that the first two volumes of the report are 576 pages and will cost about 18,500 Swiss francs. There will be two other volumes.

(3) The Economic and Financial Sections have a great many questions on their hands dealt with by a number of committees and the output of documents is naturally large (on the gold question alone over eleven hundred pages have been printed in 1930 and 1931 at a cost of about 36,000 Swiss francs); nevertheless, it is believed that these, like other League committees, would in the end welcome a reduction in the amount of material they are expected to read.

One Committee, the Opium Advisory, to which during last December 129 documents (amounting to 705 pages in roneo and 508 pages in print) were circulated, adopted in February a plan whereby information is circulated in a more condensed and much more convenient form.

Steps taken towards Economy in Documents.

On the advice of the Publications Committee, the Secretary-General recently adopted the following measures in the interest of economy :

(1) The shorter form of records arranged according to subject which is used by the Economic Committee and its sub-committees is recommended to secretaries of other League committees.[1]
In any case, the précis-writers are being instructed to write shorter Minutes than in the past.
Authorisation for the use of verbatim records has to be obtained in each case from the Secretary-General.

(2) Where outside grants are received for the publication of collections of laws, etc., the whole expense involved, including the cost of translations, should be met from these grants.

(3) Whenever Sections or committees ask persons outside the Secretariat to write a report, they should at the outset fix a maximum length for the report.

(4) In future, printers' proofs should not be sent to outside authors for correction.

(5) The maximum length of a roneoed document is reduced from 50 to 40 pages.

The Publications Committee has advised the Secretary-General that, with the introduction of these changes, considerable reductions should be possible in the printing estimates of all the technical sections.

Records of Assembly Committees.

It was decided last year to have verbatim records instead of ordinary Minutes of all Assembly Committees. It is difficult to estimate exactly the extra cost of this experiment, but it is believed to have amounted to at least 50,000 Swiss francs.

A Committee appointed by the Secretary-General to make proposals for this year has decided to revert for Assembly Committees to the 1929 system of Minutes based on a verbatim record, which could be considerably shortened by the minute-writers. The verbatim record would be kept in the Secretariat for reference and also a copy placed on the Press board. The Information Section and the secretaries of the First, Third and Sixth Committees considered it essential to have a verbatim record, and it was thought difficult to differentiate between the six committees. The secretary of the Fifth Committee thought it essential to have a verbatim, especially as regards opium.

The two members of the Publications Committee present at the meeting were in favour of ordinary Minutes only, and did not consider the verbatim record necessary except for special occasions of exceptionally important debates. They were in favour of ordinary Minutes and of not retaining any temporary verbatim reporters after the end of the general debate in the Assembly.

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[1] This recommendation has not so far been favourably received. The Child Welfare Committee and the Traffic in Women Committee have not found it possible to agree to it.

The Committee discussed the question whether the Press communiqués and the accounts in the *Assembly Journal* could be amalgamated. This was considered impossible by a majority of the Committee, but it was suggested that it depended entirely on the individual and that it might be possible to find persons able to do both.

It is therefore suggested that for this year there should be a reversion to the 1929 system. It may be, however, that the Supervisory Commission would wish the Assembly to consider whether, for future years, it would not desire to go further and dispense with verbatims altogether for the Assembly Committees.

Other Economies considered.

During its studies of possible means of reducing expenses on publications, the Publications Committee thought it its duty to examine, among other publications, the *Treaty Series*, the publication of which is provided for under Article 18 of the Covenant, and it appointed a Sub-Committee to go into this question. The Sub-Committee was unanimously of the opinion that the Assembly alone could decide on any alteration to be made in the present system. A majority of the Sub-Committee considers that the *Treaty Series* in its present complete form is of great value, and that this value would be reduced if any changes were made. It therefore recommends no change.

A minority is in favour of not translating treaties registered in one official language into the other official language and of only translating treaties registered in other languages into one of the official languages (English or French) ; further, of allowing the Secretary-General a certain latitude in excluding : *(a)* treaties or parts of treaties that he considers of no international interest ; *(b)* treaties that can conveniently be consulted elsewhere. The Committee is advised by the Legal Section that both *(a)* and *(b)* would involve an amendment to the Covenant.

The Minutes of the Sub-Committee are available for consultation.

The expense of producing the *Treaty Series* has not gone up, but there has been an increase in other work. Unless there is a reduction in the other work, it will be necessary to engage extra translators, if the issue of the *Treaty Series* is to be kept up to date in its present form. Sales of the *Treaty Series* have gone up from 38,450 Swiss francs in 1929 to 43,150 Swiss francs in 1930.

* * *

On reading this somewhat critical report, the Supervisory Commission may well ask why the Publications Committee has not itself been able to do more. Its main difficulty lies in the fact that its attempted intervention usually comes too late ; an official authorisation by the Council or the Assembly to issue such and such a report has been given, the credit is available, and the resulting document is already prepared ; in addition, there is always the argument that an outside author will be offended if his report is cut down. The remedy, in the opinion of the Committee, must be applied at an earlier stage in the proceedings. Committees or individual delegates sometimes make proposals which lead to publications not immediately required for work already undertaken by the League, and the main object of which is to collect information. In such cases, it is suggested that no final decision should be taken until the Secretary-General has considered whether the proposals involve publications that put too great a strain on the existing administrative and financial resources of the Secretariat.

Publications Department.

Sales in 1930 amounted to 323,500 Swiss francs (the amount foreseen in the budget being 300,000) against 253,393 Swiss francs in 1929, an increase of 70,107 Swiss francs. In view of the economic crisis, it is hardly to be expected that such increases can continue indefinitely.

The following table shows global and other subscriptions for 1929 and 1930 :

	All-inclusive subscriptions	Sectional subscriptions
1929	117	389
1930	148	715

Receipts from the principal buying countries were as follows :

	1929	1930
	Swiss francs	
United States of America	91,020	142,515
Great Britain	37,808	42,200
Japan	20,946	22,965
Switzerland	14,508	21,158
Germany	24,006	20,450
France	11,427	9,727
India	3,378	5,350
Italy	5,743	5,025
Netherlands	5,101	5,993
Czechoslovakia	1,488	4,141
Belgium	2,908	3,293
Spain	2,791	3,710

Far the greatest increase is in the United States, where a grant was made to the World Peace Foundation for publicity purposes. In Germany, France and Italy the receipts are lower than those of 1929 owing to the fact that some payments for 1930 were received and included in the accounts at the end of 1929, while this was not the case at the end of 1930. Increased publicity work by the Czechoslovak agent is largely responsible for the 260 per cent increase in sales there.

Printing Department.

All urgent printing work is given to Swiss printers at prices which may be considered low as compared with the prices generally paid for similar work in Switzerland, Germany, and England. Less urgent work is given to printers outside Switzerland (after estimates have been secured) at prices which are considerably below Swiss prices. Unfortunately, about 70 per cent of the documents are urgent and cannot be sent far away.

During 1930, the amount of printing work increased by over 11 per cent and this necessitated the engagement of a number of temporary proof-readers and other staff. Owing to the reorganisation and the willingness of the staff to work long hours, the proportional increase of staff was not as great as the increase in the amount of work, but the output has reached its limits, and a further increase in work would undoubtedly result in a demand for more staff or delay in issuing documents.

In 1930, the number of reports and memoranda containing complicated tables greatly increased ; these tables involve much more work for the department and the printers.

SUB-APPENDIX.

PUBLICATIONS ISSUED AND REPRINTED BY THE LEAGUE OF NATIONS.

Years 1929 and 1930.

Publications	Number of copies printed		Number of pages		Authors' corrections Swiss francs		Cost Swiss francs	
	1929	1930	1929	1930	1929	1930	1929	1930
Assembly :								
Periodical.	93,550	101,830	420	480	—	—	51,148.55	59,151.80
Occasional	393,030	400,355	5,841	5,891	3,528.25	3,898.25	127,827.90	137,977.65
Council:								
Periodical.	52,050	46,515	4,838	5,134	2,273.35	1,956.—	100,760.65	93,005.80
Occasional	39,176	54,390	1,512	1,644	679.50	402.25	19,773.70	16,327.05
Minutes:								
Of Committees. . .	22,620	32,460	4,668	5,202	5,165.60	3,944.10	85,318.26	76,063.15
Of Conferences. . .	10,535	29,610	1,436	5,466	1,698.90	4,157.10	24,970.10	92,708.90
Occasional:								
Sections :								
I. A. Administrative Commissions .	—	410	—	80	—	81.—	—	1,517.15
I. B. Protection of Minorities . .	3,735	1,505	324	320	296.25	55.50	6,537.85	2,783.40
II. Economic and Financial . . .	112,039	126,800	4,032	5,334	2,189.95	4,242.45	63,764.55	113,695.70
III. Health	36,200	45,600	3,286	2,042	2,883.35	2,766.05	52,188.65	40,322.70
Rockefeller Foundation . .	1,200	—	240	—	357.—	—	2,613.50[1]	—
IV. Social Questions .	12,130	21,155	720	906	1,017.10	478.30	11,990.81	11,802.35
V. Legal.	20,420	14,780	1,697	1,792	1,356.75	51.—	42,492.15	16,933.55
VI. A. Mandates. . .	7,725	9,150	160	292	6.60	938.40	978.90	6,718.95
VI. B. Slavery. . . .	—	—	—	—	—	—	—	—
VII. Political.	—	—	—	—	—	—	—	—
VIII. Communications and Transit . .	29,770	36,932	1,279	1,154	1,957.—	762.05	27,509.35	24,464.10
IX. Reduction of Armaments . .	5,610	21,025	432	1,120	71.25	657.50	1,622.70	16,498.90
X. Treasury	—	—	—	—	—	—	—	—
XI. Opium Traffic . .	18,495	20,740	843	1,284	1,011.39	2,228.—	16,973.95	31,686.60
XII. A. Intellectual Co-operation . .	16,725	46,830	249	572	241.65	376.50	9,651.80	16,498.35
XII. B. International Bureaux. . .	—	—	—	—	—	—	—	—
Latin America . .	6,100	—	160	—	175.80	—	3,900.15	—
Information . . .	28,540	43,450	1,158	2,670	278.70	2,526.25	13,443.30	42,711.90
Internal Printing.	265	515	172	144	48.—	—	1,442.25	429.25
Library.	—	4,600	—	106	—	—	—	759.05
Publications Service	2,100	—	36	—	9.25	—	370.70	—
Periodicals:								
Sections :								
II. Economic and Financial . . .	34,225	36,233	2,554	1,276	3,685.50	3,449.25	84,875.25	81,083.15
III. Health	2,710	3,245	2,384	2,530	1,520.05	3,477.—	43,286.90	57,262.30
Rockefeller Foundation . .	55,850	70,800	1,188	1,406	4,555.50	5,271. -[2]	51,309.45	57,088.10
V. Legal.	24,900	29,700	7,320	5,666	7,557.20	5,585.15	154,140.55	131,568.85
IX. Reduction of Armaments . .	3,260	4,185	2,644	2,848	4,089.—	4,686.—	49,028.55	53,328.40
XII. A. Intellectual Co-operation . .	4,500	7,400	332	516	302.95	187.—	5,103.60	6,439.—
XII. B. International Bureaux. . .	8,940	8,140	772	848	490.65	253.95	10,718.55	7,162.80
Information . . .	249,478	229,920	3,389	3,520	283.30	414.—	82,749.12	82,222.90
Library	18,450	21,000	802	884	178.85	457.50	10,745.65	18,513.30
Publications Service	113,420	46,204	400	308	182.55	172.25	15,989.20	13,386.65
Total	1,427,748	1,516,479	55,288	61,435	48,091.19	53,473.80	1,173,226.59	1,310,111.15

[1] Amount charged to the 1928 balance of grant from the " Rockefeller Foundation ".
[2] 2,220 francs paid in 1930 for the document E.13, the cost of the preliminary printing of a limited edition of which was charged to the 1929 budget.

Appendix III.

NOTE BY THE RAPPORTEUR OF THE SUPERVISORY COMMISSION ON THE QUESTION OF THE NEW BUILDINGS.

At its session in February 1931, the Supervisory Commission considered what would be the effects of the duties entrusted to it by the eleventh Assembly.

The eleventh Assembly, " after fixing at 23,633,150 francs the credit for the construction of the Assembly Hall and the building of the Secretariat ", adopted the following resolution :

> " The Assembly requests the Supervisory Commission to deal with all future financial questions which may arise in connection with the new buildings."

It should first be noted that this resolution does not in any way derogate from the powers previously delegated to the Building Committee [1] created by the fifth Assembly at the request of the Rapporteur of its Fourth Committee (document A.82.1924.X), which instructed the Committee " to fix the details of the building operations and their supervision, and to invite and accept tenders ".

At its meeting on February 10th, 1931, the Supervisory Commission asked the Secretariat official in charge of questions connected with the construction of the new buildings to explain to it what were exactly the duties and responsibilities of the Building Committee. " According to the terms of the resolution under which it was created ", said Mr. Lloyd, " the Building Committee had to approve the final working plans, and any changes which might subsequently be proposed, to fix conditions of tender, to examine the tenders received and to make recommendations to the Secretary-General for the allotment of contracts ; to see that the probable expenditure on each contract was within the limits fixed by the architects' estimate and to take all possible precautions to avoid subsequent supplementary expenditure ; to follow closely the progress of the work by means of the architects' periodical reports or by any other appropriate means ; to keep a constant check upon progressive expenditure in relation to the estimate, and, in a general way, to advise the Secretary-General on any difficulties which may arise. "

This, then, is the situation of the body which acts as an agent for and adviser to the Secretary-General (who in the last resort is alone responsible to the Assembly). A body entrusted with the general task of seeing that the new buildings are constructed according to the Assembly's wishes and, in particular — this being one of the essential points which affect the Supervisory Commission — that the expenditure on the work remains strictly within the limits of the sum voted by the eleventh Assembly.

The report of the Building Committee, dated April 1st, 1931, which was communicated to the Supervisory Commission, conclusively demonstrates that the Committee is determined to carry out this most essential function. The report also partly dispels the anxiety felt by our Commission on hearing that the first two batches of work allocated (levelling and drainage) had resulted in the expenditure of sums considerably in excess of the estimates. It is clear now that there will be an excess expenditure of about 178,000 francs on the levelling work and about 50,000 francs on the drainage — *i.e.*, about 14 per cent for the former (which comes under the heading " levelling and outside work " in the estimates) and 130 per cent for the latter. It should be noted that in the estimate submitted by the architects absolutely no provision was made for draining the subsoil. With regard to the levelling work, the architects hope that the levelling down of the soil will allow, as a set-off, certain economies to be realised through the reduction of the cube of the buildings. However that may be, the fact remains that the margin for " unforeseen expenditure " in the estimate which was originally 759,000 francs and which had already been reduced to 503,992 francs both by the increase from 2 to 3 per cent of the sum allowed to meet the cost of the architects' office out of the total provided in the estimate and by the need for deducting the architects' fees and office expenses in connection with this unforeseen work, has now been further decreased to the extent of some 90,000 francs spent on drainage. It is absolutely necessary that the rebate of 18.5 per cent accorded by the contractors on the main construction work, amounting to 11 millions, should not be absorbed by further unforeseen contingencies.

The question is whether the Building Committee is adequately equipped to keep in touch with the progress of the work so as to be able to take action in time.

With regard to the first point, I am glad to note that the Building Committee has, on its own initiative, created a post which seemed to us to be indispensable. Last March it selected a technical officer, having very excellent references and entirely independent of the architects, whose duties, under the title of " Inspector-Reviser ", will be " to keep a continual watch on the progress of the work and to submit daily reports on the subject ".

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[1] The Building Committee, consisting of officials of the League of Nations and experts appointed by the Council, is at present composed as follows :

The SECRETARY-GENERAL *(Chairman)* (substitute, Mr. JACKLIN) ;
Marquis PAULUCCI DI CALBOLI BARONE ;
Mr. BUTLER (International Labour office) ;
M. BROESE VAN GROENOU, Architect (Netherlands) ;
M. DI FAUSTO or M. BIANCHI, Architects (Italy) ;
Dr. Wilhelm KREIS, Architect (Germany) ;
Mr. MARKHAM, Architect (Great Britain) ;
M. PEYCELON, Director of the *Official Journal* (Paris) ;
M. STREIT-BARON, former Contractor (Geneva).

" Thus ", the Building Committee's report observes, " the Committee and the Secretariat will be safeguarded against surprises. "

The Inspector-Reviser has also to carry out the indispensable duty of revising all the accounts sent in by the contractors after checking by the architects' department.

It will be the duty of the Building Committee, duly warned by its Inspector-Reviser of any modifications which might be contemplated as compared with the basic estimates, resolutely to defend the interests of the League.

From a theoretical point of view, the rights of the League are not open to discussion. The contract concluded between the Secretary-General (as principal) and the architects (as agents) defines the situation as follows :

" *Article IV.* — The agents shall remain in constant touch with the principal. Generally speaking, they shall notify him beforehand and in good time of the steps they intend to take and shall obtain his approval before taking such steps.

" The principal shall have the widest possible rights of supervision and verification ; he may ask any questions, take any decisions, order any alterations and, in general, issue any instructions he may deem necessary. In particular, the principal shall alone be entitled to approve schemes, estimates and any alterations made therein, and shall alone be entitled to allot the work. The plans of construction shall also be subject to his approval. Similarly, any changes and alterations must be approved by the principal beforehand. The agents shall adhere strictly to the orders issued to them."

We may also quote the two following paragraphs from Article V :

" (4) *Estimate.* — Preparation of a detailed preliminary estimate and, at the request of the principal, of a descriptive estimate or memorandum. The agents shall see that the preliminary estimate, if accepted by the principal, shall not be exceeded. For this purpose, the agents must draw the special attention of the principal to the fact beforehand whenever the result of tenders or changes in the plans or work proposed might involve additional expenditure. They must also submit quarterly a report on the expenditure incurred, the progress of the work and further estimated expenditure.

" . . . . . .

" (6) *Preparation of the Invitation for Tenders.* — Proposals for allotting work accompanied by a comparative table with the figures of the estimate ; negotiations with the contractors and the preparation of contracts for carrying out the work. No work may be carried out except under a contract or letter of authorisation signed by the principal or by his representative."

It must be constantly borne in mind that the estimates were drawn up by the architects with a margin for unforeseen expenditure which they thought it unnecessary to increase, in spite of certain suggestions made by the Building Committee — *i.e.*, by the principal himself. The architects explained that the estimate had been prepared on an absolutely definite technical basis corresponding to all the requirements of which they had been notified up to date ; that the prices mentioned in the estimate were based on current prices at Geneva, calculated on a liberal scale so that there would certainly be a considerable saving after the first batch of work (which amounted to almost half the total work to be done) had been allocated. Moreover, the prices in the estimate had been calculated including Customs duty, whereas the League of Nations would certainly obtain its materials duty free. Consequently, the architects thought that the increase of 5 per cent in the estimate for unforeseen expenditure proposed by the Building Committee was not indispensable. There should be no question of any deviation from this definite basis provided by the architects.

In order that it might not be possible to argue that the obligation for the architects to adhere strictly to the letter of their contract was causing inconvenience or delay, the Building Committee set up a Sub-Committee to decide all urgent questions without awaiting the plenary meetings of the Committee.

It would seem therefore that the Supervisory Commission would have no further need for anxiety. The regret expressed by the Building Committee with regard to the excess expenditure reported direct to the Supervisory Commission in February by the Secretary-General " at not having had knowledge of this matter in time to allow of its submitting its observations to the Supervisory Commission ", is a guarantee that, if, for any reason, the Building Committee were in the future faced with a difficult situation which might involve any considerable excess of expenditure, it would duly notify the Supervisory Commission in time to allow the latter to take such action as might be incumbent upon it.

Moreover, I think I should mention the Commission's desire expressed in February that a statement with comments should be communicated from time to time by the Building Committee to the Supervisory Commission in order that the latter may keep in touch with the progress of the work and the expenditure incurred or anticipation for on each item of the estimate.

Official No.: A.34.1931.X.

ANNEX 3.

FINANCIAL POSITION ON AUGUST 31ST, 1931.

MEMORANDUM BY THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

The Secretary-General is directed by Article 21, paragraph 4, of the Financial Regulations to present to each Assembly a statement on the general financial position of the League, similar in form and substance to that which he prepares monthly for the information of the Council. He is also requested to include in his statement a résumé of the steps which he has taken to notify Member States as to the amounts due and overdue by way of contributions towards the expenses of the League.

1. CONTRIBUTIONS TO THE BUDGET OF 1931.

The budget for 1931 was communicated by the Secretary-General on November 6th, 1930, to all the Members of the League, together with a statement showing the amount of the contribution which fell to be borne by each State.

Out of the total amount apportioned between the Members of the League for 1931—namely, 30,868,166.13 gold francs — there has been received, during the first eight months of the current year, the total sum of 17,455,620.88 gold francs, or 56.5489 per cent of the authorised budget (for details see Appendix I).

The following payments have been made in respect of the current financial period:

	Gold Francs as adopted by the League of Nations
In January	2,194,496.15 [1]
February	1,550,160.89
March	862,713.86
April	3,326,322.38
May	3,644,823.86
June	2,493,697.68
July	2,210,696.50
August	1,172,709.56
	17,455,620.88 [1]

In the case of Members that have not made payments or advised the Secretary-General of the date when payment would be made, the request of the Secretary-General has been repeated, as directed by Article 21 (2) of the Financial Regulations.

2. OVERDUE CONTRIBUTIONS.

At the close of 1930, there was due to the League, by way of unpaid contributions appertaining to the financial periods ending on December 31st, 1930, as well as the adjusted and consolidated arrears accounts, a total sum of 15,829,227.15 gold francs.

During the first eight months of the current year, payments have been received in respect of arrears to the amount of 1,302,033.46 gold francs, leaving now outstanding the sum of 14,527,193.69 gold francs (see Appendix II).

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[1] This includes the sum of 700,000 francs which, in accordance with a decision taken by the last Assembly, was drawn from the Building Fund, in order to be refunded to those Members of the League which are entitled to such refund. As this refund is effected by reducing, *pro tanto*, most of the contributions receivable for 1931, the sum of 700,000 francs was considered as having actually been paid by the Members of the League on January 1st, 1931.

	Balances due on December 31st, 1930	Balances due on August 31st, 1931	Percentage of revised total of contributions collected up to date
	Gold francs as adopted by the League of Nations		
Second financial period (July 1st to December 31st, 1920)	26,952.72	26,952.72	99½
Third financial period (1921)	187,499.70	187,499.70	99
Fourth financial period (1922)	182,040.30	182,040.30	99
Adjusted arrears account	142,450.36	140,626.36	—
Fifth financial period (1923)	389,161.63	389,161.63	99
Sixth financial period (1924)	359,200.49	359,200.49	98
Seventh financial period (1925)	375,616.19	375,616.19	98
Eighth financial period (1926)	335,271.80	335,271.80	98
Ninth financial period (1927)	348,449.47	348,449.47	98
Tenth financial period (1928)	126,536.74	126,536.74	99
Eleventh financial period (1929)	1,170,434.30	1,149,522.65	95
Twelfth financial period (1930)	2,476,696.09	1,440,120.16	94
Consolidated arrears (China 1922-1930)	9,708,917.36	9,466,195.48	—
	15,829,227.15	14,527,193.69	

The total cash receipts of the League from contributions have been, for the period January 1st to August 31st, 1931, as follows:

	Gold francs as adopted by the League of Nations
(a) From arrears of contributions	1,302,033.48
(b) From payments on 1931 budget	17,455,620.86
Total	18,757,654.34

The following amounts are still receivable:

	Gold francs
(a) From arrears of contributions	14,527,193.69
(b) From balances due in respect of 1931	13,412,545.25
Total	27,939,738.94

3. Working Capital Fund.

	Gold francs
On December 31st, 1930, the total paid-up Working Capital of the League amounted to	5,321,132.91
Receipts of Working Capital during the period from January 1st, 1931, to August 31st, 1931, increased this sum to	5,386,572.54

The Working Capital Fund is regarded as belonging to the States which contribute towards it, and is reckoned in terms of gold francs. From it, advances may be made, from time to time, to the financially autonomous organisations, in accordance with the provisions of the Financial Regulations. The Secretary-General is the custodian of the Working Capital Fund, and sums advanced to autonomous organisations, when no longer required by them, return to his keeping.

On August 31st, 1931, the Working Capital Fund was employed thus:

(1) With the International Labour Organisation	971,942.92 [1]
(2) With the Secretary-General	4,414,629.62
Total	5,386,572.54

The Working Capital with the Secretary-General was, on August 31st, 1931, thus employed:

(1) Advances to the Iraq Commission (balance not reimbursed)	10,000.—
(2) Advances to the Danzig High Commissariat	62,721.38
(3) Request by the High Commissioner at Danzig for an advisory opinion concerning the Railways at Danzig	27,142.85
(4) On special deposit in bank	4,314,765.39
Total	4,414,629.62

Voluntary Contributions to the Working Capital Fund.

The following sums have been paid in as voluntary contributions towards the Working Capital Fund in response to the Fourth Assembly's recommendation on this subject:

	Gold francs
Abyssinia	15,613.98
Finland	783.19
Germany	67,996.52
Latvia	21,830.98
Total	106,224.67

[1] Includes 535,179 gold francs, balance of advances made to the International Labour Office in 1930. If the Assembly accepts the proposal made by the Supervisory Commission, this sum will be withdrawn from the surplus of 1930 and reimbursed to the Working Capital Fund (see document A.5.1931.X).

4. Building Fund of the League.

The Building Fund amounted on August 31st, 1931, to the total sum of 23,389,983.07 francs.

This sum was made up as follows:

		Gold francs as adopted by the League of Nations
1.	Net surplus of the financial year 1923	1,139,580.45
2.	Total surplus of the financial year 1924	9,395,721.35
3.	Payments by the Argentine for the fourth and fifth financial years	1,927,184.35
4.	Payment by the Argentine for the sixth financial year	872,507.79
5.	Surplus of the financial year 1925	3,367,847.28
6.	Surplus of the financial year 1928	1,479,161.12
7.	Allocation from Building Annuity, 1929, 1930 and 1931	2,025,000.—
8.	Interest and other receipts	3,182,980.73
		23,389,983.07[1]

It should be noted that the sum of 23,389,983.07 francs does not include the amount of 4 million francs which corresponds to the guaranteed sale price of the building now occupied by the Secretariat.

On the other hand, the following expenses have actually been paid for:

		Gold francs as adopted by the League of Nations	
1.	Payments for the new International Labour Office building	3,310,000.—	
2.	Payments for the Assembly Hall and the new Secretariat building	5,408,605.85	
3.	Refund to States Members	50,000.—	
			8,768,605.85

The payments under No. 2 may be further subdivided as follows:

		Gold Francs	Gold francs
Non-recurring expenditure			
1.	Cost of land	2,678,500.—	
2.	Cost of annex	270,000.—	
3.	Annex installations	122,401.60	
4.	Examination expenses	401,768.55	
5.	Cost of original plans on old site	126,777.25	
			3,599,447.40
Current expenditure			
1.	Construction of new building	1,484,676.75	
2.	Advertising expenses	25.—	
3.	Prints of plans	10,463.50	
4.	Transport charges	148.35	
5.	Telegrams and telephones	154.—	
6.	Experts' fees	21,590.55	
7.	Printing	1,209.—	
8.	Incidental expenses	10,744.05	
9.	Allowances and travelling expenses of Building Committee and staff	74,830.30	
10.	Legal expenses	29,944.40	
11.	Administration of property	942.40	
12.	Salaries of staff	132,744.50	
13.	Sundry and miscellaneous expenses	41,685.65	
			1,809,158.45
			5,408,605.85

An instalment of 1,025,115.35 Swiss francs, equivalent to U.S.A. $200,000, was received during the month of August 1931, for the construction of the new Library, the cost of which will be met by donations from Mr. John D. Rockefeller, Junr.

The expenditure so far incurred for this building amounts to 114,000 Swiss francs.

Including accrued interest, the Special Fund set up by the Assembly at its eighth ordinary session for the furnishing of the new buildings amounted, on August 31st, 1931, to 863,045.25 francs.

[1] Excluding a gift of 129,565 francs, received from the Woodrow Wilson Foundation.

Appendix I.

CONTRIBUTIONS TO THE BUDGET OF 1931. SUMS PAID AND BALANCES DUE AS ON AUGUST 31st, 1931.[1]

Etats	Montant de la contribution Amount of contribution	Sommes versées Paid	Soldes dus Balances due	States
	Francs-or Gold francs	Francs-or Gold francs	Francs-or Gold francs	
	adoptés par la Société des Nations as adopted by the League of Nations			
Somme prélevée sur le « fonds pour les constructions » venant en déduction des contributions pour 1931 (voir note page 85).	700,000.—	700,000.—	—	Sum taken from the Building Fund in deduction of Contributions for 1931 (see note, page 85).
Afrique de Sud . .	449,923.88	449,923.88	—	South Africa
Albanie	30,384.89	823.12	29,561.77	Albania
Allemagne	2,471,087.93	617,771.98	1,853,315.95	Germany
Argentine.	880,852.04	—	880,852.04	Argentine
Australie	816,986.86	544,657.88	272,328.98	Australia
Autriche	249,438.23	186,447.61	62,990.62	Austria
Belgique	546,785.63	388,695.—	158,090.63	Belgium
Bolivie	125,118.40	—	125,118.40	Bolivia
Bulgarie	150,913.98	—	150,913.98	Bulgaria
Canada.	1,062,867.99	—	1,062,867.99	Canada
Chili	427,659.—	—	427,659.—	Chile
Chine	1,438,861.32	719,427.80	719,433.52	China
Colombie	181,293.35	—	181,293.35	Colombia
Cuba.	275,367.38	—	275,367.38	Cuba
Danemark	363,555.96	363,555.96	—	Denmark
Répub. Dominicaine	31,161.64	—	31,161.64	Dominican Republic
Espagne [3].	1,219,851.15	610,968.88	608,882.27	Spain [3]
Estonie.	91,720.70	68,799.—	22,921.70	Estonia
Ethiopie	62,090.74	62,090.74	—	Abyssinia
Finlande [2].	303,764.78	151,883.51	151,881.27	Finland [2]
France	2,418,361.57	1,816,861.38	601,500.19	France
Grèce	211,473.22	211,473.22	—	Greece
Grande-Bretagne [3].	3,225,042.12	1,612,521.10	1,612,521.02	Great Britain [3]
Guatémala	30,695.38	—	30,695.38	Guatemala
Haïti.	28,636.30	—	28,636.30	Haiti
Honduras.	31,279.59	—	31,279.59	Honduras
Hongrie [2].	248,535.13	120,188.32	128,346.81	Hungary [2]
Inde	1,705,811.54	855,129.—	850,682.54	India
Irlande (Etat libre d')	310,453.71	155,226.86	155,226.85	Irish Free State
Italie.	1,832,276.03	1,374,207.01	458,069.02	Italy
Japon	1,829,278.06	914,639.03	914,639.04	Japan
Lettonie	91,270.39	45,635.18	45,635.21	Latvia
Libéria	31,279.59	—	31,279.59	Liberia
Lithuanie.	122,516.34	114,017.20	8,499.14	Lithuania
Luxembourg . . .	29,640.32	29,640.32	—	Luxemburg
Nicaragua [2]. . . .	31,279.59	—	31,279.59	Nicaragua [2]
Norvège	270,318.51	270,318.51	—	Norway
Nouvelle-Zélande .	306,163.02	306,163.02	—	New Zealand
Panama	30,103.07	162.68	29,940.39	Panama
Paraguay	30,641.60	—	30,641.60	Paraguay
Pays-Bas	700,763.83	700,763.83	—	Netherlands
Pérou	281,516.34	—	281,516.34	Peru
Perse.	152,069.70	—	152,069.70	Persia
Pologne	974,690.38	699,651.—	275,039.38	Poland
Portugal	177,315.85	177,315.85	—	Portugal
Roumanie	664,865.02	664,865.02	—	Roumania
Salvador	31,279.59	—	31,279.59	Salvador
Siam	274,883.42	274,883.42	—	Siam
Suède	545,333.76	545,333.76	—	Sweden
Suisse	515,506.04	515,506.04	—	Switzerland
Tchécoslovaquie . .	882,105.09	882,105.09	—	Czechoslovakia
Uruguay	213,776.12	—	213,776.12	Uruguay
Venezuela	152,184.84	152,184.84	—	Venezuela
Yougoslavie. . . .	607,135.22	151,783.84	455,351.38	Yugoslavia
	30,868,166.13	17,455,620.88	13,412,545.25	
A déduire remboursement au Brésil.	25,690.35			Less Brazil refund
A déduire remboursement à la République de Costa-Rica	796.11			Less Costa Rica refund
	30,841,679.67			

[1] Compte tenu de la déduction pour part du « fonds pour les constructions » et du remboursement de l'excédent de 1929. — Taking into account the Building Fund annuity deduction and reimbursement of 1929 surplus.

[2] A versé un acompte à valoir sur sa contribution depuis le 31 août. — Paid a sum on account of its contribution since August 31st.

[3] A versé le solde de sa contribution au début du mois de septembre. — Paid the balance of its contribution at beginning of September.

Appendix II.

UNPAID CONTRIBUTIONS.

The contributions yet unpaid in respect of the first twelve financial periods and of the adjusted and consolidated arrears accounts are as follows:

	Gold francs as adopted by the League of Nations	Gold francs as adopted by the League of Nations
First financial period (1919-20):		
All contributions have been paid or adjusted.		
Second financial period (July 1st to December 31st, 1920):		
Peru (unpaid balance)		26,952.72
99.5% of the revised total of contributions for 1920 has been paid.		
Third financial period (1921):		
Peru (unpaid balance)		187,499.70
99% of the revised total of contributions for 1921 has been paid.		
Fourth financial period (1922):		
Peru (unpaid balance)		182,040.30
99% of the revised total of contributions for 1922 has been paid.		

Adjusted arrears accounts of States (Decisions of the Fourth and Fifth Assemblies):

	Reduced amount	Paid on account	Balance due payable in instalments
	Gold francs as adopted by the League of Nations		
Honduras.	55,326.58	—	55,326.58
Nicaragua[1]	55,326.58	3,655.47	51,671.11
Paraguay.	25,618.—	10,247.20	15,370.80
Salvador	60,850.—	42,592.13	18,257.87
	197,121.16	56,494.80	140,626.36

Fifth financial period (1923):		
Bolivia (unpaid balance)	90,000.—	
Honduras (entire contribution)	27,196.51	
Nicaragua „ „	27,196.51	
Peru (unpaid balance)	244,768.61	
		389,161.63
99% of the revised total of contributions for 1923 has been paid.		
Sixth financial period (1924)[2]:		
Bolivia (unpaid balance)	104,284.01	
Honduras (entire contribution)	23,174.23	
Nicaragua „ „	23,174.23	
Peru (unpaid balance)	208,568.02	
		359,200.49
98% of the revised total of contributions for 1924 has been paid.		

[1] Paid a sum on account of its arrears since August 31st.

[2] The figures shown hereunder represented the *revised* contributions, *i.e.*, the contributions *less* the amount included for the reimbursement of the Temporary Contribution to the Working Capital Fund which was repaid in 1925 to the States which had paid their quota for 1924. (See Reports of the Auditor and of the Supervisory Commission documents A.3.1926.X, page 69, and A.5.1926.X, paragraph 10.)

	Gold francs as adopted by the League of Nations	Gold francs
Seventh financial period (1925):		
Bolivia (unpaid balance)	109,049.86	
Honduras (entire contribution)	24,233.30	
Nicaragua " "	24,233.30	
Peru (unpaid balance)	218,099.73	
		375,616.19

98 % of the revised total of contributions for 1925 budget has been paid.

Eighth Financial Period (1926):		
Bolivia (unpaid balance)	88,100.63	
Honduras (entire contribution)	24,472.39	
Nicaragua " "	24,472.39	
Peru (unpaid balance)	198,226.39	
		335,271.80

98% of the revised total of contributions for 1926 has been paid.

Ninth Financial Period (1927):		
Bolivia (unpaid balance)	86,940.32	
Honduras (entire contribution)	24,150.09	
Nicaragua " "	24,150.09	
Paraguay (unpaid balance)	17,593.24	
Peru " "	195,615.73	
		348,449.47

98% of the revised total of contributions for 1927 has been paid.

Tenth Financial Period (1928):		
Bolivia (unpaid balance)	89,320.01	
Honduras (unpaid balance)	12,405.62	
Nicaragua (entire contribution)	24,811.11	
		126,536.74

99% of the revised total of contributions for 1928 has been paid.

Eleventh Financial Period (1929):		
Argentine (entire contribution)	736,558.14	
Bolivia " "	105,215.77	
Guatemala (entire contribution)	25,719.73	
Honduras (unpaid balance).	13,898.40	
Nicaragua (entire contribution)	26,303.94	
Paraguay (unpaid balance)	21,203.37	
Peru " "	220,623.30	
		1,149,522.65

95% of the revised total of contributions for 1929 has been paid.

Twelfth Financial Period (1930):		
Argentine (entire contribution)	791,290.53	
Bolivia " "	112,765.07	
Chile (unpaid balance)	16,150.94	
Colombia " "	13,051.34	
Cuba " "	36,286.80	
Dominican Republic (unpaid balance)	3,771.07	
Guatemala (entire contribution)	27,607.06	
Honduras " "	28,191.27	
Liberia (unpaid balance)	3,732.88	
Nicaragua " "	9,553.32	
Paraguay (entire contribution)	27,553.28	
Peru " "	253,721.39	
Salvador " "	28,191.27	
Uruguay (unpaid balance)	88,253.94	
		1,440,120.16

94% of the revised total of contributions for 1930 has been paid.

Consolidated Arrears (Decision of Eleventh Assembly)		
China (1922 to 1930)		9,466,195.48

STATEMENT SHOWING ARREARS COLLECTED AND DUE
(January 1st and August 31st, 1931).

Etats	Montant dû au 1er janvier 1931 Amount due on January 1st, 1931	Acomptes versés sur les arriérés, au cours des huit premiers mois de 1931 Payments on account of arrears made during eight months of 1931	Solde des arriérés encore impayés au 1er septembre 1931 Balance of arrears yet unpaid as on September 1st, 1931	TOTAL DES SOLDES DUS AU 1er SEPTEMBRE 1931 TOTAL OF BALANCE DUE SEPTEMBER 1ST, 1931	States
Albanie	27,296.57 (1930)	27,296.57	—	—	Albania
Argentine	736,558.14 (1929)	—	736,558.14	1,527,848.67	Argentine
	791,290.53 (1930)	—	791,290.53		
	90,000.— (1923)	—	90,000.—		
	104,284.01 (1924)	—	104,284.01		
	109,049.86 (1925)	—	109,049.86		
Bolivie	88,100.63 (1926)	—	88,100.63	785,675.67	Bolivia
	86,940.32 (1927)	—	86,940.32		
	89,320.01 (1928)	—	89,320.01		
	105,215.77 (1929)	—	105,215.77		
	112,765.07 (1930)	—	112,765.07		
Bulgarie	135,472.36 (1930)	135,472.36	—	—	Bulgaria
Chili	16,150.94 (1930)	—	16,150.94	16,150.94	Chile
Chine	9,708,917.36 (C,A,[2])	242,721.88	9,466,195.48	9,466,195.48	China
Colombie	44,230.37 (1930)	31,179.03	13,051.34	13,051.34	Colombia
Cuba	19,300.88 (1929)	19,300.88	—	36,286.80	Cuba
	247,572.43 (1930)	211,285.63	36,286.80		
Guatémala	25,719.73 (1929)	—	25,719.73	53,326.79	Guatemala
	27,607.06 (1930)	—	27,607.06		
	55,326.58 (C,A,[1])	—	55,326.58		
	27,196.51 (1923)	—	27,196.51		
	23,174.23 (1924)	—	23,174.23		
	24,233.30 (1925)	—	24,233.30		
Honduras	24,472.39 (1926)	—	24,472.39	233,048.39	Honduras
	24,150.09 (1927)	—	24,150.09		
	12,405.62 (1928)	—	12,405.62		
	13,898.40 (1929)	—	13,898.40		
	28,191.27 (1930)	—	28,191.27		
Japon	122,412.52 (1930)	122,412.52	—	—	Japan
Libéria	3,732.88 (1930)	—	3,732.88	3,732.88	Liberia
Nicaragua	53,495.11 (C,A,[1])	1,824.00	51,671.11	235,566.—	Nicaragua
	27,196.51 (1923)	—	27,196.51		
	23,174.23 (1924)	—	23,174.23		
	24,233.30 (1925)	—	24,233.30		
	24,472.39 (1926)	—	24,472.39		
	24,150.09 (1927)	—	24,150.09		
	24,811.11 (1928)	—	24,811.11		
	26,303.94 (1929)	—	26,303.94		
	18,852.76 (1930)	9,299.44	9,553.32		
Panama	27,014.75 (1930)	27,014.75	—	—	Panama
Paraguay	15,370.80 (C,A,[1])	—	15,370.80	81,720.69	Paraguay
	17,593.24 (1927)	—	17,593.24		
	21,203.37 (1929)	—	21,203.37		
	27,553.28 (1930)	—	27,553.28		
Pérou	26,952.72 (1920)	—	26,952.72	1,936,115.89	Peru
	187,499.70 (1921)	—	187,499.70		
	182,040.30 (1922)	—	182,040.30		
	244,768.61 (1923)	—	244,768.61		
	208,568.02 (1924)	—	208,568.02		
	218,099.73 (1925)	—	218,099.73		
	198,226.39 (1926)	—	198,226.39		
	195,615.73 (1927)	—	195,615.73		
	220,623.30 (1929)	—	220,623.30		
	253,721.39 (1930)	—	253,721.39		
Perse	136,628.08 (1930)	136,628.08	—	—	Persia
Pologne	207,781.43 (1930)	207,781.43	—	—	Poland
République Dominicaine	1,610.77 (1929)	1,610.77	—	3,771.07	Dominican Republic
	28,073.32 (1930)	24,302.25	3,771.07		
Salvador	18,257.87 (C,A,[1])	—	18,257.87	46,449.14	Salvador
	28,191.27 (1930)	—	28,191.27		
Uruguay	192,157.81 (1930)	103,903.87	88,253.94	88,253.94	Uruguay
Total	15,829,227.15	1,302,033.46	14,527,193.69	14,527,193.69	Total

[1] Compte des contributions arriérées revisées; ces contributions seront versées par acomptes échelonnés sur un certain nombre d'années (décisions de la quatrième et de la cinquième Assemblée). — Compounded arrears account payable in instalments spread over a number of years (Decisions of the Fourth and Fifth Assemblies).

[2] Compte des contributions arriérées consolidées; ces contributions seront versées par acomptes échelonnés sur vingt années (décision de la onzième Assemblée). — Consolidated arrears account payable in instalments spread over twenty years (Decision of the Eleventh Assembly).

Official No.: A.32.1931.X.

ANNEX 4.

NEW WORK INVOLVING NEW EXPENDITURE ON THE PART OF THE LEAGUE.

The following is an extract from the report of the Fourth Committee adopted by the Assembly at its fifth ordinary session:

"The Committee asked the competent officials of the Secretariat and the other autonomous organisations to follow up the present practice and in future to prepare a report of the new work involving new expenditure on the part of the League.

"The Committee thanked the Secretariat for having added to this report a new section for decisions of the Council which may subsequently lead to further expenditure, and suggested that the Secretary-General should continue, in future, to supply information on that point."

I. SECRETARIAT AND SPECIAL ORGANISATIONS OF THE LEAGUE.

A. New Work involving New Expenditure immediately or in the Near Future.

1. *Technical Co-operation with the Chinese Government.*

On January 19th, 1931, the Council considered a request from the Chinese Government that the Directors of the Economic and Financial Section and of the Transit and Communications Section should pay brief visits to China. The Council decided to give effect to the proposals of the Chinese Government, and agreed that the expenditure involved should be charged to Item 3 of the Budget for 1931 (Unforeseen Expenditure subject to Special Vote of Council) up to a maximum of 100,000 francs (sixty-second session, Minute 2744).

On May 19th, 1931, the Secretary-General drew the attention of the Council to the following passage in the report of the Supervisory Commission to the Assembly:

"26. For the present year, in fact, it would, on account of the desirability of immediate action along the lines desired by China, agree that, if the sums allocated by the Council for the purpose of co-operation with China out of those which are at its free disposal (Item 3 of the budget) prove insufficient, the Secretary-General might, as a quite exceptional measure and as a derogation from the Financial Regulations, be authorised to utilise part of the arrears, which the Chinese Government will pay in 1931, to meet the otherwise uncovered portion of the expenditure of the various missions. Naturally, the derogation in question will only be possible if the Assembly explicitly consents" (document A.5.1931.X).

(Sixty-third session, Minute 2806.)

On May 22nd, 1931, the Council adopted the following resolution:

"The Council,

"Referring to the decision taken on January 19th, 1931:

"Decides to increase by 100,000 francs—*i.e.*, from 100,000 to 200,000 francs—the expenditure which may be charged to Item 3 of the Budget for 1931 (Unforeseen Expenditure subject to Special Vote of the Council) for the technical co-operation of the League of Nations with the Chinese Government."

(Sixty-third session, Minute 2850.)

2. *Request for Assistance from the Government of Liberia: Expenses of Committee of Enquiry set up by the Council on January 24th, 1931.*

On January 24th, 1931, the Council adopted the following resolution:

"The Council decides to debit Item 3 of the 1931 Budget (Unforeseen Expenditure subject to Special Vote of the Council) with the expenditure which may be involved in consequence of the work of the Committee of Enquiry instructed to consider the request

submitted to the Council on January 22nd, 1931, by the representative of the Liberian Government to an amount not exceeding 100,000 francs."

(Sixty-second session, Minute 2779.)

On May 21st, 1931, the Council decided to increase the amount which it had voted on January 24th from 100,000 to 125,000 francs. (Sixty-third session, Minute 2828.)

3. *Agricultural Credits: Advance of Funds by the League to the Organisation Committee of the International Agricultural Mortgage Credit Company.*

On May 22nd, 1931, the Council adopted the following resolution:

" The Council,

" Empowers the Secretary-General to advance to the Organisation Committee of the International Agricultural Mortgage Credit Company funds up to a maximum sum of 50,000 francs;

" Decides that these advances, which will be repaid to the League as soon as the capital of the bank has been subscribed, will be drawn from Item 3 of the Budget for 1931 (Unforeseen Expenditure subject to Special Vote of the Council)."

(Sixty-third session, Minute 2849.)

B. NEW WORK WHICH MIGHT LEAD TO EXPENDITURE IN THE FUTURE.

Nil.

II. INTERNATIONAL LABOUR ORGANISATION.

Letter addressed to the Secretary-General by the Director of the International Labour Office on August 11th, 1931.

In accordance with the decision taken by the fourth Assembly, I have the honour to inform you that, since August 14th, 1930, the date on which I made a similar statement to you, the International Labour Organisation has not undertaken any new work involving additional expenditure on the part of the League of Nations either immediately or in the future.

ANNEX 5.

Series of Publications: 1931.X.2. *Official No.:* A.8.1931.X.
[Extract.]

COMMITTEE APPOINTED TO GIVE FURTHER CONSIDERATION TO CERTAIN QUESTIONS RELATING TO THE ORGANISATION OF THE SECRETARIAT, THE INTERNATIONAL LABOUR OFFICE AND THE REGISTRY OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

REPORT OF THE COMMITTEE.

1. The new Committee of Thirteen was constituted by, and received its terms of reference from, the eleventh Assembly, which on October 3rd, 1930, passed the following resolution:

" The Assembly,

" Having had before it the report submitted by the Committee of Enquiry appointed by the last Assembly to consider what steps could be taken to ensure, in the future as

in the past, the best possible results in the administration of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice;

"Having examined the separate reports submitted by some members of that Committee and attached to the Committee's report;

"Having considered the report submitted by the Secretary-General to the Committee of Thirteen, together with notes from the Secretary-General, the Director of the International Labour Office and the Registrar of the Permanent Court of International Justice on the financial consequences of the proposals contained in the Committee's report:

"(1) Approves the general obligations of the staff as defined in Chapter I of Part II of the Report of the Committee of Thirteen with the amendments proposed by the Fourth Committee;

"(2) Approves the rules upon the duration of engagements of the staff contained in Chapter 2 of Part II of the report of the Committee of Thirteen with the amendments proposed by the Fourth Committee;

"(3) Requests the Secretary-General to incorporate in the Staff Regulations the amendments proposed in the present report and approved by the Fourth Committee;

"(4) Instructs the Secretary-General to amend the Staff Regulations in accordance with the proposals of the Fourth Committee and requests him to submit the new Regulations to the next Assembly;

"(5) Notes the statements made by the Director of the International Labour Office and the Registrar of the Permanent Court to the effect that they will, within the same period, adapt to their respective organisations the principles laid down by the Fourth Committee;

"(6) Approves the Staff Pensions Regulations and instructs the Secretary-General to take all necessary measures to ensure their application as from January 1st, 1931;

"(7) Requests the General Committee of the Assembly to appoint a Committee of . . . Members to consider the retention or elimination, the increase or reduction of the posts of Under-Secretary-General, as well as the consequences resulting therefrom. All cognate questions which the Committee thought it necessary to adjourn in the course of its work shall be referred to that Committee. The latter will be requested to submit a report not later than May 1st, 1931, so as to make it possible for its conclusions to be examined in due time by the States Members of the League of Nations and submitted to the next Assembly; and

"(8) Approves this report and adopts its conclusions."

2. In virtue of the Fourth Committee's report and paragraph 7 of the above resolution, the terms of reference of the Committee of Thirteen were limited to the following questions:

(1) The question of the Under-Secretaries-General;

(2) The question of the salaries, conditions of engagement, etc., of the Secretary-General, Deputy Secretary-General, Under-Secretaries-General, Directors and Treasurer;

(3) The question of the salaries of Chiefs of Section and of the Secretary-General's Chef de Cabinet.

3. The Committee held that it did not fall within its province to consider the questions of the salaries of counsellors or of septennial leave for officials of the first division, these questions having been postponed to next year by the Eleventh Assembly.

4. At the beginning of their meeting, the members of the Committee were careful to point out that they were there in an individual capacity and that the decisions they might reach could in no case be binding upon their Governments.

5. In view of the importance of the questions of principle with which it had to deal, the Committee thought it desirable that the Minutes of its meetings should be printed and appended to its report.[1] It has accordingly been possible to limit the present report to a brief summary of the proceedings and a statement of the Committee's decisions.

I. QUESTION OF THE UNDER-SECRETARIES-GENERAL.

6. The Assembly's decision on this question is formulated in the following terms in paragraph 19 of the Fourth Committee's report:

"19. In approaching the question of the Under-Secretaries-General, the Committee had before it two proposals—one by the majority, to the effect that the number of Under-Secretaries-General should be raised to eight, and the other by the minority, fixing the number at five—when a third proposal was made for the abolition of all these posts. One member of the Committee then proposed that the question of the Under-Secretaries-General should be held over and investigated by a special Committee. The question of the abolition of these posts will, therefore, have to be examined by this special Committee,

[1] See document A.8.1931.X.

as well as various suggestions which emerged from a long discussion reported in the Minutes of the meetings."

The Committee being agreed upon the necessity of keeping a Secretary-General and a Deputy Secretary-General at the head of the Secretariat organisation, three possibilities remained :

(*a*) To abolish completely all the posts of Under-Secretary-General.
(*b*) To increase the number of Under-Secretaries-General from three to five or even six.
(*c*) To maintain the *status quo*.

7. The complete abolition of the posts of Under-Secretary-General—which was proposed only on condition that the position of the present high officials should be safeguarded—was advocated by some members of the Committee as the best way of removing a certain atmosphere of dissatisfaction due to the fact that all the higher posts of the Secretariat were occupied by nationals of the Powers permanently represented on the Council of the League.

Supposing that this position, which does not correspond to any constitutional rule, may be of some value on account of the special opportunities for liaison work enjoyed by nationals of such countries, the fact remains that in countries which have, in practice, no hope of seeing one of their nationals in any of these higher offices, public opinion notes an inconsistency between this kind of monopoly and the principle of the equality of all States. This feeling has, indeed, found expression in several Parliaments. Moreover, there seems no reason why the abolition of these offices should cause any serious administrative difficulties, inasmuch as they were created primarily for political reasons or on grounds of prestige, and there is no essential difference between the functions of Under-Secretaries-General and those of Directors. With regard to the contingency of the Secretary-General and Deputy Secretary-General having to be replaced, should they both be away from Geneva at the same time or unable to perform their duties, arrangements could be made to meet the case. The abolition of the offices of Under-Secretary-General would also offer the advantage of a reduction of expenditure, thus complying with a desire that has become more pressing since the aggravation of the general economic depression.

8. To those considerations other members objected that the posts of Under-Secretary-General answered a genuinely useful purpose in an institution of so universal a character as the League of Nations, and that, even if this were not so, the Committee of Thirteen was now faced with an existing situation which could not be upset without the risk of various disadvantages and even difficulties of a political nature. The definitely international character which is an absolute rule for all the officials of the League of Nations, both as regards their administrative duties and all their other activities, precludes their nationality having quite as much importance as might be supposed. There is, moreover, an easy and reasonable way of still further reducing the force of the objections urged against the present composition of the higher staff; this would be to increase somewhat the number of posts of Under-Secretary-General. The increasing number of duties assumed by the League of Nations and their growing complexity justify such an increase. This solution would also promote the co-ordination of the work of the different sections. It would make it possible to find room in the higher ranks of the League of Nations for other forms of national civilisation or other nationalities than those which are at present represented. It would give the best officials of the League of Nations a better prospect of promotion to these outstanding posts and would thus stimulate a higher standard of recruitment and greater emulation among the staff.

9. Between these two alternatives, the abolition of the posts of Under-Secretary-General and the increase in the number of these posts, a half-way solution was suggested, that of maintaining the *status quo*. Some of the advocates of abolition pointed out that any appointment of new Under-Secretaries-General would only make it more difficult to do away with these posts subsequently, since new established rights might create fresh obstacles. Others, who were willing to enlarge somewhat the present framework of the higher ranks, regarded the *status quo* as a solution leaving more freedom for the future. Since the Assembly was able at its last session as a result of the work of the Committee of Thirteen and of the Fourth Committee to deal successfully with the revision of the Staff Regulations and the very difficult problem of pensions, the League would not be giving a sign of weakness but would simply be showing a due appreciation of present possibilities if it postponed the reform of the higher ranks until circumstances were more favourable.

10. Following upon a discussion of these various considerations, which is accurately reproduced in the Minutes annexed to this report, votes were taken, first on the abolition of the posts of Under-Secretary-General, and then on the increase in their number by not more than three. Abolition was rejected by seven votes to three, and one abstention. The increase was then rejected by six votes to five. These two decisions having been definitely taken, a motion was then proposed with the idea of obviating any possibility of misunderstanding. This motion was worded as follows :

" The Committee is not in favour of purely and simply maintaining the *status quo*."

This motion was adopted by nine votes to two, with one abstention. It remained to be seen whether the Committee could arrive at an agreement on certain modifications to be made in the *status quo*. There was a further exchange of views, resulting in the following conclusion :

11. The Members of the Committee having found it impossible to obtain a majority either for the abolition of the Under-Secretaries-General or for an increase in their number, and, considering that a fundamental change in the organisation of the higher ranks of the Secretariat during the term of office of the present Secretary-General might create difficulties which it would be better to avoid, came to the conclusion that it would be preferable if the framework of the higher ranks were provisionally maintained as it stands. They regard this as a quite provisional solution aimed at putting an end to differences of opinion which would be likely, if prolonged, to hamper the smooth working of the Secretariat.

It is possible that circumstances arising later may make it possible to view such modifications more favourably. Accordingly, the Committee suggests that, not later than three years from now, the Council and the Assembly should once more consider the problem either of maintaining or of abolishing, increasing or reducing the posts of Under-Secretary-General.

If it should so happen that the present Secretary-General retires before then, the position may have changed and the League of Nations will have at once to consider whether there should be a general readjustment of the higher posts.

Hence, in order to permit of the execution of the decisions which may then be taken by the Assembly and the Council, it will be well to avoid creating situations which might place obstacles in the way of the changes which may then be found necessary.

12. The Committee therefore recommends that all new or renewed contracts concluded with the Deputy Secretary-General or the Under-Secretaries-General :

(1) Should have a maximum duration of three years ;

(2) Should contain a clause under which they may be denounced within one year from the date on which the Secretary-General officially notifies the Council of his intention of resigning, this denunciation only to take effect as from the date on which the new Secretary-General assumes his duties, or in the year following.

13. Some members of the Committee, while accepting the recommendation, desired that their opinion should be recorded that the above solution was not satisfactory and they would have preferred either the provisional enlargement of the numbers of Under-Secretaries-General or their complete suppression.

Draft Resolution submitted by the Irish Delegation.

14. The Committee had before it a draft resolution which was submitted by the Irish delegation to the Fourth Committee of the last Assembly :

> " In future there shall, as a general rule, be no appointment of more than one national of any State among the higher officers of the Secretariat, from and including the rank of Director of Section upwards."

The Committee, with reference to the opinion expressed in the report submitted by the Committee of Thirteen in 1930, considered that, if it was desired to obtain the best possible officials for the League, it would be difficult to adopt rules laying down a strict allocation of nationalities. In appointing officials, the Secretary-General must, of course, always take the question of nationality into account, but this principle should not be made into a dogma.

At the outset, the Secretariat and the International Labour Office had a very large proportion of British and French higher officials, but the position is gradually changing and in the normal course of departures and fresh appointments it may be anticipated that this readjustment will continue in such a way as to provide more adequate representation of the different forms of national civilisation.

15. In these circumstances, the Committee thinks that, in the appointment or promotion of officials to one of the higher posts of the Secretariat, *the first and foremost* consideration must be the knowledge and capacity of the candidate which must be in keeping with the duties he will be called upon to fulfil. In making the choice, however, account should be taken of the representation of the different forms of national civilisation.

II. QUESTION OF THE SALARIES, CONDITIONS OF ENGAGEMENT, ETC., OF THE SECRETARY-GENERAL, DEPUTY SECRETARY-GENERAL, UNDER-SECRETARIES-GENERAL, DIRECTORS AND TREASURER.

16. The Assembly's decision was as follows :

" The Committee decided to refer to the new Committee the whole question of paragraph 27 of the report of the Committee of Thirteen " (Rules concerning each of the principal officers of the Secretariat, see document A.16.1930, page 16).

(*a*) Secretary-General, Deputy Secretary-General and Under-Secretaries-General.

17. As regards the salaries of the highest officers of the Secretariat, the Committee proposes that no change should be made in the present system until the introduction of the reforms referred to in Chapter I above.

18. In future, the normal term of office of the Secretary-General should be for ten years, the Council having the right to prolong the appointment, subject to the approval of a majority of the Assembly.

Subject to the provisional arrangements contemplated in Chapter I above, the term of office of the Deputy Secretary-General should, in future, be for seven years, renewable in exceptional cases.

19. The Assembly having referred to the Committee the question of the entertainment allowance granted to these officials, the Committee did not think it desirable in present circumstances to put forward any new proposals in this respect. Some of the members of the Committee, however, expressed the opinion that economies might perhaps be effected by reducing the sums granted to certain officials as entertainment allowance and transferring part of these sums to the common fund. Other members of the Committee proposed that a committee of three persons should undertake the enquiry referred to in the Committee of Thirteen's proposal, and should make a report enabling the Assembly to judge with a full knowledge of the facts whether the rate of entertainment allowance should be maintained, increased or reduced.

(*b*) Directors.

20. The Committee proposes no change in the scale of salary at present in force for Directors. The minimum should continue to be 41,000 francs, rising by annual increments of 2,500 francs to a maximum of 53,000 francs.

Directors should be appointed for seven years, and their appointments should be renewable.

(*c*) Treasurer.

21. The Treasurer is at present in a special category, occupying an intermediate position between Directors and Chiefs of Section. In view of the importance of his duties, the Committee —subject to the reservations made by two members—adopting the recommendations made last year by the Committee of Thirteen, considered that his post should be made independent of the Under-Secretary-General in Charge of Internal Administration. The Treasurer would thereby be placed on an equality with the fourteen Under-Secretaries-General and Directors, and the principal officers would include seventeen instead of sixteen officials.

In conformity with the opinion expressed by the Secretary-General, the Committee makes no immediate proposal in this sense, leaving the Secretary-General free to introduce this change whenever he sees fit.

The change which should at present be made in the position of the Treasurer would be in regard to his rank and his salary. The Treasurer's emoluments should be the same as those of Directors, rising from 41,000 to 53,000 francs by annual increments of 2,500 francs.

(*d*) Registrar and Deputy Registrar of the Permanent Court of International Justice.

22. Linked up with the question of the salaries, etc., of the principal officers of the Secretariat, is that of the salaries of the Registrar and Deputy Registrar of the Permanent Court of International Justice, which was referred to the Committee in the terms given in the following extract from the Fourth Committee's report :

" The Committee adopted the chapter relating to the Registry of the Permanent Court on the understanding that paragraph 62 concerning the salary of the Registrar and

Deputy Registrar would be referred to the Special Committee in the same way as similar questions relating to the principal officers of the Secretariat." [1]

23. By a resolution dated September 10th, 1929, the Permanent Court of International Justice made a proposal with a view to fixing the salary of the Registrar of the Court for the seven-year period beginning on January 1st, 1930. This proposal was to take as a basis the present salary of the holder of the office (27,000 florins) and to increase it during the new period by the same amounts (1,250 florins) and at the same intervals (annually for four years) as during the first period of service ; the maximum salary would thus be raised from 27,000 to 32,000 florins.

24. Having regard to the provisional character of its recommendations in connection with the Under-Secretaries-General, the Committee thought it better not to adhere to the proposal made by the Committee of Thirteen last year to the effect that the Registrar should be assimilated, as regards salary, to the Under-Secretaries-General. On the other hand, it agreed to the resolution adopted by the Court in 1929 and advises the competent bodies of the League to adopt it.

25. As the Deputy Registrar is assimilated to a Chief of Section in the Secretariat, the Committee recommends that his maximum salary be raised to 20,000 florins by annual increments of 750 florins (see Chapter III below).

III. SALARIES OF CHIEFS OF SECTION AND OF THE SECRETARY-GENERAL'S CHEF DE CABINET.

26. The report of the Fourth Committee reads as follows (document A.86.1930.X., section 22, page 7) :

" 22. Moreover, the Committee also decided to refer to the special Committee the question of the salaries of Chiefs of Section in charge of a Section and of the Chef de Cabinet of the Secretary-General, particularly with regard to the increase of salary proposed by the Committee of Thirteen."

The Committee, with the exception of one member, upholds the proposals put forward by the Committee of Thirteen last year, and proposes that the maximum salary for these officials be raised from 33,000 to 40,000 francs and the annual increment from 1,000 to 1,500 francs, it being understood that at the International Labour Office ten Chiefs of Section will receive salaries on this new scale.

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[1] Paragraph 62 of the report of the Committee of Thirteen (document A.16.1930, page 23) was in the following terms :

" 62. As regards salaries, the Committee considers that the Registrar should receive a salary equivalent to that of an Under-Secretary-General—namely, from 55,000 to 75,000 francs. To this should be added, on the principle of assimilation, entertainment allowance equivalent to that of an Under-Secretary-General—namely, 12,500 francs—if the Court should express a desire to that effect.

" The Deputy Registrar should be graded for salary in the same way as a Chief of Section in the Secretariat."

ANNEX 6.

Official No.: C.646.M.260.1931.X.

REDUCTION IN THE EXPENDITURE OF THE LEAGUE OF NATIONS FOR 1932: REPORT BY THE SUPERVISORY COMMISSION TO THE FOURTH COMMITTEE [1]

I. REDUCTIONS IN THE BUDGET AND SUPPLEMENTARY BUDGET.

1. As a result of the discussion which took place in the Fourth Committee on September 12th, 14th and 15th, the budgetary estimates for 1932 were referred back to the Supervisory Commission, with instructions to advise on the best method of effecting substantial savings in the proposed expenditure of the League. Although certain ratios of reduction had been suggested in the course of the discussion, no definite standard of economies was imposed on the Commission, who accordingly interpreted the wishes of the Fourth Committee as pointing to such a curtailment of expenditure as would, in the Commission's judgment, afford the maximum of relief to the Member States consistent with the minimum of interference with the permanent utility of the League. In order to exercise a wise discretion on so difficult a task, the Commission has considered it advisable to go through the estimates in fullest detail, in consultation with the responsible authorities, and to indicate step by step where the provisions already proposed can with safety be altered to meet the changed conditions. The results are set out in the body of this report.

Before describing them, the Supervisory Commission wishes to place on record its warm appreciation of the assistance it has received from the Secretary-General, the Director of the International Labour Office and the Registrar of the Permanent Court of International Justice in framing the present proposals. It was no pleasant task to those high officials either to see their work curtailed or to reconcile their staff to the financial restraint involved; but they co-operated with the Commission in a spirit of admirable loyalty and greatly lightened the burden which might otherwise have fallen upon the Commission, besides materially expediting the completion of the task.

2. At the outset, the Commission may be permitted two general observations as to the implications of the proposals which it is now submitting. In the first place, it wishes to make it clear that the reductions which it now proposes in the draft budget originally submitted to the Assembly must not be regarded as indicating that the provisions of the original budget were in any respect superfluous or extravagant. The budget which was examined and approved by the Commission last May was a careful estimate of the funds necessary for carrying out the decisions of the Assembly and continuing the work of the different organisations of the League under normal conditions. The revised budget which the Commission now submits deals with conditions which are wholly abnormal, and is adapted to a situation of worldwide financial stress, which has developed enormously in the last five months. In proposing reductions of the original provisions, the Commission has had only one object in view — namely, to avoid expenditure, during the year 1932, upon work which, though approved and sanctioned by the Assembly or necessary to give effect to the policy of the Assembly, can yet, without harming the usefulness of the League, be postponed until 1933 or later. To that extent — and to that extent only — has the Commission exercised any discrimination between the purposes for which provision was made in the original estimates.

The second preliminary observation flows from the first. In advising the postponement of the expenditure which has been omitted from the revised budget, the Commission must not be understood to express any opinion as to the propriety of restoring the same or corresponding provisions in the budget for 1933. If it can be shown, when the budget for 1933 comes to be framed, that the provisions in question are still necessary to fulfil the purposes accepted by the Assembly, and that it is desirable to incur the expenditure within the year 1933, then the provisions will properly be introduced into the draft estimates for that year. They will then be examined on their merits and, of course, in the light of the general financial conditions which may prevail at the time. In other words, the omission of a credit in this revised budget is, *per se*, no bar to its re-insertion in the draft budget for 1933.

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[1] This report is made up of Fourth Committee documents 14, 14(*a*) and 14(*b*). The subject-matter contained in these documents has, however, been regrouped so that all questions concerning the budget are included in Sections I and II, and all the miscellaneous questions in Section III.

With the exception of Chapters II(2) and III(4(*c*)), this report of the Supervisory Commission was adopted by the Assembly on September 29th, 1931.

3. In order to show clearly the estimates with which the Commission was called upon to deal, it is necessary to add to the figures of the original draft budget those proposals for supplementary credits which have thus far been referred to the Commission, as set out in the Secretary-General's memorandum of August 16th (document A.4(*d*).1931.X). Combining the figures, we get the following totals :

	Gold francs	Gold francs
I. *Secretarial and special organisations.*		
Budget	20,507,843	
Supplementary	182,074	
		20,689,917
II. *International Labour Organisation.*		
Budget	9,050,810	
Supplementary	412,480	
		9,463,290
III. *Permanent Court of International Justice.*		
Budget	2,753,687	
Supplementary	36,453	
		2,790,140
IV. *Nansen International Office for Refugees.*		
Budget		330,847
V. *Buildings at Geneva.*		
Budget		1,748,899
VI. *Pensions.*		
Budget		1,015,023
Grand total		36,038,116

It is unnecessary to remind the Fourth Committee that the startling increase in this total over the corresponding provision for the current year is due, almost entirely, to the 4,000,000 francs which were estimated for the Disarmament Conference to be held in 1932.

4. Before taking the detailed estimates in their budgetary order, the Supervisory Commission, in the light of its long experience of the League's accounts, concentrated upon four specific categories of expenditure on which it believed that, on purely general principles, reductions of at least a temporary character could be effected. These are :

(1) The various conferences, meetings of experts, and the like, which are held in connection with the activities of the League;

(2) The subsistence allowances paid to outsiders who are invited or authorised to attend such meetings, and to officials of the League when on duty away from their headquarters;

(3) The printing, publication and circulation of the League documents;

(4) Salaries and allowances, other than those protected by contractual obligations.

5. In regard to each of these, a few words of general explanation will avoid the necessity for repeated comments in individual items. In the matter of conferences and meetings, the guiding idea in the minds of the Supervisory Commission has been that, wherever a gathering of advisers or experts, originally fixed for 1932, could, without serious disadvantage to the work concerned, be deferred until 1933 or later, the provision for it should be withdrawn for the present. Similarly, when provision had been made for two or more meetings of a committee during the year, it would often, the Commission considered, be possible to arrange its work so as to be capable of being handled at longer intervals, or with a smaller number of meetings. As the Commission anticipated, the responsible authorities have seen their way to be satisfied with reduced provision in both classes of cases. They have, in other cases, consented to reduce the number of days for which a meeting will be held, and the number of experts, etc., who will be invited to attend it. The Supervisory Commission is confident that the arrangements, as thus altered, will not cause either inconvenience to, or be misunderstood by, those public-spirited individuals who in such matters render valuable aid to the League.

The present scale of subsistence allowances has frequently come under discussion, and has been generally accepted as not unduly generous for persons who have to maintain themselves at a distance from their homes or headquarters, as the case may be, on League duty. On the principle, however, of equality of sacrifice, the Supervisory Commission has recommended that the daily allowances now in force should, for 1932, be modified as follows :

70	francs	reduced	to	60	francs,	or by	14 per cent
60	"	"	"	54	"	" "	10 per cent
40	"	"	"	37.50	"	" "	6 1/4 per cent
30	"	"	"	28.50	"	" "	5 per cent

There will be some consequential alterations in the allowance given for days occupied in travelling between Geneva and a number of other important centres.

6. In the matter of printing and publication, a valuable preliminary survey had been done by the Publications Committee. On a review of this survey, the Supervisory Commission came to the conclusion that an all-round reduction averaging 25 per cent on the budget provisions for printing and publications could be made without imperilling the League's utility, and, indeed, in some cases with positive advantage. As part of this reduction, it proposes to suppress, as recommended by the 1928 Assembly, the publication of Minutes of all Committees, except of the Mandates Commission and of Assembly Committees. It also proposes that the Minutes of the Commission of Enquiry for European Union should still be published. Steps will be taken that a similar reduction shall be made in roneoed documents. In accordance with a system already adopted by certain Committees, the Commission would further recommend that Committee documents should not in all cases be translated. A consequential saving will be possible in the staff engaged in the work of reporting, translating, proof-reading, etc., for the various books and documents; but this belongs strictly to the next category.

7. As regards salaries which are not protected by contractual obligation, the field for economy is limited. The Commission, considering the nature of the contracts of the staff of the organisations and the principles followed in the past by the Assembly with regard to the scale of salaries, does not feel it possible to propose a reduction of these salaries; but it hopes shortly to submit certain proposals which will effect a temporary diminution in the League expenditure in connection with its officials. The Secretary-General has put an end to overtime allowances in the Secretariat, but there are reasons why a similar step cannot economically be taken in the International Labour Office. A certain number of sanctioned posts on the permanent establishment which are not actually filled to-day will be left unfilled in 1932. A certain number of temporary and subordinate appointments will disappear with the curtailment of meetings and the reduction in printing activity.

8. While the foregoing categories cover the greater part of the detailed recommendations which follow, they are not exclusive. A number of other interesting proposals for economy have been either originated or accepted by the responsible authorities, and they can best be explained in the detailed statement which occupies the following paragraphs.[1]

1. Budget of the Secretariat and of the Special Organisations of the League.

(Documents A.4 and A.4(*d*).1931.X.)

9. The budget of the *Assembly* (Item 1, Schedule A) has hitherto been based on the hypothesis that the session would last three and a-half weeks. As it seems improbable, owing to the length of time the Disarmament Conference will last, that the Assembly will sit next year for more than three weeks, the following reductions are proposed in Item 1 (Schedule A) :

		Reduction	New figures
		Swiss francs	
(1)	Salaries of additional staff	12,000	78,000
(2)	Overtime	5,000	—
(3)	Travelling expenses	500	29,500
(4)	Assembly-hall rent, etc.	11,000	54,000
(5)	Special printing	52,750	127,250
(7)	Supplies and stores	2,500	13,500
(9)	Incidental expenses	1,000	9,000

[1] The present report does not mention all the reductions proposed by the Commission. Those which are the outcome of general recommendations of the Commission and which apply to all the credits provided for the same purpose — for example, effect of the reductions in the travelling allowances on the various credits for travelling expenses — are only mentioned in the appendix.

10. As regards the *sessions of the Council* (Item 2), the Commission considered that there was no need to make provision for a session in 1932 away from Geneva, where the representatives of the Members of the Council would already be assembled for a considerable part of the year. Since the expenses of a Council session amount on an average to 12,000 francs, the credit of 63,000 francs originally entered in the budget has been reduced to 48,000 francs.

11. Having been informed that no post in the *general organisation of the Secretariat* (Item 4, Sub-schedule 1) was vacant, the Commission was only able to reduce from 50,000 francs to 40,000 francs the credit provided for temporary engagements in the Information Section, delete the credit of 400 francs for a temporary engagement in the Legal Section and reduce by 2,150 francs the credit provided in Item 15(*a*) for temporary engagements.

In accordance with a decision of the 1930 Assembly, the Commission, at its session of last May, adopted a new scale of salaries for locally recruited staff (see document A.5.1931.X, page 10). The credits rendered necessary by these recommendations figure in the supplementary budget, and, in view of last Assembly's decision, the Commission can only recommend their adoption.

In view of the reduction of 25 per cent in printing and publications of the Secretariat, and the postponement of numerous Committees, the Commission is able to propose to the Assembly the following deletions and reductions in sub-schedule 2 of the same item and on page 3 of the supplementary budget.

Item	Service	Credit abolished Swiss francs
1, III	*Pool of Typists :*	
	2 shorthand-typists.	18,000
3	*Document Service :*	
II	French Translation and Précis-Writing Department :	
	1 translator	14,100
III	English Translation and Précis-Writing Department :	
	1 translator	13,600
V	Printing and Publications Department :	
	1 first-class clerk (proof-reader)	9,500
8 (*a*)	*Replacements and Temporary Engagements*.. . .	9,700
	Total	64,900

The Secretary-General has also agreed to reduce from 25,000 francs to 22,500 francs the credit provided for overtime and temporary engagements of miscellaneous staff at Geneva (Item 4(*b*)).

12. The Commission examined with special care the credits provided for the telephone service. The Chief of Internal Services satisfied it that it would be difficult to abolish three posts of telephone operators. It therefore proposes that the Assembly should fix the number of telephone operators provided for in the 1932 budget at four, or a reduction of two compared to the current financial period. The installation of automatic telephones will, on the other hand, involve greater expense on material. After examining the details of the total credit of 49,000 francs entered in the budget and in the supplementary budget for the installation of telephones, telephone subscriptions and local telephone calls, the Commission is able to propose that the sum provided for this purpose should be reduced from 49,000 francs to 47,000 francs.

13. A credit of 54,975 francs figures in the supplementary budget for the rent and maintenance from July 1st to December 31st, 1932, of the new building which the Geneva authorities are erecting for the Disarmament Conference. The agreement with the said authorities provides that, subject to the Assembly's approval, these premises may be taken over by the League of Nations after the close of the Disarmament Conference at an annual rent of 60,000 francs. It seems unlikely that the Conference, in view of the fact that it may, on one or more occasions, have to suspend its session, will be able to conclude its work before October 1st, and in these circumstances the Supervisory Commission proposes that the Assembly should reduce the credit to 27,488 francs.

14. The fall in prices has enabled the Commission to make a reduction of 5,000 francs in Item 12(*b*), " Stationery for the Duplicating Department ".

15. The Supervisory Commission had considered at a previous session whether the creation of the Pensions Fund should not involve a modification in the policy followed in regard to the Sickness Insurance Fund. During the present session, it decided, in agreement with the administrations concerned, to reduce by 20 per cent for 1932 the League's contribution to the Sickness Insurance Funds of the Secretariat and of the International Labour Office and to reconsider the problem as a whole. This decision involves a saving of 5,400 francs for the Secretariat (Item 13(*c*)) and of 5,000 francs for the International Labour Office.

16. It appears from the explanations given by the Chairman of the Committee on Allocation of Expenses that the latter does not consider the time to have come to proceed to a radical reform of the scale. Should the Assembly accept the Committee's view, it would be possible to reduce from 33,840 to 7,000 francs the credit provided for in Item 17(*c*) of the budget since it would not be necessary to provide for special staff, and the Committee's sessions for 1932 might be reduced to one.

17. Having been informed that, as a result of a recent resignation, a post of Member of Section was vacant in the *Administrative Commissions and Minorities Questions Section* the Supervisory Commission considered that the credits provided for this post (18,660 francs) might be omitted from the 1932 budget, it being understood that the post itself, which in normal circumstances is indispensable, should not be abolished.

18. It is to be anticipated that the work of the *Financial Section* and *Economic Intelligence Service* will be increased and not diminished as a result of the present financial crisis. In these circumstances, the only reduction proposed in Item 19A relates to the Fiscal Committee and the Committee of Statistical Experts and to the sub-committees belonging to these Committees (saving of 62,000 francs).

19. The Director of the *Economic Relations Section* has been able to propose that the budget (Item 19B, Schedule L.I), which had already been reduced by 120,000 francs as compared with 1931, should be readjusted as follows :

	Reduction	New Figures
	Swiss francs	
1. Conferences	50,000	—
2. Sessions of Committees and Sub-Committees :		
(*a*) Subsistence allowances, etc.	17,500	197,500
(*b*) Printing	11,250	33,750
3. Administrative expenses :		
(*a*) Salaries	14,500	326,087
(*b*) Travelling and removal expenses	5,000	25,000
(*c*) Studies	5,000	10,000
4. Unforeseen expenses	5,000	15,000

In view of the excessive expenditure imposed on the budget by the Disarmament Conference, the Technical Conference arranged for 1932 can be postponed until the beginning of 1933 ; moreover, one session of the Committee on Veterinary Questions can be eliminated and the credit for the committees for the study of questions relating to raw materials reduced by 5,000 francs.

As regards personnel, arrangements had been made to fill, as from October, one post of Member of Section which has been vacant since the beginning of the year ; in the present circumstances, however, the Director has, of his own accord, proposed that the appointment of this new official should be deferred.

20. The Commission has been informed that there is no constitutional reason why the number of sessions of the *Permanent Mandates Commission* in 1932 should not be reduced from two to one, which will enable the credit entered as Heading 1 in Item 20 to be reduced by 15,000 francs. Moreover, in view of the exceptional nature of the allowance of 2,000 francs granted to members of the Permanent Mandates Commission, the Commission is of opinion that the said allowances might be reduced by 25 per cent (involving a total saving of 5,500 francs), during 1932, as an exceptional measure.

Finally, the Commission feels that, in the present circumstances, the practice of supplying tea free of charge to members of League Commissions should be abolished, which would mean a saving of 500 francs on the budget of the Mandates Section, and of 3,000 francs on the budget as a whole.

Though the Director of the Mandates Section has been unable to accept any reduction in staff, he has been good enough to assure the Commission that he would place one Member of Section and one clerk at the disposal of the Secretary-General during the first five months of 1932 for the Disarmament Conference. A reduction of 2,000 francs having been accepted on the estimate for travelling and removal expenses, it has been possible to reduce the credit provided for the Mandates Section from 307,201 francs to 284,201 francs.

21. The credits provided for the meetings of the *Communications and Transit Organisation* have been subjected to a particularly minute and detailed examination. The Commission has been informed that, in 1932, the Transit Section will have to concentrate its attention on the question of air navigation and public works, and it seems impossible to effect any reduction as regards the committees studying these questions. On the other hand, there is no serious objection to postponing till 1933 the summoning of the Committee for Ports and

Maritime Navigation, also of the Committee instructed to examine the British Government's proposal on buoyage. In view of the interest raised by this latter question, and of the harm which might result from a fresh postponement, the necessary credits for the summoning of the Committee on Buoyage must, in any case, be included in the budget for 1933.

These two postponements involve a reduction in Heading 2 of 25,000 francs ; in addition, the item " Temporary Engagements " has been reduced from 2,000 to 1,500 francs, and heading of " Cablegrams " from 5,000 to 4,000 francs, which means a reduction of 26,500 francs for the Section as a whole.

22. The Supervisory Commission has not thought itself competent to indicate the item of expenditure to which the reductions it had decided, in agreement with the Secretary-General, to make in the *International Health Organisation's* budget could apply. It therefore recommends that the Assembly should reduce the credit entered in the budget for this purpose from 1,279,930 francs to one million ; it is understood that a detailed budget will be prepared by the Health Committee at its October session and incorporated in the final budget for the 1932 financial period.

23. The supplementary budget provided for a credit of 11,500 francs for the creation of two new posts in the *Supervision of Opium Traffic Section*. The Supervisory Commission has noted that the officials of the Section were called upon to perform a large amount of work by the Advisory Committee and as a result of the various Opium Conventions. It has nevertheless considered that an increase in staff could not be justified under present circumstances, and, in declining to adopt the proposal in the budget, the Commission ventures to suggest that the Assembly should request the competent organs to limit the work they require of the officials by arranging for it to be taken up in stages. The Commission also recommends that the Advisory Committee should postpone for a further year the decision it took last year to meet twice annually instead of once, thus rendering possible a saving of 3,000 francs under the heading of " Session of the Advisory Committee ". Finally, by agreeing to postpone the leave of an oversea official to 1933, the Secretary-General has been able to reduce the credit provided for the travelling expenses of the Secretariat from 16,500 francs to 13,000 francs.

24. The Commission has not thought it possible to cancel the sessions arranged for the Child Welfare Committee and the Traffic in Women and Children Committee, but it thought that there was no need to summon the sub-committees in 1932, and that the credit opened for the work of experts could be temporarily discontinued. The Commission feels sure that the cuts which it proposes in this connection (15,000 francs), and the reduction in printing expenses, will in no way hamper the activities of the *Social Questions Section* during the forthcoming financial period.

25. The number of sessions of the *Permanent Central Opium Board*, which had been fixed at four annually under the Convention, had already been reduced to three in the draft budget ; the Commission therefore has not thought it advisable to insist on any further reduction in the credit of 60,000 francs opened for the purpose. In agreement with the competent official, it nevertheless reduced heading No. 1, " Temporary Engagements ", and heading No. 5, " Cables ", by 1,000 francs each.

26. As regards Item 24, " *Reduction of Armaments* ", the Secretary-General has agreed to a reduction of 5,000 francs on heading No. 2, " Travelling Expenses ", seeing that the work of the officials will be concentrated at Geneva in 1932. Moreover, having regard to the decision to reduce subsistence allowance from 70 francs to 60 francs, the Commission has thought it possible to reduce the credit entered in the budget for " Investigations " from 200,000 francs to 180,000 francs.

The Commission was of opinion that a sum of 3,500,000 francs would be sufficient to cover the costs of the International Disarmament Conference. As a result of the reduction in the number of conferences and sessions of committees held in 1932, a number of officials of the Secretariat may be attached temporarily to the Conference staff ; moreover, it appeared possible to reduce very considerably the figure originally fixed for printing. In view of the modifications made in the original draft budget, the estimates for the Conference are now as follows :

		Swiss francs
1.	Salaries of additional temporary staff	900,000
2.	Travelling expenses and subsistence allowance	94,000
3.	Printing	1,620,000
4.	Cables, telegrams and telephones	20,000
5.	Sundry supplies (including paper for duplication)	362,000
6.	Purchase of machines	67,000
7.	Automobile and cyclist service	116,000
8.	Incidental and miscellaneous expenses	40,000
9.	Expenses of the President	50,000
10.	Unforeseen	231,000
	Total	3,500,000

27. A large number of sessions of committees and sub-committees was provided for in the budget and the supplementary budget of the Intellectual Co-operation Section. The Commission thought that, under present circumstances, several of these meetings might without serious disadvantage be postponed to a year when the budget would be less heavily burdened ; and, after a particularly thorough examination of the situation, it proposes a reduction of 52,750 francs on a total credit of 326,563 francs, which may be itemised as follows :

	Swiss francs
Reduction in the number of the sessions of the Executive Committee from four to two	17,500
Postponement of committees for the preparation of the Conference on Scientific Property and two committees of experts	16,000
Reduction in the credits for the Sub-Committee of Experts for the Instruction of Youth and for the preparation of the Conference of National Committees	9,000
Cancellation of the new post of shorthand-typist	5,250
Reduction in travelling expenses	5,000
Total	52,750

While the Director of the Section felt unable to reduce his staff owing to the additional work imposed on him by the last Assembly, he informed the Commission that he would be glad to place a Member of Section at the disposal of the Disarmament Conference during the early months of 1932.

28. The International Federation for Mutual Assistance in the Relief of Peoples overtaken by Disaster still had a sum of about 4,000 francs remaining over from a gift received a few years ago. The Commission's proposal to abolish the credit of 5,000 francs will therefore involve no serious drawback.

29. The total credits entered in the budget and in the supplementary budget for Item 30, " Commission of Enquiry for European Union ", amounted to 200,000 francs. The Commission has accepted the following detailed budget involving a reduction of 62,875 francs :

	Swiss francs
Plenary meetings (three sessions)	10,000
Printing	22,125
Sub-Commissions (twelve sessions)	24,000
Printing	12,000
Telegrams and removal expenses	9,000
Committees of experts (three sessions)	60,000
Total	137,125

The documents prepared by the Commission are in great request by the Governments, and it is therefore necessary to provide a considerable sum for printing. The reduction, as compared with the original estimates, is due to the fact that, in 1932, circumstances will permit of the meetings of all the Sub-Commissions being held at Geneva, and that one of the committees for which special credits were asked for in the supplementary budget will be abolished, the necessary enquiries being carried out by correspondence.

30. The credits provided for correspondents and technical investigations (headings 2(*a*) and (*b*) in Item 31A, " *Liaison with Latin America* ") have been reduced respectively by 12,000 and 8,000 francs. A larger reduction would have been difficult owing to the grave drawbacks which would result from a diminution in the number of correspondents or an interruption of the technical enquiries already undertaken in Latin America.

31. After perusing the detailed programme of co-operation with the Chinese Government, the Supervisory Commission considered that a reduction of 10 per cent would not compromise the programme established for next year. It therefore proposes that the Assembly should reduce from 480,000 to 430,000 the credit provided for in Item 31B of the budget, " *Liaison with China* ".

32. As regards Item 32(*b*), " *Meetings of Committees of Experts for the Wireless Station* ", the Director of the Transit Section has been able to agree to a reduction of 2,500 francs.

2. International Labour Organisation.

(Documents A.4(*a*) and A.4(*d*).1931.)

33. The Director of the International Labour Office recalled that the Governing Body had made a systematic endeavour to stabilise the budget of the Organisation, and that the 1931 budget (8,661,652 francs), after ten years, only showed a very small increase over the 1921 budget. Although the draft budget had been discussed at length by the Governing Body, the Director stated that, in view of the desire for economy expressed by the Assembly, he was prepared to propose substantial reductions to the Governing Body.

34. He pointed out that the budget contained estimates for two Conferences next year, one of which was to be devoted to maritime questions. As it was impossible to hold two Conferences over a consecutive period of six weeks at Geneva at the same time as the Disarmament Conference, it had been necessary to ask for a supplementary credit of 350,000 francs to hold these Conferences away from Geneva. In response to the Assembly's urgent appeal for economy, the Director declared his willingness to propose to the Governing Body that it should postpone the Maritime Conference from 1932 to 1933, which would involve a saving of 165,000 francs. In these circumstances, it would seem that arrangements might be made to summon the ordinary session of the Conference at Geneva at a time when the Disarmament Conference was not sitting; in that case, the credit of 350,000 francs asked in the supplementary budget for a session away from Geneva could be cancelled.

The Assembly will no doubt note the Director's proposals with great satisfaction.

35. The Commission examined with particular care the possibility of reducing the credit of 507,100 francs provided for publications. Any considerable reduction appeared difficult, these publications being essential to the very life of the Office; besides, the expenses will be largely offset by the receipts from sales, which at present amount to almost 230,000 francs — *i.e.*, to nearly half the printing expenses.

36. At the same time, the Commission managed to effect a certain number of reductions which are enumerated below.

	Swiss francs	
Printing		12,000
Monthly Summary	7,000	
Commissions	5,000	
Sessions of the Governing Body		2,000
Printing	2,000	
Commissions		20,000
(Total reduction)		
Salaries		24,000
Temporary staff	13,000	
Overtime	2,000	
Exceptional increments	4,000	
For films on labour and industrial questions	5,000	
Travelling expenses		10,000
Travelling expenses, etc.	10,000	
Maintenance of Geneva office :		10,000
Repairs	10,000	
General office expenses		18,000
Stationery	15,000	
Cables and telegrams	1,000	
Photographs, etc.	2,000	
Special staff charges		15,000
Reserve for Death and Invalidity Fund	5,000	
Sickness Insurance Fund	5,000	
Administrative Tribunal	5,000	
Enquiries, investigations, etc.		10,000
Furniture, etc.		1,000
Typewriters, etc.		2,000
Library		5,000
Total		129,000
Add saving on Conferences		515,000
Grand total		644,000

3. Permanent Court of International Justice.

(Documents A.4(*b*) and A.4(*d*).1931.)

37. The Registrar of the Permanent Court of International Justice emphasised that the 1932 budget was scarcely larger than the 1931 budget. This latter was hastily drawn up during the last Assembly to enable effect to be given to the resolutions adopted on that occasion relating to the organisation of the Court, and had left them very little margin. Moreover, the statutory nature of the greater part of the expenses and the special character of the Court, which must always be in a position to place itself at the disposal of the States and of the Council for the solution of any question submitted to it, rendered any considerable reduction difficult. Despite this situation, the Registrar, of his own accord, proposed to the Commission reductions exceeding in all 50,000 florins.

Thus the Registrar, in agreement with the Secretary-General, stated his willingness, for his own part, that the item included in the supplementary budget for a sum of 10,000 florins for amortisation (supplementary) of the cost of new premises for the Court should not be maintained, even though its abolition should mean postponing to a later date the provision of fresh offices for the judges, which were urgently required.

The Registrar also proposed the abolition of the contribution to the funds to cover the expenses incurred in applying the pensions regulations for judges of the Court. As the fund already constituted amounted to more than 60,000 florins, it appeared to him that the pensions due for the year 1932 might be paid out of this fund. The Commission agreed in principle with this view and reduced this contribution from 30,000 to 10,000 florins.

Further, the Registrar, in view of the fact that two judges from distant countries will, in 1932, be taking the long leave provided for by the resolutions adopted by the Assembly in 1930, proposed that the credit for duty allowances of judges should be reduced by 10,000 florins.

38. The other reductions suggested by the Registrar and accepted by the Commission are enumerated below.

		Dutch florins
3 (*a*).	*Travelling expenses*	200
6.	*Printing*	4,500
6 (*b*).	*Cost of purchasing publications*	2,000
11.	*Installations*	5,000
5.	*Administrative expenses :* Supplies	2,000
	Total	13,700

39. The Commission's attention was called (see budget, page 8) to the provision of Article 27 of the revised Rules of Court in accordance with which "the President may summon an extraordinary session of the Court . . . to deal with general administrative matters"; it noted that this provision was reflected in the 1932 budget by an increase in certain items. These allocations, based on a statutory provision, cannot be cancelled or reduced; but the Commission suggests that the Assembly might possibly express the recommendation that the Court should, if possible, not hold any session in 1932 devoted principally to administrative questions.

Salary of the Registrar of the Permanent Court of International Justice.

40. At its meeting of September 22nd, the Fourth Committee referred to the Supervisory Commission the question of the salary of the Registrar of the Permanent Court of International Justice.

As regards the salary scale, the Supervisory Commission has already, in its report dated May 11th, 1931, acquainted the Council with its opinion on this question; and it is not called upon to re-open the matter.[1]

As regards the budget for the financial year 1932, in view of the voluntary statement made by the Registrar at the meeting of the Fourth Committee on September 22nd, the Supervisory Commission has no longer to deal with the question. In thanking M. Hammarskjöld for his action, which it deeply appreciated, the Supervisory Commission can only take note of the sacrifice voluntarily offered, and proposes that the credit of 7,500 florins entered in the supplementary budget for 1932 should be cancelled.

4. Nansen International Office for Refugees.

(Document A.4(*d*).1931.)

41. The President of the Nansen International Office for Refugees explained to the Commission that the anticipated receipts for 1932 amounted to 30,000 francs less than what would actually be received during the present year. Furthermore, as a consequence of the economic depression, the sums paid by the refugees would no doubt not reach the figure of 20,000 francs given in the budget; also, the constitution of the Refugees Section as an autonomous service involved a considerable increase in expenses.

In view, however, of the desire for economy manifested by the Assembly, and despite the considerable difficulties which would thereby ensue to the working of its services, the President of the Office accepted the Commission's recommendation to make a reduction of 10 per cent in the contribution of the League of Nations, thereby reducing this from 330,847 to 297,763 francs.

Paragraphs 21, 25 and 26 of the Report of the Committee of Thirteen.

(Document A.8.1931.X.)

42. In virtue of a decision of the Fourth Committee on September 17th, the Supervisory Commission were requested to advise on paragraphs 21, 25 and 26 of the report of the

[1] The Supervisory Commission expressed a favourable opinion on the Court's proposal of September 10th, 1929. The scale then proposed, which has since been adopted by the Council, subject to the Assembly's approval of the necessary credits, provides for a salary of 27,000 florins, rising by annual increments of 1,250 florins to 32,000 florins.

New Committee of Thirteen, dated February 5th, 1931 (document A.8.1931.X). The passages in question covered two separate subjects :

(*a*) The proposal to give the Treasurer of the League the rank of a Director in the Secretariat ; and

(*b*) A set of proposals for increasing the scale of salaries for certain high officials.

43. The former is primarily an administrative question, and, as such, it is not directly within the competence of the Supervisory Commission, much though they value the services of the present Treasurer, to express an opinion. As regards the purely financial aspect of the proposals, the Supervisory Commission feel strongly that, in the present circumstances of stress and in view of the heavy reductions which are being made in other directions, none of these salary proposals should be treated independently, and they should all be postponed for the time being.

44. The reductions proposed by the Commission may be summarised as follows.[1]

	Secretariat (including Pensions)	International Labour Organisation	Permanent Court of International Justice	Total
	Swiss francs			
Conferences, Committees, etc. (apart from reduction of subsistence allowance)	254,500	535,000	—	789,500
Printing	544,373	14,000	13,539	571,912
Subsistence allowances and travelling expenses	134,900	10,000	417	145,317
Permanent and temporary staff, etc	398,200	24,000	19,788	441,988
Miscellaneous	458,127	88,000	77,071	623,198
Total	1,790,100	671,000	110,815	2,571,915
Add Nansen International Office for Refugees				33,084
Total reduction on budget, including supplementary budget (full details will be found in the appendix)				2,604,999

II. SUPPLEMENTARY CREDITS.

A. Requests received by the Commission within the Regulation Time-limits.

45. Within the time-limits allowed by the Financial Regulations, the Supervisory Commission has received four applications for supplementary credits from Committees of the Assembly.

1. *Constitution of a Special Committee to study the Existing System of Elections to the Council and to report to the Assembly at a Later Session with regard to any Reforms which may appear desirable.*

46. The First Committee passed a resolution on this subject on September 18th, 1931. It did not wish to express any opinion whether the Committee should be composed of representatives of certain Members of the League selected for the purpose by the Council or of persons appointed by the Council itself. The printing expenses, estimated at 5,000 francs, would in any case be borne by the League. In the first case, the States invited to take part in the work of the Committee would defray the travelling expenses of their representatives, while in the second case these expenses would be chargeable to the budget of the League, and a credit of 15,000 francs would have to be provided for the purpose.

As the First Committee itself expressed no preference for either of the two solutions which it discussed, and in view of the present financial situation, the Supervisory Commission proposes to the Fourth Committee that a credit of 5,000 francs should be provided in the budget under item 11, for setting up a special committee to study the existing system of elections to the Council.

2. *Committee to examine the Material relating to Slavery.*[2]

47. At its meeting of September 18th, 1931, the Sixth Committee adopted the following draft resolution :

" The Assembly requests the Council to appoint for one year a small committee of experts to examine the material upon slavery which has been supplied or transmitted by Governments since the signature of the Convention of 1926. This Committee will

[1] This statement does not take account of the suppression, from the supplementary budget, of the credit of 7,500 florins for the salary of the Registrar of the Court, since this officer spontaneously renounced the benefit of this credit only after the first report of the Supervisory Commission had been submitted to the Fourth Committee.

[2] The Fourth Committee did not approve this chapter of the report and voted 10,000 francs to set up a committee.

submit to the Council suggestions with a view to recommending to the next Assembly the measures of assistance which the League of Nations might render to those countries which have agreed to abolish slavery and which request such assistance."

The competent official of the Secretariat explained to the Supervisory Commission that the Sixth Committee, having rejected a proposal for the appointment of three experts only, had in mind a committee composed of from seven to nine independent members and not of experts appointed by their Governments. It would also be necessary to provide for the appointment of a temporary official in the Intermediate Class. The total sum to be provided in the budget would be between 38,000 and 43,000 francs, according to the number of members of the Committee.

In view of the Assembly's desire to effect economies, which has led to the suspension or slowing down of activities carried on by the League for many years, the Commission does not consider it advisable to set up a new committee to study questions which are not absolutely urgent.

The Commission had, it is true, been informed that part of the expenses of the new committee might perhaps be covered by a donation from a private source, but it felt that in such a delicate matter it was out of the question for the League's action to depend on the initiative of persons outside the League.

The Supervisory Commission therefore recommends to the Fourth Committee that the Sixth Committee's proposal should be deferred to another year. It is understood that the credit of 1,500 francs already provided in the budget for collecting and publishing material relating to slavery is maintained.

3. *Provision of a Credit of 250,000 francs for the Work of the Financial Committee in 1932.*

48. In a letter dated September 21st, 1931, from the Chairman of the Second Committee, the Supervisory Commission was asked to include in the budget a supplementary credit of 250,000 francs in order to meet expenditure resulting from any unforeseen calls which might be made upon the Council during the year 1932 for technical financial advice to Governments or other action to meet the financial crisis. The Chairman of the Second Committee stated that this credit, which should only be drawn upon with the authority of the Council, should be earmarked exclusively for these objects. He added that it was in the nature of the case impossible to make more detailed estimates, as the total to be provided depended upon an appreciation of the present financial crisis, its possible developments and effects, and how far it was technically practicable and desirable for the Council and its technical advisers to contemplate taking action in the matter.

49. The Commission noted that the request made by the Second Committee was :

(1) In accordance with the desire expressed by the Fourth Committee that the work of the League with regard to economic and financial questions in connection with the present crisis should not be restricted in any way;

(2) Exceptional and could not recur from year to year;

(3) Presented in the form of a global credit, no total or estimate being given to show for what exact purpose the funds would be used.

In view of the exceptional nature of the Second Committee's proposal, and particularly of the fact that exact figures could not be given as in the case of all the other credits shown in the ordinary items of the budget, the Supervisory Commission recommends to the Fourth Committee that the sum of 250,000 francs should be provided in a new Item 3 (*b*).

Item 3 would thus read :

		Swiss francs
3.	*Unforeseen expenditure (subject to special vote by the Council) :*	
(*a*)	Political expenditure	500,000
(*b*)	(Exceptional) Financial expenditure	250,000

The following note would also be inserted at the end of the explanatory note on page 7 of the budget :

" The sum of 250,000 francs is placed at the disposal of the Council during the year 1932 for the purpose of affording, if the Council thinks fit, technical financial advice to such Governments as may request it, and for other action to meet the financial crisis."

If the Fourth Committee decides to adopt the Supervisory Commission's proposal, it will no doubt wish to make clear its definite intention that the new credit of 250,000 francs must be earmarked solely for the purpose specified.

4. *Credit of 50,000 francs for the Enquiry into the Question of the Recurrence of Economic Depressions.*

50. In a letter dated September 21st, 1931, the Chairman of the Second Committee informed the Chairman of the Supervisory Commission that, in view of the serious effects of

the present economic depression, the Second Committee considered that action should be taken as soon as possible on a recommendation made by representatives of the national organisations — consultative and planning councils and research institutes. This recommendation, which was supported by the Financial Committee and the Economic Committee, proposed that a qualified economist, together with an adequate staff of assistants, should be permanently attached to the Secretariat, in order to undertake especially the scientific preparatory work for the meetings, ensure continuity of effort, and take such action on the decisions of the meetings as may be necessary. The credit of 50,000 francs was also to cover the expenses of a meeting of the representatives of the above-mentioned organisations.

The Chairman of the Second Committee considered that the study of the problem of the recurrence of economic depressions, which would be entrusted to this expert, could not begin before the second half of 1932, in view of the time required to find a qualified staff.

The Supervisory Commission understands from the letter from the Chairman of the Second Committee that the proposed enquiry is not a matter of absolute urgency. In these circumstances, the Supervisory Commission, referring to the general considerations set forth above, proposes that the inclusion of a credit for the enquiry into the recurrence of economic depressions should be postponed to a later budget.

* * *

51. The Supervisory Commission has also received two letters from the Chairman of the Sixth Committee.

52. With regard to the first, in which the draft report of the Sixth Committee on the question of refugees was submitted for its opinion, the Supervisory Commission has nothing to add to the section of this report relating to the budget of the Nansen International Office for Refugees.

53. The second communication from the Chairman of the Sixth Committee calls for no comment on the part of the Supervisory Commission, the questions of credits for publications, for liaison with China and for the budget of the Intellectual Co-operation Section having been settled by decisions taken by the Fourth Committee on September 21st, 1931.

B. Requests received after the Regulation Time-limits.

54. By a decision adopted by the Fourth Committee on September 23rd by the majority laid down in the Financial Regulations, two requests for supplementary credits, emanating from the First Committee, were laid before the Supervisory Commission, having been received by the Fourth Committee after the expiration of the time-limits laid down in the Regulations.

55. The First Committee asked that a supplementary credit of 1,500 francs should be entered in the budget for printing the observations which the Governments and the Committee of representatives of the women's international organisations would be requested to submit with a view to the discussion of the question of the nationality of wives at the next session of the Assembly.

56. Furthermore, to meet the eventuality of the First Committee deciding to set up a committee of representatives of all the Members of the League of Nations to report to the next Assembly on the question of the amendment of the Covenant of the League, the following supplementary credits should be provided :

	Swiss francs
Printing of the Committee's report	1,000
Printing of the Minutes, if the Committee so requests and if this request is approved by the Council	3,500

It is understood that, if the First Committee decides to make a proposal which does not involve the expenditure contemplated, the request for a credit will be withdrawn.

57. The Supervisory Commission first of all pronounced in favour of the adoption of the second proposal. As regards the first, in view of the small amount of the credit asked for and the fact that the acceptance of this credit would not bind the League beyond 1932, the Commission decided to accept it also.

III. MISCELLANEOUS QUESTIONS.

1. Expenditure incurred in 1931 on Liaison with China.

58. At its May session, the Supervisory Commission agreed that, if the sums allocated by the Council out of Item 3 of the budget for liaison with China should prove insufficient, the Secretary-General might, " as a quite exceptional measure and as a derogation from the Financial Regulations, be authorised to utilise part of the arrears which the Chinese Government will pay in 1931 to meet the otherwise uncovered portion of the expenditure of the various missions ". The question of the method to be adopted to give effect to these views remained open.

59. The Commission had already decided last year that it could not, under any circumstances, recommend a transfer from one chapter to another, such a practice being contrary to the Financial Regulations. Although it is undesirable as a general rule to charge expenditure relating to one and the same subject to different items in the budget, the Supervisory Commission considers that, if in 1931 all the expenditure necessary for liaison with China could not be covered by Item 3, " Unforeseen expenditure (subject to special vote of Council) ", the budgets of the various technical organisations concerned should be charged with the part of the expenditure particularly relating to them. Moreover, if the credits placed at the disposal of one or more of these organisations proved insufficient, the Secretary-General might, in accordance with the Regulations, supplement them by transferring sums drawn from other items of the same chapter in the budget. Finally, should the necessary amounts not be available in other items, the Secretary-General might, as an entirely exceptional measure, be authorised to take them from Item 24, VIII, " International Disarmament Conference ", which shows an absolutely certain balance for the current year, but which, under various previous resolutions, cannot be drawn upon without the express authorisation of the Assembly.

2. New Duties of the Financial Committee during the Present Financial Period.

60. The Secretary-General explained to the Commission that the Financial Committee would probably be obliged to undertake special work not provided for in the budget during the present financial period.

In view of the exceptional importance of the Financial Committee's work and the impossibility of postponing it in the present crisis, the Supervisory Commission recommends that, if no funds are available in the budget of the Financial Section and Economic Intelligence Service, the Secretary-General should be authorised by the Assembly to transfer, if need be, the sums required from Item 24, VIII, " International Disarmament Conference ", which, in virtue of certain previous resolutions, could not be drawn upon without the Assembly's express authorisation.

3. Transfers in the Budget for the 1932 Financial Period.

61. In view of the large reductions made in the estimates for the 1932 financial period, it may be anticipated that next year the Secretary-General will find great difficulty with his budget.

In these circumstances, and as an exceptional measure applying only to the year 1932, the Commission proposes that the Assembly should authorise the Council to make transfers from one chapter to another on condition that these transfers are communicated to the Supervisory Commission for its preliminary approval before being submitted to the Council.

4. Amendments to the Staff Regulations.

(a) *Modifications in Certain Articles as a Result of the Creation of a Pensions Fund.*

62. At its May session, the Commission requested its Rapporteur to consider whether the entry into force of the Staff Pensions Regulations would not necessitate modifying certain articles in the Staff Regulations.

63. The Commission, accepting the conclusions of its Rapporteur, is of opinion that only Articles 39 and 70 of the Regulations would have to be amended as a result of the creation of the Pensions Fund.

The present text of Article 39 is as follows :

> " Where the nature of an official's illness is or becomes such as to render him incapable of returning to his duties during the period of his appointment, or liable to relapses so frequent as to prevent him from satisfactorily performing his duties, the Secretary-General may terminate his appointment on the ground of invalidity, notwithstanding that the sick leave allowable to him has not been exhausted, on payment of an equitable indemnity for the unexpired sick leave, which shall be independent of, and without prejudice to, any grant which can be made to the official under Article 18 of the Regulations of the Staff Provident Fund of the League of Nations or to his rights under the Staff Pensions Regulations."

64. The Commission considers that the establishment of the present system of invalidity pensions renders any additional grant of compensation " for unexpired sick leave " unnecessary. On the other hand, this right to compensation should, it seems, not be withdrawn from officials who, for some reason or other, are not members of the Pensions Fund.

Under these circumstances, the Supervisory Commission recommends that the Assembly should approve Article 39, amended as follows :

> " Where the nature of an official's illness is or becomes such as to render him incapable of returning to his duties during the period of his appointment, or liable to relapses so frequent as to prevent him from satisfactorily performing his duties, the Secretary-General may terminate his appointment on the ground of invalidity, notwithstanding that the sick leave allowable to him has not been exhausted.
>
> " In such circumstances, the official is entitled to an equitable indemnity in respect of his unexpired sick leave, when the Regulations of the Pensions Fund do not render

him eligible for an invalidity pension. This indemnity shall be independent of any grant which can be made to the official under the Regulations of the Staff Provident Fund of the League of Nations."

65. Article 70 at present reads as follows :

" An official receiving a physical injury or incurring a disease in the course and in consequence of his employment as an official shall be allowed equitable compensation.

" Should the official's death result from the injury or disease, equitable compensation shall be paid to members of the official's family who were wholly or partially dependent upon him at the time of his death or, but for the injury or disease, would have been so dependent.

" The provisions of the present article shall not affect the application of the Staff Pensions Regulations or of the Regulations of the Staff Provident Fund."

66. The Commission considers, in the first place, that it is fair, in the case covered by Article 70 *(death or invalidity in consequence of employment)*, the official or the members of his family should receive compensation over and above the grants to which they might be entitled under the Staff Pensions Regulations.

67. The question remains as to whether the definition of the basis on which compensation can be claimed, which was satisfactory when it was first adopted and when it was a case of providing that the administration might, at its discretion, pay such compensation as it considered reasonable, is still satisfactory now that the payment of compensation has become a matter of strict legal liability enforceable by the Administrative Tribunal.

The Commission was of opinion that it had not sufficient time during the present session to prepare a new definition, but it intends to submit a definite text to the next Assembly. Meanwhile it considers that, should a case arise between now and September 1932, an extensive interpretation should not be given to this definition, but that it would be necessary to insist that the applicant for compensation must prove both that his misfortune happened to him while he was engaged in executing his duty and also that the misfortune was the materialisation of a risk involved in the nature of the work which he was performing or the circumstances in which he was performing it, and not, for example, of a quite general risk or a risk to which by his own act or negligence he had unnecessarily exposed himself. The idea that it is sufficient to prove that the misfortune would not have happened if the official's work had not led to his being in a particular place at the moment when it happened must surely in any case be rejected. Moreover, there cannot be any liability on the League of Nations where the official brings an injury upon himself or incurs a disease by wilful negligence or misconduct in performing work of a perfectly safe kind on premises and with appliances which are perfectly suited to their purpose.

(b) *Question of maintaining the Statute of the Administrative Tribunal or of amending it.*

68. The Assembly resolution of September 26th, 1927, by which the Administrative Tribunal's Statute was established, contemplated that the Assembly, in 1931, would consider, in the light of the experience gained, whether there was reason to abrogate or amend that Statute. This enquiry was, however, made by anticipation last year as a result of the appointment of the Committee of Thirteen. Section 4, paragraph 45, of the Committee of Thirteen's report noted with approval the existence, composition and jurisdiction of the Tribunal as one of the safeguards enjoyed by the staff for the proper application of its terms of appointment and the Regulations to which it is subject. The Fourth Committee, on October 1st, 1930, adopted this passage of the report. In addition, Article 26 of the Pensions Regulations, approved by the Assembly on the proposal of the Fourth Committee, made the Tribunal the authority to hear and decide complaints of non-observance of those Regulations.

The present Assembly, noting that the decisions of 1927 have been confirmed by subsequent Assembly resolutions, will doubtless not desire any amendment in the Statute of the Administrative Tribunal. The Secretary-General could, moreover, be authorised to place the question on the agenda of a later Assembly if experience showed that the working of the Tribunal gave rise to difficulties.

(c) *Definition of Locally Recruited Staff.*[1]

69. Article 8 of the Staff Regulations, which is based on the decisions taken by the last Assembly on the report of the Committee of Thirteen, reads as follows :

. . . . . .

" The salary scales prescribed in Annex I for permanent officials of the Second Division are applicable to officials whose employment at Geneva involves their expatriation. This Annex also shows the salary scales for officials locally recruited.

" Officials are considered as locally recruited if they have been established for five years in French-speaking Switzerland (*la suisse Romande*) or in French territory within a radius of fifteen kilometres from Geneva.

[1] The Fourth Committee did not approve this chapter of the report and requested the Supervisory Commission to submit new proposals to the next Assembly.

" Absence for temporary reasons will not be considered as interrupting the period necessary to constitute establishment.

" The families of officials, other than locally recruited officials, and of accredited representatives of Members of the League residing in the above-indicated area will not be considered to be established in that area."

70. Experience has shown that the definition of locally recruited staff given in Article 8 is administratively, as well as theoretically, open to objection. The line of demarcation between French-speaking Switzerland and German- and Italian-speaking Switzerland does not furnish a satisfactory line of demarcation between local recruitment and international recruitment. It runs across the centre of certain cantons and even of certain towns.

It is difficult to regard any native of Switzerland as expatriated by taking work in another part of Switzerland. The linguistic and cultural differences which exist between different parts of Switzerland hardly create frontiers of such a kind that the crossing of them amounts to expatriation.

71. The Secretary-General has therefore come to the conclusion that the proposal contained in the general report on the organisation of the Secretariat which was presented by the Secretary-General to the Committee of Thirteen (document. A.16.1930, page 44) should be reverted to.

Under this proposal, the area of local recruitment was to be the whole of Switzerland and that small area in France which is within such easy reach of Geneva that employment in Geneva does not involve separation from the official's original home.

Finally, the adoption of a five years' period of establishment as a criterion of local recruitment has proved in practice to be extremely inconvenient and difficult to justify. The criterion for local recruitment should, it is thought, be that the individual belonged to Switzerland or had expatriated himself to Switzerland before appointment.

72. The Commission of Control, accepting one of the Secretary-General's proposals, therefore suggests that the Assembly should replace the present wording of Article 8 by the following :

" Officials are considered as locally recruited if they had their residence in Switzerland, or in French territory within a radius of fifteen kilometres from the frontiers of the Canton of Geneva, at the time of appointment, unless they prove to the satisfaction of the Secretary-General that they had become so resident for reasons of health, recreation or study, or for some other reason of a strictly temporary nature.

" A person will not be treated as resident in the above-mentioned area if such person's residence therein originated and has continued solely in consequence:

" (*a*) Of the fact that the person is the son or daughter of an official of the First Division, or a non-locally recruited official of the Second Division, belonging to the Secretariat or the International Labour Office, or of a representative of a foreign Government who is obliged by his functions to reside in the said area, and is dependent upon such official or representative;

" (*b*) Of the fact that the person is a member of or belongs to the staff of a legation, delegation or consulate."

73. If the above definition is adopted, the Commission would favour giving travelling and removal expenses on entering and leaving the service to locally recruited officials engaged from places at a greater distance than twenty-five kilometres from Geneva. It does not consider that it would be possible to give them holiday travelling expenses, because the Assembly has sanctioned this privilege on the ground that it is desirable for the members of the staff to have opportunities of remaining in touch with their native countries, and this consideration can hardly apply to officials who are not recruited as expatriated.

Finally, the Commission considers that it should be made clear that the definition will apply only as regards appointments made after its adoption — *i.e.*, that the existing staff will not be reclassified on the basis of the definition.

Appendix to the Report of the Supervisory Commission to the Fourth Committee

I. MODIFICATIONS MADE IN THE BUDGET FOR 1932 AS ORIGINALLY CIRCULATED

PART I. — SECRETARIAT AND SPECIAL ORGANISATIONS OF THE LEAGUE.

Budgetary item	Sub-item	Description	Increase	Reduction Swiss francs	Total
1.	1	*Assembly.*			
		1. Temporary staff		12,000	
		2. Overtime		5,000	
		3. Travelling		1,100	
		4. Assembly Hall		11,000	
		7. Supplies and stores		2,500	
		9. Incidental expenses		1,000	
		5. Special printing		52,750	
					85,350
2.		*Council.*			
	(*a*)	Ordinary sessions		15,000	15,000
3.		*Council Unforeseen.*			
	(*b*)	(Exceptional) Unforeseen financial expenditure	250,000		
4.		*Salaries.*			
	a. I. 12	Information Section.— Temp.		10,000	
	a. I. 13	Legal Section. — Temp..		400	
	b.	House Staff. — Overtime		2,500	
	I. 15 (*a*)	Replacements, etc., Gen. Org. . . .		2,150	
	II. 1 (III)	Pool of Typists		18,000	
	3 (III)	English Translating and Précis-Writing		13,600	
	4 (*b*)	Printing Department		9,500	
	8 (*a*)	Replacements, etc., Int. Adm. Serv.		9,700	
					65,850
8.		*Travelling.*			
	(*a*)	General		5,050	5 050
10 (*a*).		*Property Account.*			
	(*h*)	Telephone : local service		2,000	2,000
		Publications Department.			
11.	(*a*) (I)	Council documents and *Official Journal*		33.726	
	(*a*) (III)	Library publications		3,000	
	(*b*) 1	*Treaty Series*		40,000	
	2	Tables, diagrams, etc.		3,000	
	(*c*) 3	Other publications of Information Section		5,092	
	(*d*)	Transport charges of Sales Department		10,200	
					95,018
	New subhead :				
		Printing for Miscellaneous Committees:			
		1. System of elections to Council 5,000			
		2. Nationality of women . . 1,000			
		3. Amendments to Covenant 4,500			
			10,500		
		Carried forward	260,500		268,268

Budgetary item	Sub-item	Description	Increase	Reduction	Total
				Swiss francs	
		Brought forward	260,500		268,268
12.	b. 2	*General Office Supplies.*			
		Roneo supplies		5,000	5,000
13.		*Staff Charges.*			
	(c)	Contribution to Sickness Insurance Association		5,400	
	(g)	Recruitment		100	
					5,500
17.		*Supervision of Revenue and Expenditure.*			
	(a)	Auditors' travelling		1,600	
	(b)	Supervisory Commission		1,385	
	(c)	Allocation of expenses		8,150	
		Allocation of expenses		18,840	
					29,975
18.		*Advisory Commission and Minorities.*			
	1	Salaries		18,660	
	2	Travelling		250	
	3	Printing		3,750	
					22,660
19 A.		*Financial Section.*			
	2 (a)	Committees and Sub-Committees' travelling and subsistence allowances		72,500	
	(b)	Printing for Committees		9,250	
	3	Travelling		750	
	4	Miscellaneous		250	
					82,750
19 B.		*Economic Relations.*			
	1	Conferences		50,000	
	2 (a)	Committees and Sub-Committees' travelling and subsistence allowances		33,380	
	2 (b)	Printing for Committees		11,250	
	3 (a)	Salaries		14,500	
	3 (b)	Travelling and removal		5,750	
	3 (d)	Studies, etc.		5,000	
	4	Miscellaneous		5,250	
					125,130
20.		*Mandates.*			
	1	Permanent Mandates Commission .		25,400	
	3	Travelling and removal		2,450	
	4	Printing documents		3,000	
					30,850
21.		*Transit Organisation.*			
	2	Committees, Subsistence allowance and travelling		35,530	
	3(a) and (b)	Printing, Committees and Information		7,500	
	5	Salaries—Temp. engagements . . .		500	
	6	Travelling		550	
	7	Cables, etc.		1,000	
					45,080
		Carried forward	260,500		615,213

Budgetary item	Sub-item	Description	Increase	Reduction	Total
				Swiss francs	
		Brought forward	260,500		615,213
22.		*Health Organisation.*			
		Global Reduction		277,930	277,930
23A.		*Opium Section.*			
	2	Travelling and removal		4,000	
	3(I)	Sessions of Advisory Committee . .		4,950	
	3(II)	Opium Committee Printing		10,000	
					18,950
23B.		*Social Section.*			
	2	Travelling		250	
	3(II)	Sub-Committees		9,000	
	3(III) (*a*)	Traffic in women and children — printing.		6,980	
	3(IV)(*a*)	Work of experts		6,000	
	3(IV)(*b*)	Protection of children — printing. .		4,000	
	5	Penal Administration		700	
					26,930
23C.		*Permanent Central Opium Board.*			
	1	Sessions.		5,255	
	2	Secretariat — Temp. engagements .		1,000	
	4	Travelling and removal		250	
	5	Cables		1,000	
					7,505
24.		*Reduction of Armaments.*			
	1.2	Travelling and removal		5,100	
	III	Investigations		20,000	
	V 1.	*Armaments Year-Book*		40,000	
	VIII	*Disarmament Conference.*			
		1. Temporary staff		200,000	
		3. Travelling		20,000	
		4. Printing		280,000	
					565,100
25A.		*Intellectual Co-operation.*			
	2(*a*)	Plenary sessions of Committees . .		24,160	
	3	Conference on Scientific Property .		6.000	
	4	Instruction of Youth		5,000	
	5	Committees of Experts (see also Supplementary Budget)		5,000	
	6	Travelling		5,750	
	7(*a*)	Ordinary printing		9,000	
	7(*b*)	Aims and Organisation		4,000	
	8	*Educational Survey*		1,000	
25B.		*International Bureaux.*			
	1	General expenses—printing, etc. . .		550	
	2	Handbook printing		1,000	
					61,460
		Carried forward	260,500		1,573,088

Budgetary item	Sub-item	Description	Increase	Reduction	Total
				Swiss francs	
		Brought forward	260,500		1,573,088
26(*b*) (new item).		*Committee to examine the Material relating to Slavery*	10,000		
29.		*Mutual Assistance in Disaster*		5,000	5,000
30.		*European Union*		58,000	
		Printing		4,875	
					62,875
31A.		*Liaison with Latin America.*			
	II(*a*)	Correspondents		12,000	
		Technical enquiries		8,800	
					20,800
31B.		*Liaison with China*		50,000	50,000
32.		*League Wireless Station.*			
	(*b*)	Committee of Experts		3,000	3,000
		Totals for the Secretariat	270,500		1,714,763
Part IV.		*Refugees*		33,084	33,084
Part VI.		*Pensions.*			
	II(*b*)	Administrative Board.		4,000	4,000
		Total reduction for Parts I, IV and VI			1,751,847

PART II. — BUDGET OF THE INTERNATIONAL LABOUR ORGANISATION.

Budgetary item	Sub-item	Description	Reduction	Total	Grand Total
				Swiss francs	
1.		*Sessions of the Conference*	165,000	165,000	
2.		*Sessions of the Governing Body.*			
	(*b*)	Printing of documents for the Governing Body	2,000	2,000	
3.		*Salaries.*			
	(*c*)	Salaries for temporary staff	13,000		
	(*d*)	Overtime	2,000		
	(*g*)	Special increments	4,000		
		Social films	5,000		
				24,000	
4.		*Travelling Expenses.*			
	(*c*)	Travelling expenses and subsistence allowance, General Services . . .	10,000	10,000	
6.		*Maintenance of Geneva Office.*			
	(*d*)	Repairs (main building, villa and grounds)	10,000	10,000	
7.		*Printing.*			
	(*i*)	*Monthly Summary*	7,000		
	(*j*)	Printing for Commissions	5,000		
				12,000	
		Carried forward		223,000	1,751,847

Budgetary item	Sub-item	Description	Reduction	Total	Grand Total
				Swiss francs	
		Brought forward		223,000	1,751,847
8.		*General Office Expenses.*			
	(*a*)	Stationery or office supplies	15,000		
	(*c*)	Cables and telegrams	1,000		
	(*f*) (II)	Photographs, etc.	2,000		
				18,000	
9.		*Special Staff Charges.*			
	(*b*)	Reserve of Death and Invalidity Fund	5,000		
	(*c*)	Contribution to the Staff Sickness Insurance	5,000		
	(*k*) (i)	Administrative Tribunal Expenses	5,000		
				15,000	
12.		*Enquiries, Investigations and External Collaboration.*	10,000	10,000	
13.		*Commissions.*			
		Global reduction	20,000	20,000	
16.		*Furniture, etc.*	1,000	1,000	
17.		*Typewriters, etc.*	2,000	2,000	
18.		*Library*	5,000	5,000	
		Total for the International Labour Organisation			294,000

PART III. — BUDGET OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

Budgetary item	Sub-item	Description	Reduction	Total	Grand Total
			Dutch florins		Swiss francs
1.	1	*Travelling expenses of Judges and Temporary Staff*	10,000	10,000	
3.	(*a*)	*Travelling expenses of the Registrar and officials of the Registry*	200	200	
5.		*Administrative expenses supplies* . .	2,000	2,000	
6.		*Printing*	4,500		
	(*b*)	*Purchase of publications*	2,000		
				6,500	
10.		*Contribution to the Pensions Fund* . .	20,000	20,000	
11.		*Furniture and installation of additional fittings*	5,000	5,000	
				43,700	
		Less annual increment for the Deputy Registrar		500	
		Total for the Permanent Court of International Justice		43,200	89,985
		Carried forward			2,135,832

SUPPLEMENTARY BUDGET FOR 1932.

Budgetary item	Sub-item	Description	Reduction	Total	Grand Total
			Swiss francs		
		Brought forward			2,135,832
		I. Secretariat and Special Organisations of the League.			
4 (*a*)		*Salaries.*			
	1. 2	Secretary-General's office	1,500		
	1. 14	Treasurer's office	2,500		
	3 (II)	French Translating and Précis-Writing	14,100		
				18,100	
10 (*a*)		*Property Account.*			
	(*n*)	Rent	27,487	27,487	
23A.		*Opium Section.*			
	1.	Salaries	11,500	11,500	
25 (*a*)		*Intellectual Co-operation.*			
	1	Salaries, locally recruited staff . . .	5,250		
	5	Committees of experts (see Budget)	5,000		
	10	National Committees	4,000		
				14,250	
		Total for the Secretariat and the Special Organisations of the League			71,337
		II. International Labour Organisation.			
Chap. I	1	Sessions of the Conference	350,000		
	3	Chiefs of Section	27,000		
				377,000	
		Total for the International Labour Organisation			377,000
		III. Permanent Court of International Justice.			
			Dutch florins / Swiss francs		
2	(*a*)	Salary of Registrar	7,500 / 15,623		
4	(*d*)	Contribution to the Carnegie Foundation	10,000 / 20,830		
				36,453	
		Total for the Permanent Court of International Justice			36,453
		Total reduction Budget, including Supplementary Budget .			2,620,622[1]
		Total increase Budget			270,500
		Net reduction			2,350,122

[1] The reduction shown on page 1 of the report amounted to 2,604,999 gold francs, but a further reduction of 15,623 francs was made subsequently.

ANNEX 7.

Official No.: A.20.1931.
[C.P.34 (1).]

REPORT OF THE ADMINISTRATIVE BOARD OF THE STAFF PENSIONS FUND TO THE ASSEMBLY

GENERAL INTRODUCTION

The Administrative Board of the Staff Pensions Fund, established in accordance with Article 3 of the Staff Pensions Regulations adopted by the Assembly at its eleventh session, has held two sessions since its constitution, the first beginning on Wednesday, January 21st, 1931, and lasting until Friday, January 23rd, 1931, and the second beginning on Wednesday, July 1st, and lasting until Saturday, July 4th, 1931.

The following members have attended the sessions :

Mr. HOEL,	Appointed by the Assembly.
M. RADULESCO,	Appointed by the Assembly.
M. RAPPARD,	Appointed by the Assembly.
Mr. JACKLIN,	Representing the Secretary-General of the League of Nations,
Mr. BUTLER,	Representing the Director of the International Labour Office.
M. JORSTAD,	Representing the Registrar of the Permanent Court of International Justice.
M. DE BORDES,	Representing the Staff of the Secretariat of the League of Nations.
M. TIXIER,	Representing the Staff of the International Labour Office.

(M. DECHAMP attended the first session in the place of M. Tixier, and M. DE JANASZ in the place of M. Jorstad. M. FLEURY occasionally took the place of Mr. Butler.)

The Board elected as its Chairman M. RAPPARD and as its Vice-Chairman M. RADULESCO.

The Board has endeavoured to administer the Pensions Fund in accordance with the provisions of the Staff Pensions Regulations. Such action as it has taken is set out below.

It wishes, however, at the outset to lay emphasis on the fact that it is not possible at the present juncture for it to present a full report on the working of the Fund and on the financial consequences in general involved by the adoption of a Pensions Scheme. At the time of writing, the actual number of officials who will become members of the Fund is not yet known, since the option to join it does not expire until December 31st, 1931, nor will the Actuary be able to present his report on the first valuation of the Fund until the opening months of 1932.

Part 1 of this report deals with the various administrative decisions which the Board has taken, Part 2 with certain interpretations which it has given of the Staff Pensions Regulations and certain amendments to those Regulations which it wishes to propose.

Part 1.

ADMINISTRATIVE DECISIONS

APPOINTMENT OF A CONSULTING ACTUARY.

The Board appointed as its Consulting Actuary, Dr. FRIEDLI, Professor of the University of Berne and Actuary of the *Office fédéral des Assurances sociales*, at Berne.

Appointment of a Sub-Committee.

The Board decided at the outset that, in order to carry on current business between its sessions, a Sub-Committee should be constituted, consisting of the Chairman or Vice-Chairman and two members, one representing the administration and the other the staff. These representatives would be drawn from the Secretariat and the International Labour Office alternatively. Any action taken by the Sub-Committee, except in regard to the matter of investments, is to be regarded as provisional until approved by the Board at its following meeting. The Sub-Committee, however, is empowered as a matter of routine finally to admit officials to the Fund when their application raises no special question.

The Sub-Committee has met twice, and has had the assistance of the Treasurer and the substitute members of the Board, who have attended in an advisory capacity. Its decisions, which have been ratified by the full Board, form in consequence an integral part of this report.

Rules of Procedure and Administrative Rules.

The Board adopted Rules of Procedure and Administrative Rules (see separate annex) for the purpose of carrying out the provisions of the Staff Pensions Regulations in accordance with Article 25 of those Regulations. It directed that the Rules in question, together with the Staff Pensions Regulations, should subsequently be issued in pamphlet form, a copy of which should be forwarded to each member of the Fund.

The Board thought that the best procedure would be to obtain the information, necessary for the purpose of admitting an official to the Fund and subsequently for granting him the prescribed benefits, from the individual applicants through the competent official of the organisation in which they were employed. It has therefore made provision for the competent official to be called upon to certify that the information supplied by the applicant to the Board corresponds with the records in his possession. The Board has further reserved its right to make any additional enquiries it thinks fit, though as a general rule it would of course rely on the information as certified by the competent authority.

The Actuary having expressed the opinion that it would be necessary to obtain details of changes in the official's family circumstances at specified intervals, the Board has decided that particulars of the official's family circumstances shall be furnished during the first year for the purposes of the valuation of the Fund. All subsequent changes shall be notified annually by a specified date.

Adoption of Commutation Tables.

The commutation tables required by Article 9 of the Staff Pensions Regulations were, at the request of the Board, prepared by the Consulting Actuary, and were based on mortality tables drawn up by Mlle. Castellani, Actuary of the International Labour Office. The material used by her was supplied by Professor Cantelli, one of the three actuaries consulted by the Assembly in connection with the pensions scheme. The tables prepared by her were further examined by the Consulting Actuary, who recommended their adoption by the Board. They were accordingly adopted.

Payment of Interest on Arrears due to the Fund.

The Board decided that in all cases in which arrears were due to the Fund, either in respect of service not involving membership of the Provident Fund or in respect of leave without pay or in respect of life insurance premiums paid by the Provident Fund, interest at 4 per cent should be charged from January 1st, 1931. In no case should the period for the liquidation of such arrears exceed seven years.

The Board has felt that members of the Fund should be allowed a wide latitude in regard to the proposals made by them for the payment of their arrears, but it decided that should a member wish to extend his payments over a longer period of time than that originally proposed by him and agreed to by the Board, he could not do so without its express authority.

Accounts of the Fund.

The Board has entrusted the accounts of the Fund to the Treasury of the League, which will be audited by the League Auditor, in accordance with Article 22 (3) of the Staff Pensions Regulations.

Investments of the Fund.

The Board, in investing the money available for the Fund, has had the advice of an Investments Committee composed of M. ter Meulen, M. Suvich and M. Odier, appointed by the Council on the recommendation of the Financial Committee of the League. The

Investments Committee has drawn up lists of securities in which it recommends that the investments of the Fund shall be made.

The Board has asked the Treasurer of the League to act as its Investments Officer for the time being, until a final decision as to the procedure to be followed in the matter of investment has been taken. In the meantime, the investments of the Fund have been, and will continue to be, made by the Board in accordance with the list of securities drawn up by the Investments Committee.

The Board has decided that between its sessions any decision upon the purchase or sale of investments should be taken by the Sub-Committee, with the advice of the Investments Committee or of such of its members as it might prove possible to consult in the time available.

With regard to the general investment policy to be pursued, the Board feels that a discussion with its Investments Committee would be of great assistance. The present state of the markets is not such as to facilitate the task of those responsible for the administration of the Fund, which, while offering complete security, should yield not less than 4 1/4 per cent. It accordingly hopes that the Investments Committee may be consulted in September.

Registration of Securities.

In so far as the registration of the Fund's securities is concerned, the Board has adopted the following resolution :

> " The Administrative Board of the Staff Pensions Fund resolves that a member of the Board, the Treasurer and the Secretary of the Board shall be authorised to sign on its behalf such documents as may be necessary to obtain the registration of marketable securities purchased by the Board in the name of the League of Nations Staff Pensions Fund."

Medical Examination of Officials entering the Fund.

The Board has noted that by the terms of the Staff Pensions Regulations, any official member of the Staff Provident Fund in the service of the League prior to January 1st, 1931, the date on which the pensions scheme came into force, could be admitted to the Pensions Fund without a medical examination. It is of course of great importance for the solvency of the Fund that only persons in a good state of health should in future be admitted. The Board accordingly addressed a letter to the heads of the three organisations concerned, drawing their attention to the matter and making various suggestions as to the medical examination of officials entering the service, and therefore the Fund, at a date subsequent to January 1st of this year. The Board received replies from the heads of the three organisations, informing it that its suggestions were approved and that detailed regulations were being prepared to enable them to be carried into effect. The Board therefore feels that the procedure to be applied in regard to medical examination of officials joining the Fund is satisfactory, and that the interests of the Fund are adequately safeguarded in this respect.

Admissions to the Fund.

Up to the date of this report the Board has admitted 313 officials of the Secretariat, 238 of the International Labour Office and 20 of the Registry of the Permanent Court of International Justice — a total of 570 — to the Fund.

The Board received an application for admission to the Fund from an official aged 60 years and 11 months. When the Board finally considered the case, the official in question had been reinstated as a member of the Staff Provident Fund, and, since his salary was borne on the budget of the League, the Board felt that the provisions of Article 27, paragraph 2, applied in his case, and therefore admitted him by 5 votes to 1, the Treasurer, representing the Secretary-General, dissenting. The Board noted that this was a transitional case, and decided unanimously to draw attention to it in its report.

On the other hand, the Board noted that three officials at present serving in the Secretariat had had service with the Temporary Epidemic Commission since 1921. The funds of that Commission, though placed under the control of the Health Organisation of the League by a decision of the Assembly of September 23rd, 1921, had not been subscribed by the League, which had merely made a yearly contribution. In view of this fact, the Board considered that the salaries of the officials in question had not been borne on the budget of the League during the period of their services with the Temporary Epidemic Commission, and it therefore felt unable to decide that this period of their service should be counted for pension purposes.

Applicants with Breaks in Service.

The Board considered the various proposals of the appointing authorities concerning breaks in service in the case of a number of applicants. It came to the conclusion that it was of importance that a uniform practice should be followed throughout the three

organisations concerned, in order that members of the Fund should in this respect be put on a footing of equality. It accordingly adopted the general principle followed in the Swiss National Pension Fund. Under that principle the date from which an official now in possession of a contract entitling him to membership of the Pensions Fund shall be permitted to count his service shall be a fictitious date computed by counting back from the date on which he received his permanent contract the days spent in the service of the League. However, it was decided not to count back beyond any date which might be separated from a previous period of service by an interval of more than six months.

Applicants with Leave without Pay.

The Board noted that in respect of officials who have had leave without pay subsequent to January 1st, 1924, such leave does not constitute a break in service and can be counted for pension purposes, provided that the officials in question pay contributions to the Fund for the period of such leave. With regard, however, to leave without pay taken before January 1st, 1924 — *i.e.*, before the institution of the Provident Fund — the position appeared more doubtful. The Board has accordingly instructed its legal advisers to submit an opinion on the question of leave without pay taken before 1924.

Payment of Benefits.

The Board has approved the payment of the benefits due in the case of nine members who have left the service between January 1st and July 31st, 1931, and has granted one invalidity pension, the amount of which may be revised after one year.

Part 2.

INTERPRETATION OF, AND SUGGESTED AMENDMENTS TO, THE STAFF PENSIONS REGULATIONS.

Introduction.

That part of its duties which the Board regards as of the greatest importance is the interpretation of the Staff Pensions Regulations. It has accordingly very carefully considered the bearing of certain articles, notably that of paragraph 2 (i) and (ii) *(b)* and *(c)* of Article 27, which deals with the holding of life insurance policies by the Fund, with the payment of the premiums upon them and with the consequent reduction of benefits.

Interpretation of Article 27, Paragraph 2 (i) and (ii) *(b)* and *(c)*.

The Administrative Board is required to determine the conditions under which members of the Pensions Fund may pay life insurance premiums out of their contributions to the Fund, in accordance with the provisions of Article 27, paragraph 2 (i) and (ii) *(b)* and *(c)*. The Administrative Board examined two points in connection with this matter. The first concerned the last date by which officials must take out life insurance policies and charge the premiums to their contributions ; the second concerned the method to be adopted for reducing the benefits for which the Fund is liable in a proportion corresponding to the amount of insurance premiums paid out of the contributions of members.

With regard to the first question, whether life insurance policies must have been taken out before January 1st, 1931, in order to ensure that the premiums should be charged to the contributions of the officials to the Fund, the Administrative Board, after having considered several legal opinions, noted that the interpretation to be given to the meaning of paragraph 2 of Article 27 was doubtful. It therefore adopted a solution inspired alike by motives of equity having regard to the position of the officials concerned, and by its desire to safeguard the financial stability of the Fund. The Administrative Board therefore decided to authorise members to charge against their contributions to the Fund the premiums on life insurance policies already taken out, or which will be taken out before December 31st, 1931. The amount of the insurance premium to be charged against the contribution, however, shall not exceed 5 per cent of their pensionable emoluments.

In regard to the second question, the Board decided to adopt the system proposed by Mr. Hoel for calculating the reduction of the benefits due by the Fund to officials or their dependants when life insurance premiums have been charged to their contributions. According to that system the premiums are to be considered as loans made to the insured persons by the Pensions Fund and bearing compound interest at such rate as the premiums would have earned had they remained in the Provident Fund up to January 1st, 1931, and thereafter at 4 per cent. Detailed rules for reducing the benefits of members who did not repay

their premium debt to the Fund were drawn up and unanimously adopted. The application of these rules will completely protect the Pensions Fund against any possible loss.

Suggested Amendments to the Staff Pensions Regulations.

Although it is still at the outset of its task, the Board feels, after full consideration of the position, that it should already at the present stage suggest two amendments to the Staff Pensions Regulations for the adoption of the Assembly.

Suggested Amendment to Article 3, Paragraph 1.

The experience gained by the Board in the course of its first year's activity convinces it of the desirability of its always being assured of the continuous co-operation of the Treasurer of the League. It accordingly proposes that the Treasurer should be *ex officio* a member of the Board. In order that the relative influence of the representatives of the members of the Fund should not be affected by this modification, it is proposed that their number should be increased by one. If the Assembly decided to adopt this amendment, paragraph 1 of Article 3 would accordingly read as follows :

> " The execution of the present Regulations and the management of the Pensions Fund shall be effected by an Administrative Board consisting of three members elected by the Assembly, a representative of the Secretary-General of the League of Nations, a representative of the Director of the International Labour Office, *the Treasurer of the League of Nations*, and *three* members elected by secret ballot by the officials who are subject to the present Regulations. Where questions directly affecting the officials of the Registry of the Permanent Court of International Justice are under consideration, a representative of the Registrar shall be added to the Board."

Suggested Amendment to Article 12, Paragraph 4.

With regard to Article 12 of the Staff Pensions Regulations, the Board felt that in certain cases adopted children and step-children of deceased members should also be entitled to the benefits provided by the Fund. It took this decision after having consulted Mr. Hoel, one of the Actuaries originally concerned with drawing up the pensions scheme, who is a member of the Board. The Board was assured that the extra risk incurred by inserting a provision covering adopted or step-children in this article would be insignificant. The Board therefore ventures to propose to the Assembly that paragraph 4 of Article 12 should read as follows :

> " The Administrative Board shall decide in each particular case whether the benefits of the present article shall extend to *adopted children*, *step-children* or children not born in wedlock."

Conclusion.

The Board would once more call attention to the fact that the exact position of the Fund cannot be known until after its valuation by the Consulting Actuary. It is convinced, however, that the suggestions which it has made for the amendment of the Staff Pensions Regulations cannot have any adverse effect upon the Fund, and it accordingly requests the Assembly to consider the advisability of adopting the following resolution :

> " The Assembly ;
>
> " Takes note of the first annual report of the Administrative Board of the Staff Pensions Fund ; and
>
> " Adopts the following amendments to the Staff Pensions Regulations :
>
> " *Article 3, paragraph 1*, to read as follows :
>
> " ' The execution of the present Regulations and the management of the Pensions Fund shall be effected by an Administrative Board consisting of three members elected by the Assembly, a representative of the Secretary-General of the League of Nations, a representative of the Director of the International Labour Office, the Treasurer of the League of Nations, and three members elected by secret ballot by the officials who are subject to the present Regulations. Where questions directly affecting the officials of the Registry of the Permanent Court of International Justice are under consideration, a representative of the Registrar shall be added to the Board.'
>
> " *Article 12, paragraph 4*, to read as follows :
>
> " ' The Administrative Board shall decide in each particular case whether the benefits of the present article shall extend to adopted children, step-children or children not born in wedlock.' "

Official No.: A.20.1931. Annex.

Appendix.

STAFF PENSIONS FUND

Administrative Rules adopted by the Administrative Board for the Application of the Staff Pensions Regulations.

The following rules have been adopted by the Administrative Board of the Staff Pensions Fund, in accordance with the provisions of Article 25 of the Staff Pensions Regulations. The Board has postponed the adoption of Rule 14 and has adopted the text of Rule 15 provisionally, subject to final adoption at its next session.

ADMINISTRATIVE RULES.

(*Note.* — In these rules, words implying the masculine gender include females.)

The Board adopts the following provisions for its Administrative Rules :

General Provisions.

I. Officials shall be admitted to the benefits and obligations of the Staff Pensions Regulations by the Administrative Board after they have fulfilled the conditions which are necessary for such admission under those Regulations.

II. No benefit shall be payable under the Staff Pensions Regulations except by order of the Board, or by the Sub-Committee provided for under Rule III, and after proof that the conditions prescribed by those Regulations and the present Rules as being necessary for the payment of such benefit have been fulfilled.

III. A Sub-Committee consisting of the Chairman or Vice-Chairman and two members of the Board shall be appointed by the Board to transact any current business when the Board is not in session. One member of the Sub-Committee, who shall be its Chairman, shall be a member of the Board appointed by the Assembly. Of the other two members, one shall represent the Heads of the Organisations and the other the members of the Fund, it being understood that the representatives of the Heads of the Organisations and of the members of the Fund shall be chosen from different Organisations alternately. Any action taken by the Sub-Committee shall be provisional until approved by the Board at its following session.

Admission to the Fund.

IV. Every official appointed before January 1st, 1931, who desires to be admitted to the Fund shall make application as soon as possible through the head of the Organisation in which he is employed — namely :

The Secretary-General ;

The Director of the International Labour Office ;

The Registrar of the Permanent Court of International Justice.

In no case shall the application of any official be lodged with the Secretary of the Board later than December 31st, 1931.

Every such application shall be made on the prescribed form (P.F.1 or 2) and signed by the applicant, who shall be held responsible for the accuracy of the information given on the form. The Board shall be entitled to rely on this information, and no liability shall be incurred by the Pensions Fund in consequence of any action taken, or authorised, by the Board in reliance upon the accuracy of such information.

The competent official of the organisation concerned shall certify on the form that the information given agrees with the records in his possession.

V. Every official appointed after January 1st, 1931, who is required to be a member of the Fund, shall complete the prescribed form (P.F.2) and forward it to the Secretary of the Board through the competent official of the Organisation in which he is employed within fourteen days of the assumption of his duties. The competent official of the Organisation shall certify that the information given agrees with the records in his possession.

VI. The Board may call for any additional proof or information it may deem necessary in the cases referred to in Rules IV and V.

VII. The Board shall notify the Heads of the Organisations concerned of all officials admitted to the Fund.

VIII. Officials who were appointed before January 1st, 1931, and who were not members of the Provident Fund, shall indicate on the prescribed form (P.F.1.) the date from which they claim their continuous service in the League to have begun, and shall make such proposals as they desire to liquidate any arrear contributions due to the Fund. The Board shall decide how and when such arrear contributions shall be paid and shall notify the competent official of the Organisation concerned accordingly.

All arrear contributions shall be liquidated before the expiration of seven years from January 1st, 1931, or, if the member's services were terminated before the end of that period, the arrears still owing shall, in accordance with the terms of Article 20 of the Staff Pensions Regulations, be liquidated out of any annuity or other payment due.

IX. Officials who are members of the Provident Fund and who desire to transfer to the Pensions Fund shall specifically state this desire on the prescribed form (P.F.1.). In all cases the transfer shall date from January 1st, 1931.

X. On receipt of any application for admission to the Pensions Fund, the Secretary of the Board shall satisfy himself that the prescribed form has been correctly completed, and, if this has not been done, the applicant shall be called upon to make the necessary corrections.

XI. Every applicant for membership of the Fund shall be required to submit with his application proof of the age of himself and, in the case of a married official, of the age of wife or husband and any children under 18 years of age, together with proof of marriage. At the end of each year, the Secretary of the Board shall forward through the intermediary of the competent official of each Organisation a form to be completed by each member of the Fund on which shall be notified any subsequent changes in the member's family circumstances (marriage, death of wife, divorce, remarriage, birth of children or death of children under the age of 18).

The present rule also applies to female officials, who shall supply the prescribed information in regard to their husbands and children.

Contributions to the Pensions Fund.

XII. As all officials who were appointed before January 1st, 1931, must, on admission, contribute to the Fund at the rates prescribed, from January 1st, 1931, they shall state, in their application for admission, how the contributions which may be due in respect of the period from January 1st, 1931, to the first day of the month in which application is made, shall be paid to the Fund. In every case, all contributions due from January 1st, 1931, shall be paid to the Fund before January 1st, 1932.

XIII. An official classed as a " Principal Officer " shall state on the prescribed form of application whether he wishes to become a member of the Fund or whether he opts for an insurance on his life. If the official elects to become a member of the Fund, he shall complete the form (P.F.1.) if he was appointed before January 1st, 1931, or the form (P.F.2.) if he was appointed after January 1st, 1931.

XIV. (Reserved).

XV. An official appointed before January 1st, 1931, who was a member of the Provident Fund and who elects to become a member of the Pensions Fund shall, if any premiums of life insurance have been made chargeable to his account in the Provident Fund, notify before December 31st, 1931, on the prescribed form (P.F.1) whether he wishes to pay to the Pensions Fund with interest the amounts which have been withdrawn from his Provident Fund account for the payments of premiums and whether or not he wishes the premiums which were chargeable to his Provident Fund account to be paid out of the Pensions Fund (Article 27, section 2, paragraph (ii) of the Staff Pensions Regulations).

The following rules shall apply in the cases where the official decides not to pay to the Pensions Fund the amounts withdrawn from his Provident Fund account with interest and assume himself the liability for the further payment of the premiums.

1. The amount which may be chargeable to the Pensions Fund for premiums in any year is limited to 5 per cent of the official's pensionable emoluments for the year. The Administrative Board shall take the necessary measures to cause the premiums to be paid direct to the insurance company. If the amount payable is in excess of the amount which can be charged to the Pensions Fund, the excess shall be deducted from the official's salary by the Administration to which he belongs before the payment is due and be paid to the Pensions Fund.

2. The amount due to the Pensions Fund in respect of withdrawals from the official's Provident Fund Account (*i.e.*, amounts withdrawn for payment of premiums plus the interest which those amounts would have earned if they had remained in his account but deducting any payment made to the Pensions Fund) and the amounts paid for premiums out of the Pensions Fund constitute a debt owed by the official to the Pensions Fund, which shall bear compound interest at 4 per cent per annum, calculated *(a)* upon the first mentioned amount from the date on which the official's Provident Fund account is closed, and *(b)* upon each of the latter amounts from the first day of the year in which it is paid. This debt is hereafter described as the official's " premium debt ".

The official may at any time :

(a) Make payments to the Pensions Fund in reduction of his premium debt ;

(b) Prevent further accumulation of interest on his premium debt by authorising the interest due at the end of each year to be deducted from his salary and paid into the Pensions Fund, such authorisation to be revocable by the official at any time.

On the official's quitting the service or on his death, his premium debt shall become payable and shall be settled in accordance with the provisions of paragraph 8 below, either *(a)* by payment of the amount into the Pensions Fund or *(b)* by reduction of the benefits due from the Fund.

3. The settlement of the official's premium debt shall be secured by a first charge upon the policy, or policies, of insurance upon which premiums have been paid out of the Provident Fund or the Pensions Fund and upon all benefits becoming due thereunder. Until the premium debt is settled, the policies shall remain deposited with the Fund, under the control of the Administrative Board and on the terms that they may not in any way be made subject to any charge or be assigned otherwise than to the League of Nations, represented by the Administrative Board of the Staff Pensions Fund. The official or his administrators or executors shall, at the demand of the Administrative Board, and at his own expense or that of his estate, do whatever acts may be necessary on his or their part to enable the Administrative Board to deal with the policies for the purpose of enforcing the aforesaid charge. Any expenses incurred by the Administrative Board in enforcing the charge shall be recoverable from the proceeds of the action taken in regard to the policies.

4. Any cash payment made on the policy before the official's premium debt is settled shall be paid into the Pensions Fund and operate to reduce the official's premium debt.

If the amount is in excess of the official's premium debt the balance shall be paid to the official[1] *(or, at his request and with the consent of the Administrative Board, may remain in the Pensions Fund, in which case it shall be paid out to the official with compound interest at 4 per cent on the termination of his service, or to his estate in the event of his death).*

5. *(i)* Receipts for premiums shall be attached to the policy to which they relate.

(ii) Certificates for bonuses payable on the maturity of a policy shall be deposited with the Administrative Board on the same terms as the policy itself.

6. No obligation of whatsover kind is assumed by the Administrative Board towards the insurance company.

7. The official shall sign the following Declaration :

DECLARATION.

" I, the undersigned, hereby agree and recognise that all benefits becoming due under the below-mentioned policy of insurance are subject to a first charge, and the said policy is deposited with the Administrative Board of the League of Nations Staff Pensions Fund, in accordance with the provisions of the Administrative Rules of that Fund, as security for the settlement of my premium debt to that Fund.

" I recognise that I have undertaken that the said policy may not in any way be made subject to any charge, or be assigned otherwise than to the League of Nations represented by the Administrative Board of the Staff Pensions Fund, until the aforesaid premium debt has been paid.

" I recognise that I have undertaken that I or my executors or administrators shall, at my expense or that of my estate, do whatever acts may be necessary on my or their part to enable the Administrative Board to deal with the said policy for the purpose of enforcing the aforesaid charge.

" Description of Policy .....

" Date.....

" Signed..... "

[1] The Board will reconsider this rule at its next session after a further consultation with the Actuary and the legal advisers.

A separate declaration shall be signed in respect of each policy. The declaration shall be drawn up and signed in duplicate ; one copy shall be kept by the Administrative Board and the other lodged by it with the insurance company. If it is necessary for the declaration to be stamped, the cost of the stamp shall be borne by the official.

A statement shall be obtained from the insurance company that it will not recognise as valid any action by the official or his executors or administrators or assigns contrary to the terms of the declaration.

8. The settlement of the official's premium debt shall be effected in one of the manners set out below :

Case 1: The official is entitled to a retiring pension under Article 9 of the Staff Pensions Regulations, paragraphs 2, 3 or 4.

(i) The official may obtain the award of his pension (or of the sum which he may take in lieu of a pension) without any reduction, or with a smaller reduction, by paying his premium debt in full or in part into the Pensions Fund within a period to be fixed by the Administrative Board.

(ii) If the official does not pay his premium debt in full :

(a) The annuity which may be awarded shall be a reduced annuity bearing the same proportion to the annuity which would be payable in the absence of any premium debt as the capital value of the official's pension rights, reduced by the amount of the outstanding premium debt, bears to the full capital value of such rights.

The calculation may be made by applying the following formula :

$$p = \frac{K - A}{K} \times P$$

Where :

p = the reduced annuity,

K = the capital value of the official's pension rights,

A = the outstanding premium debt,

P = the annuity awardable in the absence of any premium debt.

(b) If the official elects to be paid a sum in lieu of pension, the outstanding premium debt shall be deducted from the amount of such payment.

Case 2: The official is entitled to an invalidity pension under Article 10 of the Staff Pensions Regulations.

(i) Award of pension without any reduction, or with a smaller reduction, may be obtained on the same terms as in the case of a retiring pension [Case 1, paragraph *(i)*].

(ii) If the premium debt is not paid in full, a reduced annuity shall be awarded calculated in the manner provided for reduction of retiring pensions [Case 1, paragraph *(ii (a))*.]

Case 3: The official dies in the service and a pension is payable for the benefit of the official's wife (or husband) and/or children under Articles 11 and 12 of the Staff Pensions Regulations.

(i) Award of pension without reduction, or with a smaller reduction, may be obtained on the same terms as in the case of a retiring pension [Case 1, paragraph *(i)*.]

(ii) If the premium debt is not paid in full :

(a) If the official leaves a wife (or a husband to whom an annuity is granted) and/or children the annuity to be paid shall be a reduced annuity bearing the same proportion to the annuity which would be payable in the absence of any premium debt as the capital value of the wife's (or husband's) pension rights, reduced by the amount of the outstanding premium debt, bears to the full capital value of such rights.

(b) If the official leaves children only, the annuity payable for their benefit shall be a reduced annuity bearing the same proportion to the annuity which would be payable in the absence of any premium debt as the capital value of such children's pension rights, reduced by the amount of the outstanding premium debt, bears to the full capital value of such rights.

If, however, the outstanding premium debt exceeds the capital value of the wife's (or husband's) or children's pension rights, no annuity can be awarded, and the amount of such excess shall be paid into the Pensions Fund out of the official's estate within a period to be fixed by the Administrative Board. If payment is not made within this period, the Administrative Board shall be entitled to enforce the charge upon the official's policy or policies for the purpose of recovering the sum due to the Fund.

Case 4: The official is entitled to a cash payment only under Article 9, paragraph 5 (official leaving the service after completing more than three but less than ten years' service), *or under Articles 16 or 18 of the Staff Pensions Regulations* (forfeiture or suspension of benefit).

The amount of the premium debt shall be deducted from the payment made to the official. If it exceeds the sum due to him, the amount of the excess shall be paid by him into the Pensions Fund within a period to be fixed by the Administrative Board. If payment is not made within this period, the Administrative Board shall be entitled to enforce the charge upon the official's policy or policies for the purpose of recovering his premium debt.

Case 5: No benefit is payable out of the Pensions Fund (official leaving the service before completing three years' service or dying or being invalided out of the service before completing two years' service or dying without leaving a wife or a husband or children to whom a pension is payable).

The premium debt shall be paid into the Pensions Fund by the official or out of his estate within a period to be fixed by the Administrative Board. If payment is not made within this period, the Administrative Board shall be entitled to enforce the charge upon the official's policy or policies for the purpose of recovering his premium debt.

9. *(i)* On settlement at any time of the official's premium debt, his policy or policies shall be returned to him, or his executors or administrators, free of incumbrance, and the Administrative Board shall notify the insurance company or companies of the cessation of its rights in regard thereto.

(ii) The Administrative Board may at any time agree to the official's taking the surrender value of a policy or the present value of any benefit payable on the policy before maturity on condition that the sum received is applied to the reduction or settlement of the official's premium debt, and that any balance remaining after settlement of the premium debt shall belong to the official.

(iii) Where the Administrative Board enforces the charge upon a policy or policies, any balance of the sum obtained remaining after settlement of the official's premium debt and deduction of expenses incurred by the Board in enforcing the charge shall be paid to the official or to his estate. If the sum obtained is not sufficient for the settlement of the premium debt and the payment of the Board's said expenses, the balance shall remain payable to the Pensions Fund by the official or out of his estate.

XVI. *(a)* The contributions due by members other than contributions in respect of any period prior to their admission to the Fund shall be deducted from the members' pensionable emoluments monthly in arrear, and shall be paid to the Fund by the Organisation in which the member is employed on the following day.

The competent official of the Organisation in which the member is employed shall, on the first day of each month, notify the Secretary of the Board, by means of the prescribed form (P.F.9) of any change in the pensionable emoluments of that member, together with the reasons for such change.

(b) The contributions due by the League in terms of Article 7 *(a)* of the Staff Pensions Regulations shall be paid at the same time as the member's salary is paid.

(c) The sum due in terms of Article 7 *(b)* of the Staff Pensions Regulations shall be paid to the Fund in such instalments and at such time as the Secretary-General finds convenient, provided that the full amount voted by the Assembly shall be paid to the Fund before the first day of July of the year for which the contribution is voted by the Assembly.

XVII. Any contributions for which provision exists under the item " Provident Fund contributions " in the budget of the League for the year 1931 shall be paid to the Pensions Fund as and when members of the Provident Fund are admitted to the Pensions Fund.

XVIII. Local officials of the Second Division who are admitted as members of the Fund and who desire to contribute on the basis of the emoluments of an international official of corresponding rank shall make application on the prescribed form (P.F.1 or 2).

Accounts of the Fund.

XIX. The Treasury at the Secretariat of the League will carry out the cash operations and keep the books of the Pensions Fund under the direction of the Board.

The Treasury shall cause full and true accounts of the Fund to be kept showing :

(a) All receipts and payments in respect of members ;

(b) All particulars necessary to admit of proper accounts of the Fund being kept in accordance with the Regulations and to admit of an actuarial valuation being made at any time ;

(c) All sums of money due to the Fund by the League ;

(d) All other matters of account provided for by the Staff Pensions Regulations or the Administrative Rules.

A statement of receipts and expenditure and a list of investments made since the close of the last three-monthly period shall be prepared at the end of each three months by the Treasury and transmitted to the Board not later than fifteen days after the close of the three-monthly period.

The year shall be the calendar year, and the books of and the accounts of the Fund shall be balanced up to December 31st each year, and balance-sheets prepared showing the assets and liabilities of the Fund at that date.

The accounts and all other necessary data shall be placed at the disposal of the actuary, appointed by the Board in terms of Article 23 of the Staff Pensions Regulations, in the month of February.

The accounts shall be submitted to the Board as soon as possible after the close of the year.

XX. All the reports of the Board to the Assembly, including the accounts passed by the Board, shall become public immediately on issue and shall be available for consultation by any member of the Fund in the library of the Organisation to which he belongs.

Payment of Benefits.

XXI. On the termination of service, the official shall make application on the prescribed form (P.F.3) for the benefits he is entitled to receive.

On the termination of the official's service on the ground of invalidity, the official shall make application on the prescribed form (P.F.4), and the competent official concerned shall forward to the Secretary of the Board all departmental documents bearing on the decision, including the medical certificate on which the decision is based.

On the death of a member or a pensioner of the Fund, the wife, or, when there is no wife, the guardian of the child or children, shall make application on the prescribed form (P.F.5) for the benefits she, or they, are entitled to receive.

If a female member of the Fund dies leaving a husband, the latter may submit an application in writing for the grant of an annuity to him under the provisions of Article 11 (5) of the Staff Pensions Regulations or for the grant of an annuity for the benefit of any children of the official under the provisions of Article 12 (3) of those Regulations.

No benefit from the Pensions Fund will be granted unless the assessment is first approved by the Board or by the Sub-Committee of the Board appointed in accordance with Rule III. After the first payment, annuities may be paid without the specific approval of the Board.

In all cases where a benefit from the Pension Fund is applied for, the Board may require the applicant to appear before it, or, in the event of the applicant not being resident in Geneva, to require him or her (or, in case of children, the guardian) to appear before an agent appointed by the Board.

Similarly, any member of the Fund shall have the right to present his case in person to the Board, provided always that he has submitted it in writing to the competent official of the organisation of which he is a member for transmission to the Board at least fourteen days before the meeting of the Board.

XXII. All payments from the Fund shall be due at Geneva and made in Swiss francs.

Annuities will be paid, with effect from the last day on which salary has been drawn by the official, monthly in arrear on the last day of each month. The person entitled to the annuity may, however, if he so desires, request that the annuity be paid quarterly, half-yearly or yearly in arrears. In such cases, however, no interest shall be credited to annuities left undrawn for three, six or twelve months.

Payment will be made through banks, or other agencies approved by the Board, on presentation of a prescribed form (P.F.6), on which it is certified by such agent as the Board may approve that the person entitled to the annuity (or, in the case of children, each child in respect of whom payment is to be made) was alive on the last day of the period for which payment is to be made. In the case of an annuity payable to the widow of an official, such widow shall declare on the form that she has not contracted a new marriage during the period for which payment is to be made.

XXIII. For the purposes of Article 9, paragraph 4, of the Pensions Regulations, fractions of a month shall be disregarded in ascertaining the coefficient of reduction in accordance with the age of the beneficiary.

XXIV. The present value of the annuities referred to in Article 9 of the Staff Pensions Regulations shall be assessed in accordance with the following table :

Capital value of an annuity of 1,000 francs a year payable monthly in arrear, in fractions of 1/12th.

Age	Rate	Age	Rate
25	20,008	48	14,841
26	19,835	49	14,562
27	19,660	50	14,285
28	19,481	51	14,005
29	19,298	52	13,721
30	19,111	53	13,438
31	18,918	54	13,159
32	18,720	55	12,870
33	18,516	56	12,570
34	18,307	57	12,262
35	18,091	58	11,949
36	17,873	59	11,632
37	17,652	60	11,311
38	17,424	61	10,985
39	17,194	62	10,657
40	16,958	63	10,328
41	16,714	64	9,999
42	16,462	65	9,669
43	16,205	66	9,338
44	15,939	67	9,007
45	15,667	68	8,676
46	15,393	69	8,346
47	15,120	70	8,015

XXV. When a member of the Fund retires before becoming entitled to an annuity, interest on personal contributions and contributions paid by the League shall, for purposes of calculating the capital sum due, be reckoned from the date on which such contributions were made. In the said case, the contributions due to the Fund by the League in respect of any period prior to January 1st, 1931, shall be 9 per cent of the salary earned by that member during that period.

Investment of the Fund.

XXVI. During any period between the meetings of the Board, the investments of the Fund shall be made in accordance with the decisions of the Board taken on the recommendations of the Investment Committee.

During such period, decisions upon the sale of any investments shall be taken by the Sub-Committee of the Board appointed under Rule III after consultation of the Investment Committee or of such member or members of the Investment Committee as it is possible to consult in the time available.

Records of the Board.

XXVII. The Minutes, correspondence and records of the Board shall be private and kept in the care of the Secretary of the Board. Any member of the Board may have access to these documents.

XXVIII. A communiqué shall be prepared on the work of each session of the Board and shall be published as soon as it has received the approval of all members present during the session.

Communications with the Board.

XXIX. All communications between members of the Fund and the Secretary of the Board shall be made through the competent official of the Organisation in which the members are employed. Nevertheless, in special cases, any members of the Fund may communicate direct with the Secretary of the Board, who shall forward a copy of the communication to the competent official of the organisation in which the member is employed.

Deprivation of Right to the Benefits provided by the Staff Pensions Regulations.

XXX. The competent official of the Organisation concerned shall advise the Secretary of the Board immediately of all cases in which an official dismissed for misconduct is deprived of his right to the benefits provided by the Staff Pensions Regulations under the provisions of Article 16 of the said Regulations.

General Provision.

XXXI. The forms prescribed by these Rules shall be approved by the Board, which may amend them from time to time. They shall be supplied to the applicants by the competent official of the Organisation through whom the application has to be made.

FINAL PROVISIONS.

XXXII. All questions regarding the interpretation and application of these Rules shall be referred to the Board for decision.

XXXIII. These Administrative Rules may not be amended by the Board unless seven days' notice of the proposal to amend them has been given to all the members of the Board or the amendment is unanimously adopted at a meeting of the Board attended by all its members.

RULES OF PROCEDURE OF THE ADMINISTRATIVE BOARD OF THE STAFF PENSIONS FUND.

The Administrative Board adopts the following provisions for its Rules of Procedure :

Rule I.

The Board will hold ordinary meetings twice a year. Extraordinary meetings may be held whenever the Chairman thinks it necessary.

The Board shall be convened within reasonable time on the demand of any two of its members. Every demand for a meeting of the Board shall be made in writing to the Secretary for transmission to the Chairman, and shall include a statement of the reasons why a meeting should be convened.

The Board will be convened by the Chairman by means of a letter sent to each member generally at least fourteen days before an ordinary meeting and seven days before an extraordinary meeting. The letter will state the items on the agenda, and will, as far as possible, be accompanied by the necessary documents.

Rule II.

The Secretary, in consultation with the Chairman, shall prepare the agenda for each meeting of the Board. He shall place on the agenda any subject submitted to him in writing by a member of the Board. New items not on the agenda may be added in the course of a meeting if a majority of the members of the Board present at the meeting give their consent.

Rule III.

The Board shall take decisions by a majority ; five members shall constitute a quorum.

Rule IV.

At the first session of each year, the Board shall elect from among its members by a majority a Chairman and a Vice-Chairman for a period of one year.

The Chairman, or in his absence the Vice-Chairman, shall direct the work at the meetings and ensure that the provisions of the Rules of Procedure are observed. If the Chairman and the Vice-Chairman are absent from any meeting, the Board shall elect a Chairman for that meeting.

Rule V.

These Rules of Procedure may not be amended by the Board unless seven days' notice of the proposal to amend them has been given to all the members of the Board or the amendment is unanimously adopted at a meeting of the Board attended by all its members.

ANNEX 8.

A.IV/17. 1931.

REPORT OF THE SUB-COMMITTEE ON CONTRIBUTIONS IN ARREARS.

The Sub-Committee was composed of the following members :

Dr. RUPPEL	(Germany) ;
Sir Annepu P. PATRO, Garu Kt.	(India) ;
Mr. Sean LESTER	(Irish Free State) ;
Professor Amedeo GIANNINI	(Italy) ;
Professor William RAPPARD	(Switzerland) ;
His Excellency M. Pedro COSIO	(Uruguay) ;
His Excellency M. Cesar ZUMETA	(Venezuela).

Professor RAPPARD was elected Chairman and Rapporteur.

The Secretary-General's report to the Fourth Committee (document A.IV/2.1931) shows that there were actually, on August 31st, fifteen States in arrears with their contributions, as opposed to eleven States at the same date last year. During the present month Colombia has liquidated its arrears. Thus there remain fourteen States in arrear, which may be divided into three categories :

A. States from which contributions are due only in respect of 1930 : Chile, Cuba, Dominican Republic, Liberia, Salvador,[1] Uruguay.

B. One State which, although in arrear for more than one contribution, is punctually fulfilling its engagements in accordance with the special arrangement approved by the Assembly : China.

C. States from which contributions are due in respect of more than one financial period : Argentine, Bolivia, Guatemala, Honduras, Nicaragua, Paraguay, Peru.

Regarding the States included in category A, all of which are only indebted to the extent of balances of the 1930 contribution, the Sub-Committee considers that for this year at least no special action need be taken.

As regards the State mentioned in category B, your Sub-Committee would point out that it has already paid one-half of its annual instalment of arrears, together with one-half of the current contribution (1931). China has now paid nearly 3½ million francs, or over 26 per cent of the total amount due for all the financial periods previous to December 31st, 1930.

There remain, therefore, in the third category seven States the situation of which would seem to require the more particular examination of the Fourth Committee. These States with their total arrears are :

	Gold francs
Argentine (1929, 1930)	1,527,848.67
Bolivia (1923 to 1930)	785,675.67
Guatemala (1929, 1930)	53,326.79
Honduras (compounded arrears and 1923 to 1930)	233,048.39
Nicaragua (*ditto*)	230,061.04
Paraguay (compounded arrears, 1927, 1929, 1930)	81,720.69
Peru (1920 to 1927, 1929, 1930)	1,936,115.89

Argentine. — The Sub-Committee has been informed of the very special situation of this country which, it must be remembered, has already contributed over six million francs to the League since 1920. After hearing the explanations of the Secretary-General, the Sub-Committee considers that no further action for the present is desirable.

Bolivia has paid over 36 per cent of the amount due for all the financial periods previous to December 31st, 1930. The Sub-Committee has been in communication with the first delegate of Bolivia regarding the payment of its arrears.

Guatemala has paid over 79 per cent of the amount due up to the end of 1930. The Sub-Committee has no doubt that this country, which is known to be a close collaborator of the League, will liquidate its arrears as soon as its financial situation permits.

Honduras has paid 9 per cent of the contributions due to the end of 1930. The Sub-Committee understands that this State, considering itself to be classed too high in the present scale of allocations, has made two half-payments in respect of 1928 and 1929. It is to be hoped that Honduras will continue its payments until the Assembly is in a position to reconsider the whole scale of allocations, on which occasion the claims of Honduras will no doubt be received with the sympathy which they deserve.

[1] Salvador owes for 1930 and for the annual instalment on compounded arrears for that year.

Nicaragua has paid 8.9 per cent of the contributions due for all periods previous to December 31st, 1930. The Sub-Committee noted with satisfaction that this State, which had not contributed to the expenses of the League before October 1930, began last year to make payments in respect of its compounded arrears and of the 1930 period — payments amounting in all to over 23,000 francs.

The Sub-Committee does not doubt that Nicaragua, which has recently been overcome by a national catastrophe, is now making a real effort to fulfil its financial obligations to the League.

Paraguay has paid 68 per cent of the contributions due up to the end of 1930. The Sub-Committee was informed by the delegate for Paraguay that he had telegraphed to his Government in order to obtain a payment as soon as possible.

Peru has paid 21.6 per cent of contributions due up to the end of 1930. The Sub-Committee has received from the first delegate of Peru a letter regarding the payment of that country's arrears, in which he explains the delay that has occurred and expresses the hope that the situation will be improved in future.

General Observations.

As a departure from the practice of previous years, which appears to have involved certain drawbacks, your Sub-Committee has not directly approached all the delegates of States which are in arrear with their contributions, but has delegated its powers to two distinguished Latin-American members of the Sub-Committee. These two delegates have held conversations with the representatives of the Latin-American States concerned and have elicited assurances that they would urge their respective Governments to contribute to the League as soon as possible.

In common with other members of the Fourth Committee, the Sub-Committee was at the outset greatly concerned at the figures given in the Secretary-General's report. After a thorough examination of the situation with the Secretary-General and the Treasurer, and taking into consideration the crisis prevailing all over the world, it feels that the League is not in a position this year to press too vehemently for the payment of overdue contributions. Nor does the Sub-Committee believe, after thorough discussion, that any legal action can usefully be taken by the Assembly to obtain the payment of overdue contributions. The Sub-Committee considers that, for the eventual collection of arrears, the Assembly should rely upon the goodwill of States and their devotion to the ideals of the League, as well as upon the discreet but unremitting efforts of the Secretary-General.

On the other hand, the Sub-Committee does not in any way wish to minimise the gravity of the situation. Not only do arrears now total 14 million francs, but also 30 per cent of the contributions of 1931 still remains unpaid. At the end of September 1930, the unpaid portion of the budget for that year was 22 per cent. It is true that, if the amount due by China is excluded, the total contributions in arrears come down to 5 millions.

The Sub-Committee therefore recommends that States Members should be reminded that, while the world economic depression makes the regular payment of contributions to the League particularly difficult for all States, this depression makes it all the more necessary for these contributions to be paid. The interdependence of States in the complicated system imposed by modern conditions is now painfully evident. It is to be hoped that all Members of the League will realise their duties towards one another and will remember that their contributions towards League expenses, which represent such a small proportion of national expenses, are not the least profitably spent portions of their budgets.

Moreover, it must be remembered that the drastic economies effected by the Assembly of this year, in addition to those already effected by the Supervisory Commission previous to the Assembly, have much reduced that elasticity of the League budget which in past years has enabled the League to exist during the last months of each financial year when only about 90 per cent of the contributions have been received.

The Sub-Committee would propose the following draft resolution for adoption by the Assembly :

> " The Assembly,
>
> " Observes with regret and some measure of concern that this year a greater number of States than before have not fulfilled their financial obligations towards the League ;
>
> " Earnestly calls upon the States which have received certain facilities for the liquidation of their arrears to fulfil the conditions of the respective arrangements ;
>
> " Invites the other States which, for various reasons, still owe in respect of 1929 and 1930 to remit their contributions as soon as political or economic conditions permit ;
>
> " Requests the Secretary-General to undertake or pursue negotiations for the liquidation of arrears by all the States in question, to submit a report to the Council on the action taken by him before the next Assembly, and to communicate the results to the latter. "

Official No.: A.90.1931.X.

ANNEX 9.

FINANCIAL QUESTIONS.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.[1]

Rapporteur: M. E. C. BOHEMAN (Sweden).

The present report deals with all the questions on the agenda of the Fourth Committee, with the exception of those concerning the organisation of the Secretariat, the contributions in arrears and the new buildings, which are dealt with in separate documents.

I. AUDITED ACCOUNTS FOR 1930.

The Fourth Committee unanimously recommended that the Assembly should pass the accounts of the Secretariat and of the autonomous organisations of the League in the form in which they have been presented. One speaker pointed out that it would be desirable to state in the accounts the reasons for the differences between the estimates and the final figures or the reasons for any savings effected.

II. BUDGET FOR 1932.

(a) *General Discussion, Ordinary Budget and Supplementary Budget.*

The general discussion on the budget, which was particularly thorough and detailed this year, was extremely interesting. More than thirty members spoke, and all except the Spanish and Lithuanian delegates advocated the reduction of the budget, laying special stress on the fact that, at a time when each State Member of the League was confronted with an extremely serious economic and financial crisis and was making every effort to reduce public expenditure, the League of Nations should adopt the same policy, the more so since the increasing amount of contributions in arrears gave rise to a certain uneasiness.

It was generally recognised that the increase in the budget of the League was due mainly to appropriations voted for the Disarmament Conference in 1932, and that these appropriations should not be affected by any measures of economy that might be taken. Further, it was agreed that the proposed economies should not interfere with the essential work of the League, which, in 1932, would have to concentrate its efforts mainly on disarmament and the questions touching the financial and economic depression. At the outset, definite proposals were put forward to the effect that the budget should be referred back to the Supervisory Commission for examination with a view to a certain ratio of reduction. The attention of the Committee was also drawn to the difficulties which might arise when the budget for 1933 was drawn up. The Committee, however, in agreement with the authors of these proposals, merely referred the budget as a whole to the Supervisory Commission, requesting it to recommend any reductions it might be possible to effect. The Supervisory Commission complied rapidly and efficiently with the Fourth Committee's request. It made a detailed study of every item of the budget in close collaboration with the Secretary-General, the Director of the International Labour Office and the Registrar of the Permanent Court of International Justice, and it then submitted to the Fourth Committee proposals providing for a reduction of 2,604,999 gold francs on the budget (including the supplementary budget).

The Committee's report made it clear that the proposed reductions were not to be regarded as implying that the estimates for expenditure entered in the original budget could on any account whatever be considered superfluous or extravagant. The draft budget was a carefully compiled estimate of the sums necessary to give effect to the Assembly's decisions and to continue the work of the various organisations of the League; whereas the revised budget was designed to meet the entirely abnormal conditions which had developed within the last five months, and provided, in many cases, for the postponement of work rather than for its abandonment.

The reductions proposed by the Committee referred chiefly to the four following categories of expenditure:

(1) Expenditure on the various conferences, meetings of experts, etc., held under the auspices of the League;
(2) Travelling allowances paid to the members of committees, experts and officials;
(3) Cost of printing, publishing and circulating the League's documents;
(4) Salaries and allowances other than those protected by contractual obligations.

[1] This is the final text of the report as adopted by the Committee.

As regards conferences and meetings, the Supervisory Commission was guided by the following principle: whenever a meeting originally fixed for 1932 could, without serious inconvenience to the work in question, be postponed until 1933 or to a subsequent year, the credits provided should be suspended for the moment. Similarly, when credits had been appropriated for two or more meetings of a committee during the year, it should in many cases be possible to arrange the work of that committee so as to be capable of being handled at longer intervals, or with a smaller number of meetings. As the Committee had hoped, the responsible authorities have seen their way in both classes of cases to be satisfied with reduced credits. In other cases, they agreed to reduce the length of the session and the number of experts, etc., invited to take part in it. The Commission was confident that these alterations in the arrangements would not cause inconvenience to persons who lent their valuable services to the League, because they would place the general interest above everything else and would not misunderstand the reasons for these measures.

It should be noted that the Supervisory Commission was of opinion that a sum of 3,500,000 francs would suffice to meet the cost of the International Disarmament Conference. This reduction in the credit of 4,000,000 inserted in the budget has been proposed, on the one hand, as an outcome of the reduction in the number of conferences and sessions of the committees to be held in 1932, which will make it possible provisionally to second to the Conference staff a certain number of officials of the Secretariat belonging to sections other than the Disarmament Section; and, on the other hand, of a revision of the estimates for printing.

As regards travelling allowances to members of committees and League officials, the Supervisory Commission proposes to reduce the present scale to the following figures:

Category	Present figures	New figures
	Swiss francs	
Members of committees, experts, etc.	70	60
Officials of the rank of chiefs of section and higher rank	60	54
Members of the intermediate class and higher rank	40	37.50
Other officials	30	28.50

The Supervisory Commission further recommends the Assembly to reduce by 25 per cent —*i.e.*, from 2,000 to 1,500 francs — in 1932, the special allowance granted to members of the permanent Mandates Commission when they have sat for more than twenty-four days in one and the same year.

The cost of printing, publishing and distributing League documents has been reduced by roughly 25 per cent. This reduction has been made possible partly by the Supervisory Commission's proposal, based on a resolution adopted by the Assembly in 1928, that all committee Minutes, except those of the Assembly, the European Union Commission and the Permanent Mandates Commission, should be discontinued.

When unanimously approving the Supervisory Commission's report, the Fourth Committee was anxious to mark its appreciation of the valuable work so conscientiously performed by the Commission. At the same time it thought it advisable to examine chapter by chapter the budgets of the various organisations as modified by the Supervisory Commission's recommendations.

During this discussion, interesting suggestions were made by several speakers, some of which will be followed, the Secretary-General or the Chairman of the Supervisory Commission having declared themselves in their favour.

The latter stated, for example, that the Supervisory Commission proposed to consider, before the next Assembly, the question of the League's branch offices in certain cities other than Geneva. Further, the Secretary-General agreed to a proposal that a clause should in future be embodied in the contracts of the staff to the effect that salaries might be varied by decision of the Assembly.

The Secretary-General undertook to examine the desirability of restricting the distribution of League documents by writing to the persons to whom they were sent and asking them to inform the Secretariat whether they really wished to continue to receive them. He also promised to give in future more detailed particulars of the cost of the principal journeys undertaken by Secretariat officials during the preceding financial year.

Other speakers, while not suggesting that certain of the Supervisory Commission's proposals should be rejected, pointed out that they might hamper the work of certain sections—for example, the Minutes of the Opium Committee are a powerful instrument of propaganda, and, the reduction of the appropriations for the Social Section might impair the prestige and restrict the influence of that section, whose value has time and again been recognised.

Certain members of the Committee called attention to the difficulties that might result from the Supervisory Commission's proposal that the Mandates Commission should hold only one session instead of two in 1932, and suggested that, if the Commission's work suffered in consequence, the Council should be empowered to take such steps as it might think desirable. Finally, one speaker called the Committee's attention to the funds allocated to the Information Section, which seemed to him excessive.

(b) *Effects on the Budget of Certain Recommendations included in the Report of the New Committee of Thirteen.*

The recommendations of the Fourth Committee arising out of the report submitted by the new Committee of Thirteen are the subject of a special report. Nevertheless, it is expedient to indicate here the effects of these recommendations on the 1932 Budget.

The Fourth Committee decided to postpone until next year the question of the new scale of salaries applicable to Chiefs of Sections. It has therefore been possible to deduct from the supplementary budget the supplementary credits involved, amounting to 1,500 francs for the Secretariat and 27,000 francs for the International Labour Office.

With regard to the Treasurer, the Committee proposes to the Assembly that it should immediately grant him the rank of Director, with the proviso that no increase in salary should be granted for this year. The supplementary budget for the Secretariat is thus reduced by 2,500 francs.

Lastly, the Committee agreed to the Supervisory Commission's proposal, dated September 23rd, concerning the Registrar of the Permanent Court of International Justice. This official's position is, therefore, as follows: The scale of salary fixed by the Council on the proposal of the Court for the period January 1st, 1930–December 31st, 1936, ranging from 27,000 to 32,000 florins, by means of annual increments of 1,250 florins, is applicable as from now. On the other hand, the credit of 7,500 florins included in the supplementary budget by the decision of the Council, subject to the Assembly's approving the necessary credits, has been cancelled, as the Registrar has, of his own accord, foregone, for 1932, the benefit of the above scale. The Committee greatly appreciated this gesture on the part of a particularly distinguished official.

(c) *Supplementary Credits.*

The Fourth Committee approved, in certain cases by a majority vote, the various proposals for supplementary credits put forward by committees of the Assembly in the form submitted to it by the Supervisory Commission, except in connection with the constitution of a committee to examine the material relating to slavery. Although the Supervisory Commission recommended the rejection of the credit for this new committee, the Fourth Committee considered that a credit of 10,000 francs should be entered in the budget for this purpose, it being understood that, as regards any gifts which might be offered to cover the balance of the expenditure on the proposed committee, those intending to make such offers should inform the Council in good time.

* * *

The budget and the revised budget for 1932 may be summarised as follows:

	Original budget (including supplementary budget)	Revised budget [1]
	Swiss francs	
1. Secretariat and special organisations of the League	20,689,917	19,174,317
2. International Labour Organisation	9,463,290	8,792,290
3. Permanent Court of International Justice	2,790,140	2,663,702
4. Nansen International Office for Refugees	330,847	297,763
5. Buildings at Geneva	1,748,899	1,748,899
6. Pensions	1,015,023	1,011,023
Total	36,038,116	33,687,994

III. Reports of the Supervisory Commission.

The Fourth Committee accepted all the proposals of a general nature contained in the various reports of the Supervisory Commission, except as regards the definition of local staff, a question which it requested the Supervisory Commission to examine afresh.

The above paragraph refers particularly to the recommendations concerning:

1. *The disposal of the surplus for the financial year* 1930.

The Commission recommended that the reimbursement of the advances, amounting to 535,179 francs, made out of the Working Capital Fund, to the International Labour Office during 1930, should be considered as a first charge on the surplus of 659,077.82 francs for the financial

[1] For full details regarding the modifications approved by the Assembly, see Appendix to Annex 6 (page 114).

year 1930. This surplus will thus be reduced to 123,898.82 francs, which sum will, under Article 38(*a*) of the Financial Regulations, be returned to the Members of the League in 1932.

2. *Question of publications.*

The Supervisory Commission proposed that the Assembly should vote the following resolution:

"When proposals involving publications not immediately required for work already undertaken by the League are made by a League body, no final decision shall be taken until the Secretary-General has been consulted regarding the financial and administrative consequences of these proposals."

3. *Salaries of locally-recruited staff.*

In accordance with the decision taken by the Assembly at its eleventh session, the Supervisory Commission, in agreement with the Secretary-General and the Director of the International Labour Office, has drawn up a new scale of salaries for the locally recruited officials of the Secretariat and Labour Office.

The credits necessitated by the application of this new scale are included in the budget which has been submitted by the Fourth Committee to the Assembly.

IV. Staff Pensions Fund.

The Committee examined the report of the Administrative Board of the Staff Pensions Fund and approved the two amendments to the Staff Pensions Regulations proposed by the Board. It noted that the first valuation of the Fund would only take place at the beginning of 1932—*i.e.*, after the end of the time-limit granted to officials to state whether they wished to join the Fund or not. In these circumstances, it recommends that, in 1932, the League's contribution to the Fund should, as in 1931, be 9 per cent of the salaries subject to deduction, and proposes the adoption of the following resolution:

"The Assembly,

"Takes note of the first annual report of the Administrative Board of the Staff Pensions Fund; and

"Adopts the following amendments to the Staff Pensions Regulations:

"*Article 3, paragraph 1*, to read as follows:

"'The execution of the present regulations and the management of the Pensions Fund shall be effected by an Administrative Board consisting of three members elected by the Assembly, a representative of the Secretary-General of the League of Nations, a representative of the Director of the International Labour Office, the Treasurer of the League of Nations, and three members elected by secret ballot by the officials who are subject to the present regulations. Where questions directly affecting the officials of the Registry of the Permanent Court of International Justice are under consideration, a representative of the Registrar shall be added to the Board.'

"*Article 12, paragraph 4*, to read as follows:

"'The Administrative Board shall decide in each particular case whether the benefits of the present article shall extend to adopted children, step-children or children not born in wedlock.'

"Decides that the contribution of the League of Nations to the Pensions Fund for 1932 shall be 9 per cent of the salaries subject to deduction as defined in the Staff Pensions Regulations."

Admission of the Staff of the International Institute of Intellectual Co-operation and of the Nansen International Office for Refugees to the Pensions Fund of the League of Nations.

The Committee examined two resolutions of the Governing Bodies of these institutions asking that their respective staffs should be admitted to the Pensions Fund. It decided to refer these requests to the Administrative Board of the Staff Pensions Fund for examination and report. It accordingly proposes the following resolution:

"The Assembly,

"Notes the resolution of the Governing Body of the International Institute of Intellectual Co-operation requesting the admission of the staff of this Institute to the Staff Pensions Fund;

"Further notes a similar request from the Governing Body of the Nansen International Office for Refugees; and

"Decides to submit these two resolutions to the Administrative Board of the Staff Pensions Fund for examination and report to the Assembly at the latter's next session."

V. Miscellaneous Questions.

(*a*) The Chairman of the Supervisory Commission informed the Fourth Committee that, although not critical, the financial position of the League was less favourable than at the corresponding stages of the five previous financial periods, and so many contributions had not yet been sent in. The Fourth Committee therefore thought it advisable, with the object of avoiding, if possible, a deficit at the end of 1931, to forward to the Assembly a draft resolution requesting officials to make every possible restriction in expenditure, and begging the Council and the Governing Body of the International Labour Office to cancel or postpone any meetings arranged for the last three months of the present financial period.

In this connection, the Chairman of the Supervisory Commission pointed out that it would be of great advantage to the Treasury of the League if the various Governments would do their utmost to arrange for the payment of at least a portion of their contributions at the beginning of the year.

(*b*) The Rapporteur of the Supervisory Commission pointed out to the Committee that the Council had decided during the present financial year to charge against Item 3 of the Budget, "Unforeseen expenditure subject to special vote of the Council", expenses which, according to the terms of the Council's resolution, appeared to be recoverable. The Secretary-General had stated that, after careful examination, he had decided not to pay from the Working Capital Fund the sums required in the case in question, as repayment seemed somewhat uncertain in view of the fact that the money was to be used for the creation of a body which did not yet exist. In reply, the Rapporteur of the Commission gave it as his opinion that the terms of Article 33 of the Financial Regulations did not allow of any option, and that, should the advances prove not recoverable, the necessary sum for repayment should be provided for in a subsequent budget of the League.

In this connection the opinion was expressed that the Council, during this year, had drawn too freely on the credit provided under Item 3 for unforeseen expenses of a political nature. This tendency was doubly objectionable, in that it deprived the Assembly of the financial control which should belong to it, and diminished the likelihood of any surplus at the end of the current year.

(*c*) The Fourth Committee referred to the Supervisory Commission, the question of the revision of the regulations regarding the granting of retiring pensions to ordinary judges and to the Registrar of the Permanent Court of International Justice, and a draft resolution, submitted by the delegate of Uruguay, in favour of the payment of contributions in twelve monthly instalments, and requested it to present a report on these questions to the next Assembly;

(*d*) Having before it a communication addressed to the President of the Assembly by the permanent Delegate of Nicaragua to the League of Nations relating to the payment of that country's contribution to the League, the Commission profoundly distressed by the catastrophe which occurred in Nicaragua recommended the Assembly to adopt the draft resolution shown at the end of this report.

VI. Rotation in Membership of the Supervisory Commission.

The Fourth Committee, after a secret ballot, proposed to the Assembly the election of the two following regular members of the Supervisory Commission for the period ending December 31st, 1934.

Lord Meston of Agra, M. C. J. Hambro.

VII. Draft Resolutions.

Finally, the Fourth Commission has the honour to propose to the Assembly the following draft resolutions:

"1. The Assembly, in virtue of Article 38 of the Regulations for the Financial Administration of the League of Nations, finally passes the audited accounts of the League of Nations for the twelfth financial period ending on December 31st, 1930."

"2. The Assembly,

"In virtue of Article 17 of the Regulations for the Financial Administration of the League of Nations,

"Passes, for the financial period 1932, the general budget of the League of Nations—of the Secretariat and Special Organisations of the League, of the International Labour Organisation and of the Permanent Court of International Justice—amounting, including supplementary credits, to the total sum of 33,687,994 gold francs, including 3,500,000 francs for the International Disarmament Conference,

"And decides that the aforesaid budget shall be published in the *Official Journal*."

"3. The Assembly,

"Profoundly distressed by the catastrophe which has occurred in Nicaragua and has totally destroyed its capital,

"Decides to exempt that country from the payment of half its contribution to the budget for the financial year 1932 and to defer the payment of the balance."

"4. The Assembly adopts the conclusions of the various reports of the Supervisory Commission submitted for its consideration, except in regard to the request for credits put

forward by the Sixth Committee for the establishment of a committee to examine the material relating to slavery, and in regard to the alteration in the definition of 'locally recruited staff'."

"5. The Assembly appoints as members of the Supervisory Commission for the period ending on December 31st, 1934, Lord Meston of Agra and M. C. J. Hambro."

"6. The Assembly adopts the conclusions of the report of the Fourth Committee."

ANNEX 10.

Official No.: A.89.1931.

CONSTRUCTION OF THE NEW BUILDINGS.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.[1]

Rapporteur: M. E. C. BOHEMAN (Sweden).

I.

The Supervisory Commission laid before the Fourth Committee a special paper on the subject of the new buildings dealing with a report addressed by the Building Committee to the Secretary-General on September 18th, 1931, and transmitted by him immediately to the Supervisory Commission for consideration. In this report, the Building Committee warned the Secretary-General that the estimates approved by the Assembly in 1930 would probably be exceeded by seven to eight million francs. In face of this serious situation, the Supervisory Commission considered it essential to consult the Fourth Committee immediately.

It will perhaps be convenient to summarise briefly here the different stages which led to the adoption of the estimates for the construction of the new buildings by the Assembly of 1930.

The Assembly, in 1927, approved the first report of the Special Committee of Five[2] concerning the new buildings and agreed in principle that the sum to be expended should be increased to approximately 19,500,000 francs.

In 1928, difficulties arose in regard to the lakeside site and the Assembly of that year approved the choice of the Ariana Park as the site for the new buildings.

A revised draft plan for the new site was approved by the Council in June 1929. This draft plan was accompanied by an estimate based on an average price per cubic metre, which put the cost of the buildings at 17,681,061 francs, leaving a margin of approximately 1,800,000 francs on the provisional credit of 19,500,000 francs. The architects stated that this sum would suffice for a modest layout of the grounds around the buildings, but that it would be insufficient to cover the cost of the arrangement of the park as shown in the plan, particularly the monumental terraces in front of the Assembly Hall facing the lake.

The Committee of Five instructed the architects to prepare an estimate of the cost of this latter work before the Assembly of 1929.

In the report of the Committee of Five to the Assembly of that year (document A.58. 1929) it was pointed out that the new site in the Ariana Park would involve much heavier expenditure on external work than the lakeside site and that the cost of erecting the buildings themselves would also be increased to some extent.

In view of these facts, and on the basis of further information furnished by the architects, the Committee of Five informed the Assembly that there was reason to fear that the rough estimate of cost presented by the architects with the draft plans approved by the Council in June 1929 would have to be increased by 10 to 15 per cent and that the cost of the supplementary external work mentioned above would amount to 1,500,000 francs in round figures.

The architects then proceeded with the preparation of their final plans and detailed estimates, and these were presented in June 1930. The total estimate for the Assembly Hall, Secretariat building and external work amounted to 23,633,150 francs, including architects' fees, office expenses and a margin of 759,555 francs for unforeseen expenditure. The cost of the new Library building, which is to be met out of the Rockefeller grant, was estimated at 4,250,000 francs. The plans and estimates were first submitted to the Building Committee for examination and a report was prepared by this Committee for the guidance of the Committee of Five.

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[1] This is the final text of the report, as adopted by the Committee.

[2] M. Adatci, M. Osuský, M. Politis, M. Urrutia and Sir Edward Hilton-Young.

The Building Committee stated that its technical members had proposed, as the margin for unforeseen expenditure was in their opinion inadequate, that the estimates should be increased by 5 per cent.

The architects replied that, in addition to the sum of 759,555 francs, a certain margin was allowed under each heading of the estimates for unforeseen expenditure. They stated, further, that the estimates had been drawn up on a well-defined technical basis, and were founded on current prices at Geneva, liberally calculated, so that considerable reductions might safely be counted upon when tenders were received for the work. Moreover, the estimates had not taken into account the freedom from import duties enjoyed by the League of Nations, and the economies under this head would still further increase the margin available for unforeseen expenditure. In view of these considerations put forward by the architects, the Building Committee finally decided to adopt the estimates as they stood.

The Committee of Five, after careful consideration of all these points, also decided to accept the architects' estimates, and in its report to the Assembly (document A.55.1930) recommended that the Assembly should approve the detailed estimates for the Assembly Hall and Secretariat Building amounting to 23,633,150 francs and for the Library to 4,250,000 francs.

In making this recommendation, the Committee of Five reminded the Assembly that the architects had allowed for a very simple style of construction and decoration and even quoted the passage which occurred in its preceding report, which reads as follows:

> "It should be added that the rough estimate furnished by the architects for the building proper refers to a simple construction. On this point the architects state in this report which accompanied their plan:
>
> > "'We desire to state clearly that our provisions are based upon a very simple treatment of the buildings as a whole and in detail. That is imposed by the funds available, which certainly do not altogether correspond to the size and the character of the buildings as laid down in the programme.'
>
> "The architects stated that the funds available would in any case be insufficient for really imposing buildings; but the Committee believes that it has always been the Assembly's intention to have buildings worthy of the League, but simple in outline and unpretentious. It should be pointed out that no funds have been provided either for works of art or for rich decorative materials."

This report of the Committee of Five having been approved by the Assembly on October 3rd, 1930, the basis of the scheme could be considered as definitely settled.

In February 1931, the Secretary-General notified the Supervisory Commission that the estimates had been exceeded by 178,000 francs on the work of levelling, and by 50,000 francs for drainage. It was noted, moreover, that the necessity of a special system of drainage of the subsoil had not been provided for in the architects' estimates.

With regard to the overspending on the levelling work, the architects indicated that this was in part due to the lowering of the levels fixed for the buildings, but that this would be compensated by a reduction in the cubic content of the buildings which the lower levels would permit.

Subsequently, during the excavations, further difficulties due to the nature of the subsoil necessitated the enlargment and reinforcement of the foundations to an appreciable degree, which resulted in further unforeseen expenditure.

Seriously concerned by this continued overspending, the Building Committee instructed the architects during the summer 1931 to revise completely the estimates presented to the Assembly in 1930. This revised estimate, which the architects were unable to submit to the Building Committee until September 9th, 1931, showed an increase of 2,771,845 francs over the 1930 estimates for the Assembly Hall and Secretariat, the estimate for the Library remaining unchanged.

The additional expenditure on the foundations accounted for about 1,200,000 francs, and the balance was caused by a slight increase in the cubic contents of the buildings and certain increases in various chapters of the estimate.

The Building Committee observed with some surprise that the revised estimates included no margin for unforeseen expenditure and that, in order to reduce, if possible, the increase on the credit already voted, the architects were contemplating certain economies which were scarcely acceptable, such as the use of artificial stone instead of natural stone in some part of the façade. The Building Committee therefore requested the architects to revise their calculations once again and to take fully into account all the accessory work necessary for the completion of the buildings.

Pending this further revision of the estimates, and before communicating the papers to the Supervisory Commission, the Building Committee asked its technical members for an approximate estimate of the final cost of the buildings. The technical members, while pointing out that it was impossible to make anything like an exact estimate at such short notice and without going into all the details, replied that it was their impression that the 1930 estimates would ultimately be exceeded by a sum in the neighbourhood of seven

or eight million francs for the Assembly Hall and Secretariat.[1] The estimates for the Library they thought might be exceeded by some 1,750,000 francs.

Following upon discussions that took place on this subject between the technical members of the Building Committee and the architects, the latter addressed to the Building Committee two letters dated September 15th and 17th, both of which modify the figures of the revised estimates submitted on September 9th, 1931.

In one of these letters the architects agreed that a margin of 10 per cent on the revised estimate would be prudent, and reiterated their previous statement as to the simple and economic lines on which their scheme was prepared. In the second letter, the architects stated that provisions for certain fittings and external work which the Building Committee had pointed out were not included in the revised estimate would still further increase the total sum required.

The architects, at the invitation of the Building Committee, also suggested certain ways in which expenditure on the buildings might be cut down if absolutely necessary, with a view to avoid exceeding the credit already voted by the Assembly in 1930. It may be stated at once that these suggestions were not such as could be entertained.

The following table gives a comparison between the figures of the 1930 estimate, those of the revised estimate of September 9th, 1931, and those which result from the two abovementioned letters from the architects:

	Swiss francs
1930 Estimate (see document A.55.1930).	
Assembly Hall, Secretariat and outside work (including fees and office expenses)	23,633,150
Library (including fees and office expenses)	4,250,000
Estimate of September 9th, 1931.	
Assembly Hall, Secretariat and outside work (including fees and office expenses)	26,404,995
Library (including fees and office expenses)	4,250,000
Letter of September 15th, 1931.	
Assembly Hall, Secretariat and outside work (including fees and office expenses)	28,748,941
Library (including fees and office expenses)	4,671,640
Letter of September 17th, 1931.	
Assembly Hall, Secretariat and outside work (including fees and office expenses)	29,925,494
Library (including fees and office expenses)	5,389,998

It is only fair to add that the architects, when questioned by the Supervisory Commission, stated that the approximate estimate of an increase amounting to seven or eight million francs emanated from the Building Committee and not from them, and that they maintained the figures of their revised estimate of September 9th, 1931, which showed an increase over the 1930 figures of 2,771,845 francs. Their two letters to which reference has been made in this report were written in reply to certain questions put to them by the Building Committee, and they regarded the further increases mentioned therein as destined to provide a margin of security and provision for certain work which need not necessarily be executed at the present time.

II.

The Fourth Committee were fully alive to the seriousness of the situation, which might even bring prejudice upon the prestige of the League. A very full and frank discussion took place, in the course of which the necessity for prompt and energetic action was strongly emphasised, in order to put the building operations on a sound basis. Various solutions were examined, even the advisability of suspending the work until the present uncertainties were cleared up.

The difficulties arising out of the fact that the work is entrusted to an association of five architects were also considered, and various means of establishing unity of direction were examined, including the revision or cancellation of the architects' contract. The Fourth Committee finally came to the conclusion that it had neither the technical and legal competence nor, at this late stage, the time necessary to go fully into the matter. It therefore decided that the question should be referred to a Committee of Enquiry, enjoying the full confidence of the Assembly, to review the whole situation and, after having obtained the necessary technical and legal advice, to propose the necessary action. This Committee

[1] To make this estimate of the excess complete, it should be mentioned that, under the head of accessory expenditure (meetings of the Building Committee, staff salaries, printing expenses, etc.), provision must be made for an additional amount of something in the neighbourhood of 800,000 francs (see document C.C.478).

should be granted the fullest liberty, but would have to bear in mind the necessity, in principle, of remaining within the limits of the credits already voted. The Supervisory Commission, already requested by the Assembly of 1930 to deal with all financial questions in connection with the new buildings, was, in the opinion of the Fourth Committee, eminently qualified to undertake this task. In order to save time it was further decided to recommend that the same procedure which was followed in the case of the reports of the Special Committee of Five should be again adopted, and that the report of the Supervisory Commission should be submitted for approval and ratification to the Council of the League. The Fourth Committee therefore ventures to submit for the approval of the Assembly the following resolution:

"The Assembly,

"Having noted the report of the Fourth Committee on the question of the new buildings;

"Painfully surprised at the information furnished to the Fourth Committee by the Supervisory Commission, to the effect that it is feared that the estimate approved by the Assembly at its eleventh ordinary session may be exceeded by from seven to eight million Swiss francs unless the situation is taken in hand:

"Declares that it is resolved in principle to keep within the estimate adopted last year; and

"Instructs the Supervisory Commission, after having obtained the necessary technical and legal advice and without excluding the possibility of reconsidering the contract concluded with the architects, to submit to the Council for approval as soon as possible a programme which will comply, under the best possible conditions, with the above decision."

ANNEX 11.

Official No.: A.91.1931.X.

ORGANISATION OF THE SECRETARIAT, OF THE INTERNATIONAL LABOUR OFFICE AND OF THE REGISTRY OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.[1]

Rapporteur: His Excellency M. Augusto DE VASCONCELLOS (Portugal).

On October 3rd, 1930, the Assembly of the League of Nations adopted a resolution submitted by its Fourth Committee on certain questions connected with the organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice. The seventh paragraph of this resolution was worded as follows:

"Requests the General Committee of the Assembly to appoint a committee of . . . members to consider the retention or elimination, the increase or reduction of the posts of Under-Secretary-General, as well as the consequences resulting therefrom. All cognate questions which the Committee thought it necessary to adjourn in the course of its work shall be referred to that Committee. The latter will be requested to submit a report not later than May 1st, 1931, so as to make it possible for its conclusions to be examined in due time by the Governments of the States Members of the League of Nations and submitted to the next Assembly."

On October 4th, the General Committee of the Assembly accordingly appointed a committee of thirteen members. The new Committee of Thirteen acquitted itself of its task and submitted a report dated February 5th, 1931 (document A.8.1931.X). After a short discussion, the Fourth Committee adopted the conclusions of this report, with the exception of paragraphs 21 to 26 inclusive, which it referred to the Supervisory Commission for subsequent decision.

The report of the Committee of Thirteen, which has so well carried on the work of its predecessor, deals with the following three questions which had been submitted to it:

1. The question of the Under-Secretaries-General.
2. Question of salaries, conditions of engagement, etc., of the Secretary-General, Deputy Secretary-General, Under-Secretaries-General, Directors and Treasurer.
3. Salaries of Chiefs of Section and of the Secretary-General's Chef de Cabinet.

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[1] This is the final text of the report, as adopted by the Committee.

As regards the first question, the Fourth Committee will certainly remember the interesting discussions held in 1930 with regard to the international character of the principal officers of the Secretariat. Two different solutions were finally put forward — that of increasing the number of Under-Secretaries-General to a maximum of eight posts, in order to ensure the collaboration of nationals of countries not permanently represented on the Council, and thus to guarantee, as far as possible, the international character of the structure of the Secretariat; and that of abolishing completely all the posts of Under-Secretary-General, with the idea that this international character would be more completely ensured if persons belonging to Powers permanently represented on the Council ceased to exercise an influence.

Neither of these solutions, nor the proposal to maintain purely and simply the *status quo*, was able to command a majority in the Committee of Thirteen. The arguments on either side will be found in the Committee's Minutes, and a perusal of these Minutes makes it easy to understand that the Committee was unable definitely to settle the problem submitted to it, in view of the difficulty of estimating exactly the respective weight of the advantages and drawbacks of each system.

In these circumstances, the Committee decided, for the time being and as a compromise, to recommend the postponement of the question. The Fourth Committee concurred in this wise advice.

The Committee of Thirteen therefore proposes that the present organisation of the higher staff should be retained for the present, and it suggests that, in three years' time, at latest, the question of the retention or elimination, the increase or reduction of the posts of Under-Secretaries-General should be considered afresh by the Council and the Assembly. If it should so happen that the present Secretary-General retires before then, the position may have changed and the League will have at once to consider whether there should be a general readjustment of the higher posts. Bearing this in mind, the Committee recommends that all new or renewed contracts concluded with the Deputy Secretary-General or Under-Secretaries-General should:

(1) Have a maximum duration of three years;

(2) Contain a clause under which they may be denounced within one year from the date on which the Secretary-General officially notifies the Council of his intention of resigning, this denunciation only to take effect as from the date on which the new Secretary-General assumes his duties or in the year following.

The Fourth Committee unanimously agreed to these proposals, which it recommends in turn to the Assembly.

The Committee of Thirteen had before it a draft resolution submitted to the Fourth Committee last year by the delegation of the Irish Free State regarding the nationality of the higher officials of the Secretariat down to and including Directors of Section.

The Committee of Thirteen, after careful examination and considerable discussion of this matter, is of the opinion that, "in the appointment or promotion of officials to one of the higher posts of the Secretariat, *the first and foremost* consideration must be the knowledge and capacity of the candidate, which must be in keeping with the duties he will be called upon to fulfil. In making the choice, however, account should be taken of the representation of the different forms of national civilisation."

The Fourth Committee also accepted the conclusions of the Committee of Thirteen on this point.

It further adopted the proposals of the Committee of Thirteen as shown in paragraphs 16 to 19 of its report, and relating to (1) the salaries of the highest officers of the Secretariat; (2) the normal term of office of the Secretary-General and the Deputy Secretary-General; (3) the question of the entertainment allowance granted to these officials; and (4) the salaries of Directors.

The Fourth Committee decided to give the Treasurer the rank of Director, it being understood that he would receive no increase in salary for 1932.

As regards the Registrar of the Permanent Court of International Justice, an important discussion took place on the application of Article 32 of the Statute of the Court, which states that the salary of the Registrar shall be decided by the Council upon the proposal of the Court. Some delegates and the Chairman of the Supervisory Commission, while recognising with the Committee of Thirteen that this provision is not open to objection, maintained, in agreement with the Registrar of the Court, that it does not invalidate the sovereign right of the Assembly on budgetary matters. This right had, moreover, been recognised and respected by the Council, since it consulted the Supervisory Commission beforehand, and its decision was conditional on the approval of the necessary credits by the Assembly. Since the application of the new scale from January 1st, 1930, made it necessary to include a credit of 7,500 florins in the budget, the Fourth Committee, in confirming the above interpretation, referred the question to the Supervisory Commission. At the meeting of the Fourth Committee during which this question was taken up, the Registrar of the Court spontaneously renounced the amount entered in the supplementary budget for 1932, thus allowing the credit to be cancelled.

On the proposal of the Secretary-General, the Fourth Committee postponed until next year the consideration of the salaries of counsellors and also the question of septennial leave for officials of the First Division.

Actuated by the same spirit of economy, the Committee decided to postpone until next year the question of the new scale of salaries applicable to the Secretary-General's Chef de Cabinet, the Chiefs of Section, and the Deputy Registrar of the Permanent Court of International Justice.

The Fourth Committee therefore proposes to the Assembly the adoption of the following resolution :

" The Assembly,

" Having examined the report and the Minutes of the meetings of the Committee appointed by the Assembly at its eleventh session to consider (1) the retention or elimination, the increase or reduction of the posts of Under-Secretary-General, as well as the consequences resulting therefrom, (2) all cognate questions on the organisation of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice which the Assembly had decided to adjourn in 1930 :

" (1) Adopts the present report ;

" (2) Decides that the framework of the higher ranks of the Secretariat should be provisionally maintained as it stands ;

" (3) Requests the Secretary-General to see that all new or renewed contracts concluded with the Deputy Secretary-General or the Under-Secretaries-General :

" *(a)* Should have a maximum duration of three years ;

" *(b)* Should contain a clause under which they may be denounced within a period of one year from the date on which the Secretary-General officially notifies the Council of his intention of resigning, this denunciation only to take effect as from the date on which the new Secretary-General assumes his duties or in the year following ;

" (4) Is of opinion that, in regard to the appointment or promotion of officials to one of the higher posts in the Secretariat, the *first and foremost* consideration must be the knowledge and capacity of the candidate, which must be in keeping with the duties he will be called upon to fulfil, account being taken, however, in such choice of the different forms of national civilisation ;

" (5) Approves the conclusions of the present report in regard to the salaries and conditions of engagement of the Secretary-General, the Deputy Secretary-General, the Under-Secretaries-General, the Registrar of the Permanent Court of International Justice, the Directors, the Treasurer, the Secretary-General's Chef de Cabinet, the Chiefs of Section and the Deputy Registrar of the Court. "

ANNEX 12.

A.IV. I.27.1931.

SUPPLEMENTARY REPORT BY THE SUPERVISORY COMMMISSION TO THE FOURTH COMMITTEE.

At a meeting held on September 25th, the Supervisory Commission examined those items in the budget which had previously been held over. At the outset it decided to reject systematically any proposal that might involve an attack on the contractual commitments of the League to its officials.

I. Salaries of the Staff of the Secretariat, the International Labour Office and the Registry of the Permanent Court of International Justice.

For the above reason, it was clear that there could be no question of interfering with salaries. On the other hand, the Commission considered whether it was possible to cancel for 1932 the annual increments provided for in the Staff Regulations without breaking the contracts between the League and the members of its staff. At first sight that seemed to be, subject to suitable adjustments, the most natural way of causing the staff to share in the exceptional efforts to reduce the budget for 1932 ; but, as the legal aspect of the question was a controversial one, the Commission deliberately took a different line. It accordingly considered, one by one, various reductions of credits affecting the League's contribution to the Staff Pensions Fund and a number of appropriations for the travelling expenses of officials and their families, and also the number of days' leave with pay allowed.

II. Contribution of the League to the Staff Pensions Fund.

The Commission was of opinion that, under Article 7 of the Pensions Fund Regulations, the Assembly had power to fix, on the advice of the Administrative Board of the Fund, the figure to be entered in the budget each year for the League's contribution to the Staff Pensions Fund ; but it realised that, before such a step could be taken, a number of technical questions would have to be cleared up, and that as time was such a vital factor this would be difficult. Above all, the Commission felt that it was essential that the system adopted should remain inviolable if the staff were to retain that sense of security which it was the object of the establishment of the Pensions Fund to implant. The Commission does not, therefore, propose any change in the appropriation for the Staff Pensions Fund.

III. Travelling Expenses of Officials and Their Families proceeding on Leave. Length of Paid Leave allowed.

After an exhaustive discussion of the legal and practical problems raised by the question, the Commission proposes to the Fourth Committee that, for 1932, those clauses of the Staff Regulations which provide for the payment of the travelling expenses of officials proceeding on annual leave to their homes be cancelled, together with the clause entitling certain officials to claim the refund of the travelling expenses of members of their families accompanying them home.

Furthermore, the journeys of officials going on leave to distant countries will be deferred for one year, those due in 1932 not taking place until 1933, those due in 1933 not until 1934, and so forth. The total saving on this item would be 239,249 francs.

Lastly, the Commission took the view that, in 1932, the period of annual leave with pay might be reduced by one-quarter for all categories of staff. Any official who wished to take the full amount of his annual leave would be allowed to do so, provided he agreed to regard himself as on leave without pay during the period covered by this reduction. If this arrangement were introduced, a number of temporary officials whom it was intended to engage, chiefly for the Disarmament Conference, could be dispensed with.

The adoption of this system would entail the cancellation by the Assembly[1] — but for the year 1932 only — of the relevant provisions of the Staff Regulations of the three organisations.

IV. Entertainment Allowances.

After an exchange of views with the high officials of the Secretariat and the International Labour Office, the Supervisory Commission recommends the Fourth Committee to cut down the joint Entertainment Allowance Fund of the two organisations by one-half. This recommendation represents a reduction of :

	Swiss francs
In the budget of the Secretariat	18,310
In the budget of the International Labour Office	15,000
Total	33,310

* * *

In short, the reductions involved by the adoption of the present report are as follows :

	Swiss francs	
1. Travelling expenses of officials and their families proceeding to their homes on leave :		
(a) Secretariat	148,000	
(b) International Labour Office	85,000	
(c) Permanent Court of International Justice	6,249	239,249
2. Entertainment allowances :		
(a) Secretariat	18,310	
(b) International Labour Office	15,000	33,310
Total saving		272,559

It should be pointed out that the result of the proposal to reduce annual leave with pay cannot be estimated, but the saving will be shown in the closed accounts for 1932.

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[1] In the case of the Registry of the Court, by the Court.

ANNEX 13.

Official No.: A.92.1931.X.

ALLOCATION OF EXPENSES.

REPORT OF THE FOURTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. E. C. BOHEMAN (Sweden).

M. Réveillaud, Chairman of the Committee for the Allocation of Expenses, reminded the Fourth Committee that, in accordance with a decision taken by the Assembly of 1928, the Committee for the Allocation of Expenses had been instructed by the Council to submit to the Assembly of 1932 a new and definite scale for the contributions of the States Members of the League. In view of the present economic and financial situation, however, it seemed extremely difficult to draw up a new scale which would have a permanent scientific value. The Allocation Committee was therefore of the opinion that the question of a definite scale should be deferred until the Assembly of 1934.

The Fourth Committee agreed with this proposal: its decision was preceded by a long discussion — reported in the Minutes of the meetings of September 25th and 26th — during which the delegates of several States emphasised the particularly difficult position in which their respective countries found themselves and the disadvantages which would result from the adjournment of the revision of the scale of allocation. In a spirit of mutual concession, unanimous agreement was, however, reached on the proposal of the Allocation Committee.

With regard to the number of units to be allocated to Mexico, which was admitted to the League at this session of the Assembly, the Fourth Committee was informed that the Allocation Committee had already examined the position and had recommended that Mexico should be responsible for fourteen units.

The following resolution is therefore submitted to the Assembly by the Fourth Committee:

> "The Assembly,
>
> "I. Approving the recommendation of the Allocation Committee:
>
> "Fixes at fourteen the number of units allocated to Mexico in the scale of apportionment of the League's expenditure;
>
> "II. Amending the decision taken on September 26th, 1928:
>
> "Requests the Council to ask the Allocation Committee not to submit its draft revised scale until the 1934 Assembly."

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Abbreviations

Cttee. = Committee — Govt. = Government — Int. = International — Memo. = Memorandum — Perm. = Permanent — Resol. = Resolution — Sec. Gen. = Secretary-General.

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RECORDS

OF THE

TWELFTH ORDINARY SESSION

OF THE

ASSEMBLY

MEETINGS OF THE COMMITTEES

MINUTES

OF THE

FIFTH COMMITTEE

(HUMANITARIAN AND GENERAL QUESTIONS)

GENEVA, 1931.

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LIST OF MEMBERS.

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Vice-Chairman : Mlle. Kerstin HESSELGREN (Sweden).

Abyssinia :	His Excellency Count LAGARDE, DUC D'ENTOTTO.
Albania :	
Argentine :	
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Austria :	Dr. Franz MATSCH. Mme. L. MATSCH-HENDRICK (Substitute).
Belgium :	Count CARTON DE WIART. Baron MONCHEUR (Substitute).
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Colombia :	Dr. Calixto TORRES-UMAÑA.
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Hungary :	His Excellency Baron Joseph SZTERÉNYI. Countess Albert APPONYI (Substitute). M. Georges OTTLIK (Substitute).
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Paraguay :	His Excellency Dr. Ramón V. CABALLERO DE BEDOYA.
Persia :	M. N. ENTÉZAM-WEZIRY. M. Fazlollah NABIL (Substitute).
Peru :	His Excellency M. Alfredo GONZALEZ-PRADA.
Poland :	His Excellency M. Witold CHODZKO. Mme. Anna SZELAGOWSKA. M. Paul MORSTIN (Substitute).
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Roumania :	Mlle. Hélène VACARESCO. M. V. V. PELLA. Mme. Alexandrine CANTACUZÈNE (Substitute). M. Raoul BOSSY (Substitute).
Salvador :	
Siam :	His Serene Highness Prince DAMRAS.
Union of South Africa :	Mr. D. J. DE VILLIERS. Mr. F. DUPLESSIS (Substitute).
Spain :	M. Julio CASARES. Mlle. Clara CAMPOAMOR. Dr. Marcelino PASCUA (Substitute).
Sweden :	Mlle. Kerstin HESSELGREN.
Switzerland :	M. R. DOLLFUS. M. Walter STUCKI (Substitute).
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Venezuela :	His Excellency Dr. C. PARRA-PÉREZ. Dr. Arturo UZLAR PIETRI (Substitute).
Yugoslavia :	M. André GOSAR. Dr. Ivo ANDRITCH (Substitute).

FIFTH COMMITTEE OF THE TWELFTH ORDINARY SESSION OF THE ASSEMBLY.

(HUMANITARIAN AND GENERAL QUESTIONS.)

AGENDA.

1. WORK OF THE ADVISORY COMMITTEE ON TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.
2. WORK OF THE TRAFFIC IN WOMEN AND CHILDREN COMMITTEE.
3. WORK OF THE CHILD WELFARE COMMITTEE.
4. IMPROVEMENTS IN PENAL ADMINISTRATION.

FIRST MEETING.

Held on Wednesday, September 9th, 1931, at 5.15 p.m.

Chairman: M. ALÂ (Persia).

1. Publicity of the Meetings.

The Committee decided to hold its meetings in public.

2. Election of a Vice-Chairman.

On the proposal of Mlle. VACARESCO (Roumania), seconded by the delegates of Czechoslovakia, Denmark, Lithuania, Poland and Portugal, Mlle. HESSELGREN (Sweden), *was unanimously elected Vice-Chairman.*

3. Adoption of the Agenda.

On the proposal of the CHAIRMAN, *the Committee adopted the following agenda :*

1. Traffic in Opium and Other Dangerous Drugs.
2. Improvements in Penal Administration ; Report by the Secretary-General.
3. Report of the Traffic in Women and Children Committee.
4. Report of the Child Welfare Committee.

4. Appointment of Rapporteurs.

M. DE AGÜERO Y BETHANCOURT (Cuba) proposed the following Rapporteurs :

1. Traffic in Opium and Other Dangerous Drugs : M. SAWADA (Japan).
2. Improvements in Penal Administration ; Report by the Secretary-General : Professor PELLA (Roumania).
3. Traffic in Women and Children : Mrs. PLUMPTRE (Canada).
4. Child Welfare : Countess APPONYI (Hungary).

The above proposals were adopted.

SECOND MEETING.

Held on Saturday, September 12th, 1931, at 5.30 p.m.

Chairman: Mlle. HESSELGREN (Sweden) (Vice-Chairman).

5. Traffic in Opium and Other Dangerous Drugs : Submission of the Rapporteur's Report.

M. SAWADA (Japan), Rapporteur, emphasised the fact that many changes had taken place since the last Assembly. His report on the work of the Advisory Committee (Annex 1) was then read.

The CHAIRMAN thanked the Rapporteur in the name of the Committee for his interesting report.

She drew attention to the concluding paragraph of the report in which it was stated that the picture of the general situation was brighter this year than at former sessions of the Fifth Committee.

The discussion of the Rapporteur's report was adjourned to the next meeting.

6. Traffic in Opium and Other Dangerous Drugs : Question of Discontinuing the Circulation of Annual Reports to Governments.

A memorandum (Annex 2) on this subject prepared by the Secretariat was read.

The Committee decided to adjourn the discussion of this memorandum to a later meeting.

THIRD MEETING.

Held on Monday, September 14th, 1931, at 5.15 p.m.

Chairman: M. ALÂ (Persia), later Mlle. HESSELGREN (Sweden).

7. Question of the Limitation of the Programme of Work to be undertaken in 1932: Communication from the President of the Assembly.

The CHAIRMAN read the following letter dated September 14th, 1931, from the President of the Assembly:

"The Assembly at its meeting to-day adopted the attached resolution[1] submitted by the Fourth Committee regarding the limitation of expenditure in 1932.

"The Assembly's purpose in so doing was to draw the special attention of the Committees responsible for framing the programme of the League's work to the reasons which prompted the resolution.

"I would therefore be grateful if you would bring this letter to the notice of the members of the Committee of which you are Chairman, with a view to enabling them to give every consideration, throughout the course of their work, to the Assembly's wishes.

(*Signed*) N. TITULESCO,

President of the Assembly."

The Committee noted the above communication.

8. Traffic in Opium and Other Dangerous Drugs: Discussion of the Rapporteur's Report.

M. CASARES (Spain) had only one criticism to make: the Rapporteur, possibly through modesty in view of the important part he had played in drawing up the 1931 Convention, had not laid sufficient emphasis upon its good points.

M. Casares considered it very important to obtain reports with regard to dangerous drugs from territories which had hitherto never supplied them, such, for instance, as concessions, leased territories, and territories under mixed jurisdiction. One or two such territories not far from Spain were very hot-beds of the illicit traffic.

He was further anxious to draw the Committee's attention to a question in which Spain was particularly interested — namely, the convening of the Conference on the Limitation of the Production of Raw Materials. This matter had been the subject of a lively discussion at the Hague Conference in 1912, and had been raised again by Turkey, Yugoslavia and other countries during the recent Conference. It had not been dealt with at that time for constitutional reasons, but no delegation had questioned the necessity of studying the problem. Pending any final decisions, he suggested that the Committee should ask the Council to instruct the competent organs of the League, and the Advisory Committee, to begin forthwith the necessary preparatory studies. Experience had proved, at the recent Conference, that two years was not too long a period to devote to the preliminary work.

M. HOFFMANN (Panama) wished once more, on behalf of Panama, to thank the Rapporteur of the Fifth Committee for a remarkable summary of the work of the League in connection with the campaign against narcotics. His summary proved what he had so clearly pointed out, that, on balance, the work accomplished in the past year justified optimism for the future, and that the situation to-day was not so gloomy as it was a year ago.

M. Hoffmann entirely agreed with the Rapporteur's recommendation not to lose sight of the fact that the peril of the drug traffic was still a serious one. M. Hoffmann entirely agreed with the Rapporteur when he said: "We feel that public opinion is taking a greater interest in our campaign and particularly that our means of action are becoming better adapted to our purpose".

In the previous year, M. Hoffmann, as delegate for Panama, had pointed out to the Fifth Committee that public opinion was beginning to be alarmed and to call for energetic measures,

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[1] The text of the resolution proposed by the Fourth Committee reads as follows:

"The Assembly,

"Being convinced that it is imperative not further to increase the budget of the League for 1932, which will have to provide for the expenses of the International Disarmament Conference, and hoping that it will even be possible to reduce the draft budget;

"Makes a strong appeal to its Committees to follow the principles of economy dictated by present circumstances;

"Requests these Committees to limit and, if possible, to reduce to the indispensable the programme of work to be undertaken in 1932, and especially to abstain, as far as practicable, from making recommendations which might involve avoidable expenditure.".

and that the countries represented on the Committee had already in 1929 unanimously urged that the evil should be attacked at its source by the direct limitation of the manufacture of narcotics.

He had, at that time, drawn attention to the fact that, while the quantity of drugs manufactured was much larger than medical requirements, the production of opium was even greater and far beyond the requirements of the factories.

To-day, the Fifth Committee was glad to note the satisfactory results of the Limitation Conference as shown by the text of a Convention which was generally recognised as a model instrument for the purpose for which it was intended.

The Convention would bear fruit even before it came into force. That would be due to the fact that the Government of Panama, in its anxiety to bring the total of the world's production as rapidly as possible within limits corresponding to the world's medical and scientific requirements, had made a proposal the importance of which the Rapporteur had recognised by drawing attention in his report to the recommendation contained in the Final Act of the Conference. The effect of this recommendation was to draw the attention of Members of the League and non-member States to definite figures representing an approximate estimate of the world's requirements in morphine, diacetylmorphine (heroin) and cocaine for use as such. M. Hoffmann had had some difficulty in obtaining the insertion in the text of the Convention itself of these definite figures. They were intended to serve as a guide to the manufacturing countries during the period which must elapse before the coming into force of the Convention ; and he did not regret that, acting on his conviction of the usefulness of such a course, he had insisted that the figures should be inserted in the very text of the Convention. Their usefulness was generally recognised to-day.

The League, in the course of the past year, had done everything that was possible to limit the manufacture of narcotics. It was now called upon to draw up a programme to be followed pending the coming into force of the Convention.

He would venture to put the question of the limitation of the production of opium in a rather different form from that which the Rapporteur had followed in his report. It was true that the Council, at its sixty-second session, had decided to request the Advisory Committee on the Traffic in Opium and other Dangerous Drugs to study and report to the Council on the question of convening a conference of the Governments concerned to consider the possibility of limiting and controlling the cultivation of the poppy. But it was still more true to say that to-day, as a result of the claims put forward during the Limitation Conference by the delegates of Yugoslavia, Turkey, the Union of Soviet Socialist Republics and others, the instructions to the Advisory Committee should be made much more definite.

No one now doubted that a Conference for the limitation of the production of opium was inevitable in the more or less near future.

The Fifth Committee was therefore called upon to consider the most practical steps which the League could take with a view to the possible convening of such a conference. Experience howed that two years was not too long for the preparation for a conference. In two years, the onvention for the Limitation of Manufacture would probably have come into force. It was ssential not to wait until that Convention had come into force to undertake the preparatory tudies which must inevitably precede the conference for the limitation of production. Certain data were already available, and these would find their place in the preparatory work which he was proposing. The text of the 1931 Convention contained the definite figures — 9 tons of morphine, 2 tons of diacetylmorphine and 5 ½ tons of cocaine. Other data also were available. All that was required was to co-ordinate, assemble and study those data to draw therefrom the necessary deductions and prepare the form of their presentation.

Being convinced that the Fifth Committee shared his desire to continue unremittingly the work of the League in the struggle against narcotics, M. Hoffmann requested it to accept his proposal to begin at once the study of all questions which would form part of the preparatory work for the proposed conference.

In these circumstances, M. Hoffmann proposed the following resolution :

> " The Fifth Committee,
>
> " Noting the manifest desire of certain Governments to hold a conference at an early date with a view to considering the possibility of limiting and supervising the cultivation of the poppy :
>
> " Requests the Secretary-General to invite the Advisory Committee on the Traffic in Opium and other Dangerous Drugs, together with the competent organs of the Secretariat of the League, to undertake at once the compilation of all documentary material capable of serving as a basis for the work of a conference on the limitation of production, and to that end to address a questionnaire to the Governments Members and non-members of the League. "

M. Cavazzoni (Italy) wished to draw the Committee's attention to one or two points in the Convention upon which the Rapporteur had not laid sufficient stress.

In the first place the fact that the Conference had drawn up a very comprehensive list of drugs, all of which were definitely subject to the various clauses of the Convention, was of the utmost importance. He was glad that this list at last included codeine, the manufacture of which had for years past enabled quantities of morphine to escape all control and which had, owing to its previous immunity, rendered impossible any limitation of manufacture.

The special measures taken with regard to diacetylmorphine (heroin) should also be emphasised. As the Committee knew, medical opinion was divided as to this drug. Some doctors advocated

its total abolition; others considered it so valuable as to be indispensable in some cases. The Conference had taken a firm line and the Convention, in principle, prohibited its export.

A further point worthy of notice was the increased importance of the tasks and responsibilities of the Permanent Central Opium Board. In addition to all its former work, it now had to collect statistics from the various countries and establish estimates for those not furnishing them; it had to group, analyse and compare these figures in such a way as to regulate and control the whole of the world's manufacture of and trade in narcotic drugs. The clauses of the Convention, especially those regarding estimates, were framed in such a way as to ensure the Board every success in its work.

The Convention made adequate provision for the question of reserve and Government stocks; provision was also made for existing surplus stocks which would either be gradually absorbed for legitimate consumption, in which case there would be a corresponding reduction of manufacture, or the Government concerned would assume all responsibility for dealing with them in accordance with the terms of the Convention.

As regards the question of a model code, the Conference on Limitation had, in the Final Act of the Conference, adopted a recommendation on this subject. The code to be drafted should throw light on one or two points not fully brought out in the Convention and should serve as a model for national laws and regulations. It was important that it should be drafted as soon as possible, in order to be available for Governments and Government officials at the moment when the Convention should come into force.

Some proposals made by certain delegates to the Conference, which at present only figured in its Minutes, might well be taken into consideration at the same time, and he therefore felt that these should be published in a special document, which might also contain some of the provisions of the Advisory Committee's draft of February 1931.

As regarded penalties, it must be confessed that, in view of the absence of all possibility of enforcing them, the Convention, like many of its predecessors, showed some weakness. Nevertheless, the publication by the Permanent Central Board of the explanations which must be given by a State failing to fulfil its obligations inflicted a form of penalty which would not be without its moral effect.

M. Cavazzoni drew the special attention of the Committee to Recommendations IX and X of the Final Act. The former, which gave the figures for legitimate world consumption, set limits which it was every State's duty to observe, as the delegate of Panama had pointed out, even before the Convention came into force. The latter dealt with the question of awards to the inventors of non-narcotic substances producing the same therapeutic effects as the drugs at present in use.

Every effort should be made, not only by delegates, but by the Press and the associations interested in the campaign against the illicit traffic in narcotic drugs, to obtain the necessary ratifications for the entry into force of the Convention, which in its main lines fulfilled the task set by the original Assembly resolution and Council decision.

As regarded the question of a future conference on the limitation of raw materials, he could, no doubt, support, M. Hoffmann's resolution. Recent events — among them the understanding which had apparently been reached between Turkey and Yugoslavia regarding trade in raw opium, statements by the Government of the Soviet Union and proposals made by the United States — indicated the need for such a conference and he therefore endorsed the proposals made by the delegates of Spain and Panama that the Advisory Committee and the Secretariat should be asked to undertake the necessary preliminary work without delay.

He asked that very full Minutes should be taken of the Conference to be held at Bangkok in November 1931, as these would be invaluable in the preparatory work for the Conference on the Limitation of Raw Materials.

He hoped that M. Sawada would, in any revised edition of his report, embody the points he had raised.

(Mlle. HESSELGREN then took the Chair.)

M. ENTÉZAM-WEZIRY (Persia) pointed out that the last meeting of the Fifth Committee had been marked by some scepticism as to the possibility of drawing up a Convention limiting manufacture. The discussions of the recent Conference had shown that this scepticism was justifiable, for there were so many interests at stake. Nevertheless, thanks to the efforts of M. Sawada, M. Bourgois and M. Casares, the inacceptable quota system had been discarded and thanks to the goodwill shown on all sides agreement had been reached upon the text of the Convention now before the Committee. The Convention, to be effective, must be universally accepted. All the delegates should therefore use their influence to obtain the necessary ratifications. Persia had not yet signed the Convention, but he hoped to obtain his Government's authorisation before the end of the present session of the Committee.

Sir Jehangir COYAJEE (India) could not express any opinion as to the 1931 Convention on behalf of his Government, which had as yet had no opportunity of considering it. In his personal view, though it might not go so far as some people could wish, it constituted a distinct advance upon the 1925 Geneva Convention. India had already signed it, and in view of her old traditions

in the matter of control, both of manufacture and the illicit traffic, he rejoiced to see that thirty-six signatures had already been obtained.

He was particularly glad to learn from the report under discussion of the new regulations issued by the Japanese Government for the control of manufacture. These were of great interest to India, which had for some years past suffered from an influx of cocaine in enormous quantities. The Turkish regulations of February 1921, under which drugs could only be exported subject to the granting of an import licence by the Government of the importing country, also presented great interest, since India was faced with the ever-present danger that cocaine might be supplanted by the more deadly heroin.

Dr. VOELCKERS (Germany) said that his Government had always endeavoured to act according to both the letter and spirit of the Geneva Convention. The new German opium law of January 1st, 1930, had brought about effective control of both imports and exports, even in the case of dealings with States not signatories of the 1925 Convention or which did not enforce the import-certificate system. Such Governments were informed that export permits granted were subject to the production of an import permit by the receiver. This was always the case as regards exports to China and Latin America. As a result of the entry into force of the new opium law, eucodal, dicodide, dilaudide, and the esters of morphine, including benzoylmorphine and paramorphine, were subject to its terms, as also was acedicone.

On the initiative of the German Government, national factories had, as from April 1st, 1931, discontinued the manufacture of benzylmorphine (peronine) although that drug came under neither the 1925 Convention nor the new German law. This example, which had been followed in other countries, constituted a definite progress, although the 1931 Convention was not yet in force.

Germany had taken an active part in the preparation of this Convention, putting on one side its doubts as regards codeine. The necessary steps for ratification of the Convention by the German Government would be taken as soon as possible.

Any cases of drug smuggling discovered in Germany would be reported to the League and, as soon as the proceedings reached a stage at which this became practicable, to the Governments concerned.

He approved the report of the Japanese delegate and repeated that the German Government would he ready in the future as in the past to do all in its power to assist in suppressing the international illicit traffic. He drew attention to two reservations made by the German representative on the Council at the meeting on May 19th, 1931, regarding two resolutions of the Advisory Committee. The first referred to the recommendations regarding Nos. 2 *(a)* and 2 *(b)* of the resolution included in the Advisory Committee's report, according to which licences granted for the manufacture of or trade in narcotic drugs could, under certain circumstances, be withdrawn. The second referred to the resolution by which Governments were to be recommended not to grant export or import certificates under certain special circumstances.

The Secretary-General's circular letter of June 15th, communicating the first of these resolutions, had also asked for information regarding certain firms engaged in illicit transactions in benzoylmorphine. The necessary enquiries were not yet completed, but information would be forwarded to the Secretary-General as soon as obtained.

He endorsed the suggestions of the delegates for Spain and Panama as to the convening of a conference for the limitation and control of poppy-growing, to which subject he would, if necessary, return at a later meeting.

The continuation of the discussion was adjourned to the next meeting.

FOURTH MEETING.

Held on Tuesday, September 15th, 1931, at 3.30 p.m.

Chairman: M. ALÀ (Persia).

9. Traffic in Opium and Other Dangerous Drugs: Discussion of the Rapporteur's Report (continuation).

Countess APPONYI (Hungary), while welcoming the new Convention, thought that the question whether it would achieve the desired result should be considered. She could not but feel that, had the 1925 Convention been applied to the letter, the work of the 1931 Conference would not have been necessary. She therefore suggested that the Committee should ask the Rapporteur to add a proposal that Governments should be compelled to carry out their undertakings in full.

As regarded the disposal of seizures, Article 18 of the Convention left so much latitude to Governments that the control provided for might give rise to the suspicion that they were not acting in good faith. Destruction was the only sure means of dealing with the drugs seized. Any other course was open to danger.

M. DOLLFUS (Switzerland) said that his Government had been convinced for some years past of the necessity for limiting manufacture and had, when the 1931 Convention was under discussion, instructed its delegation to support and adopt any measures which seemed likely to serve this purpose.

The Convention must obviously be brought into force as soon as possible and all Governments should consider themselves in honour bound to ratify it without delay. He had referred at the session held in the previous year to the request from the National Council to the Federal Council for vigorous action in the campaign against the illicit traffic — a request which testified to the fact that Switzerland would not only ratify the Convention but would do her best to carry out any suggestions for its efficient working made by the Secretariat, the Fifth Committee or the Advisory Committee.

He could give illustrations of action already taken on suggestions made by these bodies. In the matter of direct communication between the competent authorities, the Swiss Federal Council had given instructions to the Federal Health Authorities to establish direct contact with the foreign authorities concerned. In order that the illicit traffic might not spread through the post, the suggestion that packets of drugs destined for the East should be concentrated in certain offices had also been adopted. In the matter of legal proceedings, too, the Swiss authorities had done their duty. The record for 1930 showed 26 convictions, sentences being for as much as four months' imprisonment, while several thousand francs' worth of fines had been imposed.

These and other measures had resulted in a heavy decrease in the traffic, as was proved by the following figures for manufacture and export :

	1928	1930
	kilogrammes	
Manufacture :		
Morphine	2,246	1,576
Heroin	952	4
Export :		
Morphine	1,761	615
Heroin	1,119	83

He was convinced that other countries could show figures equally as satisfactory. Nevertheless, only the ratification and application of the Convention at the earliest possible moment would serve to rid the world of the scourge of narcotics.

M. CHODZKO (Poland) said that, though Poland was for formal reasons unable to sign the Convention, this did not mean that he would criticise it too severely. He would confine himself to pointing out some defects which were likely to prevent its successful application.

The Polish delegation readily recognised that inclusion in the Convention of figures indicating the total world needs would have been premature, but it was seriously concerned at the omission of definite figures limiting the reserve stocks referred to in Articles 5 and 6, since Article 6 was thus rendered valueless. It could only be hoped that the Advisory Committee, the Permanent Central Board and the Supervisory Body for which provision was made in Article 5 would, in practice, rectify this omission.

A second defect was the failure to standardise the method of ascertaining the morphine content of raw opium. The different methods left at the manufacturers' disposal would give infinitely varying results and no Government could be certain of obtaining accurate data on the quantity of morphine imported. Happily, there was nothing to prevent the Advisory Committee from recommending Governments to introduce an official control of the analyses in question, and it was to be hoped that it would do so.

The next defect of importance was the failure — in Article 17 — to define the term " wholesaler ". The Polish proposal that such persons should deposit a sum as security for the honesty of their transactions had not been adopted by the Business Committee.

Again, the reference to State monopolies in Resolution IV of the Final Act was wholly inadequate. The Polish delegation considered that such a monopoly was indispensable for the proper control of the traffic, and the omission of all reference to it in the Convention itself was the more surprising since Greece had already instituted, and Roumania was about to institute, such a monopoly, following the example of Spain, while Poland too was contemplating doing likewise.

Resolution IV should have been submitted to the Council, in so far as it entailed measures *vis-à-vis* the Governments, but the Minutes of the sixty-fourth session (September 4th, 1931) showed that this had not been done.

Nor was mention made of the possibility of an undue increase in the price of drugs required for medical and scientific purposes — a subject already considered by the Assembly and the Advisory Committee and included in the draft Convention submitted to the 1931 Conference by the British delegation ; the Polish proposal that a central organ — the Supervisory Body of Article 5 of the new Convention — should be empowered to submit to the Council a compulsory tariff of maximum prices was mentioned in the report of the Advisory Committee to the Council. It might be thought

that these results were due to the unfavourable attitude of the producing countries, which justly defended the interests of the producers — namely, the peasants. This was a question which the Permanent Central Opium Board should examine.

The Polish delegation welcomed Article 21 of the Convention of July 13th. The communication of laws and regulations required by it covered future action only; in order that past legislation might also be available for reference, he proposed the resolution contained in document A.V/6.1931.

In spite of the defects which he had pointed out, he felt that no one could deny that the 1931 Convention constituted a great advance.

Dr. Ethel OSBORNE (Australia), referring to page 22 of the Advisory Committee's report, suggested the insertion of a recommendation in the paragraph dealing with the illicit traffic in drugs, and that special attention should be given to the opportunities afforded by air transport for smuggling. The high value and small volume of narcotic drugs rendered them particularly suitable for such methods.

As regarded the circulation of annual reports to Governments (Annex 2) she thought it would be well to include in any recommendation on the subject a reserving clause that any Government requiring copies of the documents in question should be able to receive them on request.

Turning to the report of the Permanent Central Board to the Council (document C.629.M.250.1931.XI), Dr. Osborne drew attention to the statement on page 6 to the effect that the figures for Australia's consumption of both cocaine and diacetylmorphine were higher than those for any other Anglo-Saxon country. Attention was directed to the statistics on pages 21, 35 and 43 of the report. Here, also, an outstandingly high consumption of opium was recorded. She had been astounded at these compararive figures, of which she had only learned from the Re port. She had no instructions from her Government and could have no access to any other figures, but felt she must endeavour to do justice to her country and offer an explanation from her personal experience.

The only possible conclusion to be drawn from these returns appeared to be that Australia ranked among the highest in the consumption of practically all forms of narcotic drugs.

It must first be remembered that consumption did not necessarily mean addiction, though there was a definite tendency in the public mind, and even sometimes among those who were devoting special study to this problem, to assume a close correlation between the two.

Australia might be accounted a pioneer in the matter of legislation on the control of foods and drugs, including those under consideration. Her own experience as a practising doctor in the hospitals of Melbourne and observations made elsewhere had demonstrated that drug addiction in Australia was comparatively rare. So far as she knew there were practically no " homes " or institutions for addicts in existence in Australia and the few cases she had met with were almost invariably the result of gross overwork and mental strain. She personally considered that the high figures were explained by the very definite tendency in Australia to use analgesia and narcotic drugs more frequently than in other countries for minor surgical and dental work and for midwifery. Again, local and spinal anæsthesias were now widely used in Australia in operations instead of general anæsthesias. These medical practices, together with the fact that the hospital service in proportion to the population was extensive, must of course raise the figures for " consumption " of these drugs.

As she had already heard the criticism that Australians were addicted to drugs — according to published figures, and as this was at total variance with the situation as it appeared to her, she would be glad if the figures could be referred back to a competent Committee of Experts in Australia for their comment, if this had not already been done.

Referring to the Final Act of the Conference for Limitation she complimented the promoters of Recommendation VI :

> " Recognising the highly dangerous character of diacetylmorphine as a drug of addiction and the possibility in most, if not all, cases of replacing it by other drugs of a less dangerous character ;
>
> " Recommends that each Government should examine in conjunction with the medical profession the possibility of abolishing or restricting its use, and should communicate the results of such examination to the Secretary-General of the League of Nations."

And Recommendation X to the effect that :

> " The League of Nations be enabled to give prizes as a reward for results obtained by research work for the purpose of discovering medicines which, although producing the same therapeutic effects as the drugs, do not give rise to drug addiction."

She hoped these recommendations would be put into effect before long.

Dame Edith LYTTELTON (British Empire) stated that if Dr. Osborne would put her two suggestions — as regarded the question of the use of aircraft for smuggling and the supply of

documents on demand by Governments — in the form of a resolution, she would be glad to second them.

The Convention drawn up by the Conference on the Limitation of the Manufacture of Narcotic Drugs should meet with general approval, since, if applied by the various Governments in the spirit intended, it would undoubtedly improve the situation. A universal effort should be made to obtain the greatest possible number of ratifications.

She had been struck, in reading the report, by the sincerity and earnestness of the Turkish Government, which, although not a Member of the League, had supplied the required statistics regarding seizures. It was obvious, however, that so long as any country did not accede to the Convention or apply the export- and import-certificate system, it was not possible to exercise effective control over the drug traffic, as was demonstrated in the case of Turkey.

In the matter of the withdrawal of manufacturing licences from firms found to be involved in the illicit traffic, she had been glad to hear the Swiss delegate's statements, which proved that very real progress had been made. Unfortunately, she had not caught what the German delegate had said about the withdrawal of licences, and she hoped that he would be good enough to supply this information again.

After an absence of three years from the Committee's discussions, she had been impressed by the results of the work done by the Permanent Central Opium Board. A study of the documents dealing with this showed the progress realised.

The British Government would give its strong support to the resolution proposed by the delegate for Panama. She would propose the addition to the agenda of an item regarding the limitation of coca-leaf cultivation, upon which subject she would present an amendment later.

The date of the proposed Conference should be most carefully chosen, and very detailed preparation must be made for it. Any conditions under which certain countries might find it impossible to attend the Conference must be avoided ; for instance, the extraordinary difficulties with which China was faced must be taken into account, though its past efforts for the abolition of opium were a sure guarantee of all that it would do in the future. Moreover, the co-operation of all countries was indispensable in order to combat smuggling.

In conclusion, the Advisory Committee should be asked to decide on the date of the Conference and to set the necessary investigation and documentation in motion.

M. DE VASCONCELLOS (Portugal) drew special attention to the vast quantity of work carried out and the success achieved by the Advisory Committee and Secretariat in the preparation of the Conference for the Limitation of Manufacture.

He pointed out that the results obtained by the 1925 Conference should be judged by a comparison of the statistics available regarding drugs before and after 1928 — since the Convention had only been applied after the latter date. He hoped that the Secretariat would place these figures at the Committee's disposal as soon as possible.

The new Convention had one very interesting characteristic in that it was the first case of international control of an industry. A supervisory body had even been set up responsible for applying such control — an entirely new development in international co-operation.

Such a Convention had only been possible after long years of preparation — preparation which took various forms ; one form was the gathering and sifting of information — and in this connection, M. de Vasconcellos would point out that one of the most remarkable features of the Conference, and one of real permanent value, was the documentation prepared for it by the Secretariat — documentation which gathered together and analysed the valuable information that had been accumulated by the Advisory Committee over a long period of years. An even more important aspect of its preparation was what might be called the political preparation — namely, the task of bringing together and reconciling the points of view of the Governments in a field where difference of opinion as to the facts and controversies regarding the ultimate object to be secured had been notoriously acute.

Perhaps the most remarkable feature of this unusually representative Conference, composed of fifty-seven Governments, was the atmosphere of unanimity and reconciliation which it ultimately achieved and which was shown in the almost record number of signatures which the Convention had already obtained. This task of reconciling different points of view had been carried on by all the organs of the League occupied in this matter, and M. de Vasconcellos wished to draw particular attention to the part played in it by the Opium Advisory Committee.

It was true that the draft Convention drawn up by the Advisory Committee had as regards its most essential feature been rejected by the Conference, but, as was obvious to anyone attending the Conference, this rejection had in no sense been a judgment on the Advisory Committee itself, but had been due rather to a change of opinion on the part of practically all the members of the Advisory Committee after further reflection and discussion as regards the best means of solving the problem before the Conference and, in particular, to the difficulty of reaching an agreement on the quota system. Governments members of the Advisory Committee had in practically all cases been represented at the Conference by the same persons as represented them on the Advisory Committee itself, and it was these members of the Advisory Committee who without question had been the chief architects of the new Convention.

The new Convention greatly strengthened the organs of the League dealing with this matter as well as the Permanent Central Opium Board established under the Geneva Convention. It was noteworthy, for example, that the execution of practically all the recommendations adopted by the Conference in the Final Act had been confided to the organs of the League — namely, the Council, the Secretary-General, the Opium Advisory Committee and the Health Committee — instead of their being left hanging in the air as mere pious resolutions which it was nobody's business to carry out. The recommendations of the Conference were linked up, for the purpose of their execution, to the permanent organs of the League.

The work of the Opium Advisory Committee had been very materially strengthened in a number of ways by the Convention ; not only was the Committee asked to draw up a model administrative code for the putting into force of the Convention, but the system of annual reports and of seizure reports which formed the essential bases of its work was effectively incorporated for the first time in an international Convention. The Advisory Committee would also have an important part to play in the work of the new Supervisory Body set up by the Convention in connection with the determination of estimates and, together with the Health Committee of the League, in connection with the placing of new drugs under the Convention.

M. de Vasconcellos wished to emphasise in particular the importance of the new Supervisory Body for the determination of the estimates to which he had just referred. The Conference had been deeply impressed with the importance of securing a body of unusual authority upon which medical opinion would be very strongly represented for the purpose of making an official judgment upon the estimates forwarded by Governments of their requirements of dangerous drugs. These estimates would, as everyone was aware, determine the total amounts which were to be manufactured each year for world needs and involve, as had been pointed out in the Conference and in the Advisory Committee, a question of medical statistics. The Conference, in view of the importance and the peculiar nature of the estimates, decided to entrust the final judging of them to a body to be known as the Supervisory Body, of which the Secretariat was to be furnished by the Secretary-General, and would, therefore, it was assumed, be undertaken by the Opium Section of the Secretariat, and which was to be composed of one person nominated by the Opium Advisory Committee, one nominated by the Health Committee, one by the Office international d'Hygiène publique at Paris, and one by the Permanent Central Board constituted under the Geneva Convention.

The estimates, which would be received and tabulated by the Permanent Central Board, would be handed to the Supervisory Body which would have the responsibility of making a final judgment upon them. That body might call for explanations from Governments. It had the duty also of framing estimates for countries which did not furnish them, and would perform similar functions in respect of all supplementary estimates forwarded by Governments.

There was no need to refer in detail to the functions of the Permanent Central Board under the new Convention, but M. de Vasconcellos wished to say, in his capacity as Chairman of the Advisory Committee, that the members of that Committee represented at the Conference had been anxious to strengthen the powers of the Permanent Central Board in order that it might receive not only the fuller statistical information necessary for the discharge of its functions, but also the powers necessary to enable it to detect or to prevent over-manufacture or excessive export or import or accumulation of stocks likely to lead to the diversion of drugs into the illicit traffic. Under the terms of the Convention, the powers of the Board had been considerably strengthened and had also been much more clearly defined than under the Geneva Convention. The new Convention, by defining more clearly the relations between the Opium Advisory Committee and the Central Board, should do much to maintain and develop the present cordial relations existing between those two bodies.

There was nothing in the Convention which was contrary to Dr. Chodzko's suggestion for the introduction of a State monopoly in the largest possible number of countries. It would, however, have been dangerous to include any such recommendation in the Convention since, in certain countries, State monopolies were forbiddem by law.

With reference to the Australian delegate's statement, it should be made clear whether the figures in question related to a period before or after 1928. It must further be remembered that cocaine had only recently been replaced by new products, such as novocaine.

In conclusion, speaking on his own behalf, M. de Vasconcellos urged that the penalties for illicit trafficking should be strengthened very considerably. Traffickers were " wholesale " poisoners and should be liable to penal servitude. He had made in the Advisory Committee a proposal that illicit traffic should be subject to the same penalties as piracy or attempted murder. His proposal had not been discussed for legal reasons, but it had not been withdrawn. Similar suggestions had been made by certain organisations, recommending him to give effect to them, while he himself could have recommended to these organisations his own proposal, which was of much earlier date than those suggestions.

Dr. VOELCKERS (Germany), in reply to the British delegate's question, explained that the enquiry conducted at Hamburg concerning the two German firms mentioned in the report had not yet been concluded, but that there had been an exchange of letters between the German delegate, the Advisory Committee and Sir Malcolm Delevingne, who had thus recevied information as to the present stage of the enquiry.

He then recalled that Dr. Curtius had already referred, at the Council session in May 1931, to the objections raised by Germany to the two resolutions mentioned in the report of the Advisory Committee (document C.168*(a)*.M.62*(a)*.1931.XI, page 7).

With reference to the resolution concerning the withdrawal of manufacturing or trading licences (Recommendation No. 2*(a)*), the Government of the Reich could not assent to so severe a measure in respect of products outside the 1925 Convention, except in specially serious circumstances. At the Government's request, the German factories had ceased to manufacture peronine since April 1st, 1931.

With regard to Recommendation No. 2*(b)*, the Secretary-General's Circular Letter of January 11th, 1929, had only reached the German Government in October of that year, and at that time the question of including the esters of morphine in the list of substances coming under the German opium law had been under consideration. For that reason, the German Government had not communicated the Circular Letter to the factories and trading firms.

The German Government's view of the resolution concerning the refusal of import or export licences, which had already given rise to objections from another quarter in the Advisory Committee, was as follows :

The Government of an importing or exporting country which refused to deliver an import or export licence because the firm importing or exporting the goods had formerly been mixed up in a case of illicit traffic might by its action find itself in opposition with the Government of the country in which the firm in question was situated.

The procedure proposed by the Advisory Committee would be justified only in cases where there was ground for thinking that the Government of the country in which the firm applying for the licence was situated was not observing its international undertakings.

Mme. AAS (Norway) announced that the Norwegian Government had ratified the 1925 Convention on March 16th, 1931. It had been unable to do so earlier owing to the numerous amendments it had had to make in the national law which, although very complete on the subject of opium, had nevertheless had to be modified in the interest of the international campaign against narcotic drugs.

M. BOSSY (Roumania) recounted what had been done by his country in the campaign against harmful drugs. The Law of April 12th, 1928, supplemented by the Regulations of 1929, provided very severe measures (penalties of a fine of as much as 100,000 lei and two years' imprisonment) which had given very satisfactory results. A new draft law was under consideration for the object of making the trade in narcotics a State monopoly.

Dr. WOO KAISENG (China) announced that, although China had not signed the 1925 Convention, she would, as from the current year, forward to the Permanent Central Opium Board statistics of narcotic drug imports and exports.

He had only recently received the second volume of the report by the Commission of Enquiry into the Control of Opium-Smoking in the Far East and therefore was unable to present his Government's comments on that subject.

The Chinese Government was not yet in a position to sign the Convention for the Limitation of the Manufacture of Narcotic Drugs, but would not fail to take a decision on the matter within the prescribed time-limit.

He supported the resolution proposed by the Panama delegation concerning the summoning of a Conference for the limitation of poppy-growing. The Chinese Government adhered to its policy in this matter and would do all it could to secure the limitation of production.

As regards the question of annual reports on the concessions and leased territories, to which M. Casares had referred, co-operation would be required between the Chinese Government and the Powers concerned. The Chinese Government therefore was obliged to reserve its opinion on that point for the moment.

Dr. TORRES-UMAÑA (Colombia) described the practical measures adopted in Colombia for the prevention of drug addiction. The import and distribution of narcotic drugs for medical and scientific needs were placed by decree under the control of the National Board of Health. A law embodying very severe penalties for the clandestine traffic was under consideration. The recent appointment by the Colombian Government of a Permanent Adviser accredited to the League for health questions would certainly do much to promote Colombia's co-operation in the work.

As the Committee was aware, the 1925 Convention had been ratified by Colombia, and there could be no doubt that her accession to the last Convention would be secured without difficulty.

M. PARRA-PÉREZ (Venezuela) drew attention to an important question. The possibility of a change in the prices of raw materials must be avoided. M. Cavazzoni had referred to that matter at the last Conference. The question deserved enquiry, and this would facilitate the preparation of the proposed Conference.

M. GOSAR (Yugoslavia) said that his Government was prepared to co-operate actively and sincerely in the campaign undertaken, under the auspices of the League, against narcotic drugs. It must, however, defend the legitimate interests of producers, who were seriously affected, like so many others in Europe, by the present depression.

The Yugoslav delegation was prepared to accept the resolution proposed by the delegate of Panama.

M. KALNIN (Latvia) reminded the Committee that in the course of his closing speech M. de Brouckère, President of the Conference for the Limitation of the Manufacture of Narcotic Drugs, had said that the methods for the enforcement of the Convention would gain greatly in precision if the Secretariat could prepare an authentic commentary. M. Kalnin would be glad to know what action had been taken on that suggestion, which the Conference had approved in a formal resolution.

M. EKSTRAND (Director of the Opium Traffic and Social Questions Sections) replied that the Secretariat had not yet had time to begin the commentary, but that the work would be undertaken as soon as circumstances permitted, seeing that it was absolutely indispensable.

Mlle. HESSELGREN (Sweden) desired to give a few explanations concerning the high figure of Swedish drug imports. Her explanations might possibly apply also to the figures mentioned by the Australian delegate. Allowance must be made for the fact that the bases on which the different countries compiled their statistics were not identical. In the Swedish statistics, for example, the requirements of hospitals were included in the Government requirements, whereas, in those of other countries, Government requirements covered only the army and navy services, etc. That showed the need for a strictly uniform basis for all statistics. This point should be mentioned in the report.

M. GAUTIER (France) thought that particular attention should be paid, among other points, to one extremely valuable observation made by M. de Vasconcellos, because it showed what could be obtained from the Governments if they were actuated by good faith, goodwill and patience. M. de Vasconcellos had pointed out that industry was being regulated internationally for the first time. That was a fact of considerable importance. It was particularly remarkable, because the industry concerned was a powerful and enormously lucrative one. M. Gautier desired to link up this fact to the general economic situation with which the entire world was now so deeply concerned.

The French delegation supported the Panama delegate's proposal.

M. SAWADA (Japan) thanked his colleagues for the way in which they had received his report. He would take account in the final report of the various suggestions made during the discussion.

The CHAIRMAN declared closed the discussion on M. Sawada's report.

FIFTH MEETING.

Held on Wednesday, September 16th, 1931, at 3.30 p.m.

Chairman: M. ALÂ (Persia).

10. Traffic in Opium and Other Dangerous Drugs : Resolutions submitted by the Delegates of Poland, Panama and Hungary.

M. CAVAZZONI (Italy) apologised for expressing his opinion before the proposals were put to the Committee, his excuse being that he must leave Geneva immediately.

He hoped that the Rapporteur's statement at the previous meeting meant that he would include in his report all the proposed additions to which no objection had been raised.

The resolution submitted by the delegate for Panama should include also the limitation of the cultivation of the coca-leaf.

In the matter of the circulation of annual reports to Governments (Annex 2), he was strongly opposed to any restriction whatsoever and would vote against any proposal to this effect.

As regards Countess Apponyi's resolution, though Italy had more than once voted in favour of the destruction of seizures, the Fifth Committee must not contemplate adding anything to a diplomatic instrument so recently adopted by an international conference. There was, of course, nothing to prevent the formulation of a recommendation, but this should be made without reference to the Convention.

1. RESOLUTION PROPOSED BY THE DELEGATE FOR POLAND.

The following draft resolution proposed by the delegate for Poland was read :

" The Assembly,

" Recalling the recommendation adopted by the tenth Assembly instructing the Secretariat to draw up a list of the laws and regulations at present in force in the different

countries on the traffic in opium and other dangerous drugs with a view to the preparation of a compilation or analysis of this legislation;

" Observing that the performance of this task has had to be delayed owing to the necessity of preparing for the work of the Conference on Limitation;

" Expresses the wish that the Secretariat, within the limits of the funds at its disposal, should undertake the preparation of this compilation of laws with a view to publishing it as soon as possible after the entry into force of the Convention for limiting the manufacture and regulating the distribution of narcotics, and that this compilation should embrace all laws or regulations concerning the supervision of the manufacture of and trade in narcotics and the measures taken to combat the drug habit ".

The draft resolution was adopted.

2. RESOLUTION PROPOSED BY THE DELEGATE FOR PANAMA.

The following draft resolution proposed by the delegate of Panama was read :

" The Fifth Committee of the Assembly,

" Noting the desire expressed by certain Governments that a Conference should be convened in the near future with a view to considering the possibility of limiting and controlling the cultivation of the poppy;

" Noting further the decision of the Council at its sixty-second session in January 1931, to ask the Advisory Committee on Traffic in Opium and Other Dangerous Drugs to examine and report to the Council in regard to the possibility of convening a Conference of the Governments concerned regarding this matter :

" Requests the Secretary-General to ask the Advisory Committee on Traffic in Opium and Other Dangerous Drugs and the competent organs of the Secretariat of the League of Nations to undertake as soon as possible the compilation of all documentary material likely to serve as a basis for the work of a conference on the limitation of opium production and for this purpose to send a questionnaire to the Governments Members and non-members of the League of Nations ".

Sir Jehangir COYAJEE (India) thought this proposal premature, as no decision to convene a conference had as yet been taken. He had no instructions from his Government, but India had hitherto not been in favour of the suggested conference because it believed in the simplicity and efficiency of the monopoly system which it practised, and because his Government felt that any attempt was likely to fail in view of the importance attached by some of the other producing countries to the financial and economic aspects of the problem. His personal view, however, was that, should other producing countries consider that such a conference might bear useful fruit, India would not wish to stand on one side.

M. ENTÉZAM-WEZIRY (Persia), though under no instructions from his Government, felt he must put the point of view of an opium-producing country. He fully appreciated the humanitarian motives behind the resolution. The difficulties with which Persia was faced were, however, obvious and only too well known. Whereas the limitation of manufacture meant limiting the large profits of a few wealthy industrialists, the limitation of production deprived hundreds of thousands of needy peasants of their scanty livelihood.

The question was, in any case, closely linked with the economic problem with which the world was faced and, as such, formed part of the general plan of reorganisation which the League was trying to bring about. It must, therefore, be dealt with with the utmost caution and only in close co-operation with the economic organs of the League.

Dame Edith LYTTELTON (British Empire) reminded the Persian delegate that the limitation of manufacture in fact meant the limitation of production also; the conference therefore was no new proposition. The Fifth Committee, moreover, could hardly lend itself to the suggestion that humanitarian activities should be subordinated to economic considerations.

She proposed the following amendment to the resolution : the addition, in paragraph 1, of the words " and the coca-leaf " after the words " cultivation of the poppy ", and, in the last paragraph, of the words " and the cultivation of the coca-leaf " after the words " limitation of opium production ".

M. CASARES (Spain) supported the resolution. Paragraph 2 made it quite clear that all the Committee could do was to ask for adequate preparation for any conference which the Council might later convene, and to point out that the question of substitute crops should be given due consideration in all its economic aspects.

As to the point raised by the Italian and British delegates regarding the inclusion of " coca-leaf cultivation ", it was technically incorrect to mention this in the same breath as poppy-growing as, while the latter plant required special cultivation, the former was a bush growing wild.

M. DE VASCONCELLOS (Portugal) endorsed this statement. The two cases were not comparable.

The Persian delegate need have no fear of a hasty decision as a result of the adoption of the proposal under discussion, seeing that, in view of budgetary considerations and of the necessarily

lengthy preparation involved, the words " in the near future " must undoubtedly mean some years hence.

M. SZE (China) supported the resolution as amended by the British delegate.

On the statement of the British delegate that the coca-leaf was cultivated in Java and Japan, *it was agreed, after discussion, that her amendment to paragraph* 3 *should read :* " serve as a basis for the work of the Conference on the limitation of the cultivation of the poppy and the cultivation and harvesting of the coca-leaf. "

Subject to the British amendments to paragraphs 1 *and* 3, *the resolution was adopted.*

3. RESOLUTION PROPOSED BY THE DELEGATE OF HUNGARY.

Countess APPONYI (Hungary), upon a statement by M. Ekstrand (Director of the Opium and Social Questions Sections) that her original proposal of an addition to the Convention must necessarily involve the convening of a new Conference, submitted her resolution in the following form :

" The Fifth Committee of the twelfth Assembly of the League of Nations,

" Realising the danger arising from the accumulation of large quantities of narcotic drugs :

" Expresses the wish that the Council ask the Governments to destroy all quantities of seized drugs in order to prohibit their reappearance in the trade in whatever form ".

Count CARTON DE WIART (Belgium) had no technical knowledge of the subject, but, as a " man in the street ", found it difficult to understand why Governments seizing drugs, in the interests of the public, should wish to put them back into circulation. Unless it could be proved to him that there were technical possibilities of converting these drugs into substances serving useful purposes, they were better destroyed, and he would, therefore, support the resolution.

M. DE VASCONCELLOS (Portugal) asked Countess Apponyi to withdraw her proposal. The 1931 Conference had finally decided to omit from the Convention any clause requiring the destruction of seizures. The League had only just submitted this Convention to the Governments, and it would undoubtedly be thought odd if a contradictory proposal were circulated so soon after the signing of the Convention.

Dr. HYDER (India) said that the Indian delegate dealing with the matter would make a statement later.

M. CONTOUMAS (Greece) supported the resolution, to which he proposed to add the words " or convert into non-narcotic drugs ", after the words " to destroy ".

M. SAWADA (Japan) strongly supported M. de Vasconcellos' view. Articles 7 and 18 of the Convention had been adopted by a body of experts after mature consideration, and it was definitely unwise to give rise, by the adoption of the present resolution, to any possibility of modifying those two articles. Governments might question the proposed invitation from the League Council, coming, as it would do, close upon the heels of a Convention adopted under League auspices. In any case, non-member States had signed the Convention, and would be in a position to call in question the Council's decision if it took the action proposed.

He too asked the Countess Apponyi to withdraw her resolution ; if she were unable to do this, he asked the members of the Committee to vote against it. The action advocated therein could always be taken at a more opportune moment in the future.

M. CHODZKO (Poland) considered that the arguments put forward by M. de Vasconcellos and M. Sawada were purely formal.

No State was precluded by the terms of a Convention from going beyond the provisions embodied therein. There was therefore no legal inconsistency between the terms of the Convention and the recommendation, which Governments could adopt or reject at will. In view of the enormous stocks in existence, the proposal was most useful and should be supported.

Countess APPONYI (Hungary), in reply to M. de Vasconcellos and M. Sawada, stated that she viewed her resolution purely as a recommendation to Governments, and could not withdraw it.

Dame Edith LYTTELTON (British Empire) found some difficulty either in supporting or voting against the proposal, as she was not certain that it would serve to lessen the amount of drugs in the world. The destruction of stocks would create a gap in the illicit supply of drugs, and, the demand being insistent, would lead to further manufacture.

M. SAWADA (Japan) thought it unlikely that Governments would act on the recommendation, and that the drawing up of resolutions to which States did not pay serious heed would be an

unwise move on the part of the Fifth Committee and would be detrimental to the League's prestige.

M. DE VASCONCELLOS (Portugal) emphasised the inconsistency of a recommendation which contradicted the recent work of the Conference on the limitation of manufacture. Under Article 18 of the Convention, it was open to Governments either to destroy the drugs seized, to convert them into non-narcotic substances or to keep them for medical or scientific use under Government control. Compulsory destruction or conversion applied to diacetylmorphine alone. Thus States which were unwilling to destroy the drugs seized would be unlikely to act upon the resolution under discussion.

M. CHODZKO (Poland) stated that, if the Council insisted, his Government would act upon the recommendation and would destroy all seizures.

There was no inconsistency between the articles of the Convention and the Hungarian proposal, and he saw no reason why the Committee should not accept a text which strengthened the provisions of the Convention.

M. GAUTIER (France) wondered how those members of the Committee who, as delegates at the Conference, had accepted the Convention should act with regard to the Hungarian proposal, which was an amendment to the Convention in question and should have been brought up at the Conference itself. Though the proposal was, in fact, a recommendation only, it would be extremely dangerous for a Committee of the League to admit that its recommendations could be disregarded without prejudice to the League's authority.

He had no instructions from his Government, which had, however, approved the Convention. The Hungarian suggestion should be further examined, for the Fifth Committee was not in a position to take a decision upon it.

Count CARTON DE WIART (Belgium) thought it useless to continue the discussion. Though struck by the arguments put forward by the Japanese, Portuguese and French delegates, he did not consider that Countess Apponyi's proposed text was inconsistent with the terms of the Convention. The latter represented one step forward, but could not be considered as a final settlement of all the aspects of the drugs problem. Such an invitation to Governments from the League must not, however, have the appearance of a criticism, direct or indirect, of the Conference's work.

Surely it would be better to express the idea underlying the Hungarian proposal in a less absolute form, indicating the Fifth Committee's wish that the problem should not be forgotten during the subsequent work of the Advisory Committee.

The CHAIRMAN read the following revised text of the resolution, drafted with a view to obtaining unanimity :

> " The Fifth Committee of the twelfth Assembly of the League of Nations,
>
> " Realising the danger arising from the accumulation of large quantities of narcotic drugs :
>
> " Expresses the hope that, in the future work of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs, the importance of destroying all quantities of seized narcotic drugs in order to prevent their re-appearance in trade in any form whatever will not escape attention ".

M. DE VASCONCELLOS (Portugal) supported this text.

Dame Edith LYTTELTON (British Empire) considered that the position had not been sufficiently explored. For instance, if a manufacturer produced both for licit and illicit purposes, his illicit transactions would not be affected by the destruction of seizures, whereas, if such drugs were put back into the licit trade, he would at least be affected so far as his licit trade was concerned. She would abstain from voting.

M. DOLLFUS (Switzerland) stated that the great majority of the States represented at the Conference which drew up the Convention were opposed to the insertion of a clause providing for the compulsory destruction of seizures. Was it likely that the same nations would heed the proposed recommendation, which would in any case mean a loss of prestige to the Council ?

Dr. ANDRITCH (Yugoslavia) thanked Countess Apponyi for bringing up an idea which had been submitted and supported by the Yugoslav delegation at the 1931 Conference. He must rectify the statement made by certain speakers that the suggestion had been rejected by a large majority at the Conference. Actually, the principle of the compulsory destruction of seizures had, in the first place, been adopted by a large majority, and it was only owing to the very strong

objections raised by the delegates of certain countries that other delegates went back upon their earlier decision and in the end rejected the proposal.

The Yugoslav delegation attached great importance to this question and thought it essential that the future work of the League of Nations should be set upon the right lines. He pointed out that the Yugoslav delegation had raised no objection at a previous meeting to the adoption of a resolution regarding the reduction of poppy-cultivation, although a large proportion of the Yugoslav population gained their whole livelihood by this means.

He hoped that the Committee would adopt the present resolution in its revised form.

Dr. VOELCKERS (Germany) thought that, in view of the varying opinions expressed, the time was not ripe for a decision. It would perhaps be better to ask the Council to refer the matter back to the Advisory Committee for consideration.

Countess APPONYI (Hungary), in reply to a question by the Italian delegate, stated that she accepted the second draft proposed.

Mr. BURDEKIN (New Zealand) said that, whilst he had the greatest sympathy with the motives on which Countess Apponyi's proposal was based, he must vote against it. It risked too much to gain too little, for it was unlikely to achieve important results, while it might prejudice the chances of the acceptance of the Convention by certain Governments.

M. ENTÉZAM-WEZIRY (Persia) supported the Hungarian proposal. It was not contrary to the Convention and he saw no formal difficulty in the way of voting upon it.

He would point out to the British delegate that, if she took as her example, instead of a single manufacturer supplying both the licit and the illicit traffic, two manufacturers, one honest and one dishonest, seizures replaced on the market would in no way affect the dishonest manufacturer, but would subject his honest rival to unfair competition.

Further, the drugs which found their way into the illicit traffic were often insufficiently refined and for that reason presented a certain danger.

Dame Edith LYTTELTON (British Empire) pointed out, in reply to this argument, that manufacturers supplying the illicit traffic had, officially, licit factories.

Count CARTON DE WIART (Belgium) proposed that the discussion should be closed and a vote taken at the beginning of the next meeting.

Mr. GRIMES (Liberia), seeing that expert opinions had been given both for and against the Hungarian proposal, thought that the question should be studied further, that a comparison should be drawn up between Article 18 of the 1931 Convention and Countess Apponyi's draft resolution, and that a vote should not be taken until this had been done. Not only the vote, but the rest of the discussion should be adjourned.

Mrs. PLUMPTRE (Canada) recalled that Article 18 left Governments free to choose between three different methods for disposing of seizures. Not all Governments had yet signed the Convention, and the despatch at the present time of a letter urging them to single out one of these three methods would constitute a departure from the spirit of the Convention. If the delegate of Hungary pressed her resolution, countries like Canada, which had already signed, would find themselves in a difficult position, being obliged, in view of their previous action, to vote against a resolution whose apparent object was to reduce the illicit traffic.

It would be better to maintain the Conference's decision.

M. DEAK (Hungary) said that, in his personal view, the discussion turned on the point whether Countess Apponyi's resolution was or was not in conformity with the spirit of the Convention. The latter, whatever its merits, was obviously not perfect, and efforts to improve it were in no way inconsistent with it. Neither Article 18, nor any other, should stand in the way of the attempts of members of the Committee to improve upon the work of the Conference.

The continuation of the discussion was adjourned to the next meeting.

11. Traffic in Opium and Other Dangerous Drugs : Question of Discontinuing the Circulation of Annual Reports to Governments (continuation).

Mr. Duncan HALL (Secretariat), referring to document A.V/2 1931 (Annex 2), stated that the estimated total saving involved was 8,000 francs. The Advisory Committee had already agreed to a saving of 7,000 francs by discontinuing the distribution of the seizure reports. A total economy of 15,000 francs was thus involved.

On the suggestion of M. Casares (Spain) that the Fifth Committee might agree in principle, leaving the final decision to the Advisory Committee, Mr. Duncan Hall added that there was no doubt that the Advisory Committee would accept the suggestion, which merely involved the discontinuance of a practice only two years old. Reference to the Advisory Committee had the added disadvantage of postponing the decision and continuing the expenditure until the following March.

The CHAIRMAN informed the Australian delegate that her request that documents should be available for Governments on demand would be met.

M. SAWADA (Japan) and Dame Edith LYTTELTON (British Empire) agreed, on grounds of economy, to the action advocated in the Secretariat memorandum, subject to the Australian proviso.

Count PAGLIANO (Italy) reminded the Committee that M. Cavazzoni had already strongly opposed the suggestion. Italy advocated the greatest possible publicity in matters affecting moral and social reform. Nevertheless, in view of the explanations given by the representative of the Secretariat, he would not vote against the proposal, but would abstain.

M. CHODZKO (Poland) and M. CASARES (Spain) also expressed their intention to abstain.

It was agreed by a majority vote to abandon the circulation of the reports in question.

12. Traffic in Opium and Other Dangerous Drugs : Appointment of a Rapporteur to the Assembly.

On the proposal of the CHAIRMAN, M. SAWADA (Japan) *was unanimously elected Rapporteur.*

SIXTH MEETING.

Held on Thursday, September 17th, 1931, at 3.30 p.m.

Chairman : M. ALÂ (Persia) ; later, Mlle. HESSELGREN (Sweden).

13. Traffic in Opium and Other Dangerous Drugs (continuation) : Revised Text of the Resolution submitted by the Hungarian Delegate.

Dame Edith LYTTELTON (British Empire) stated that, on thinking the matter over, she had decided to vote against the resolution.

M. DOLLFUS (Switzerland) said that as the resolution had not been discussed in detail in its revised form he would abstain from voting.

M. GAUTIER (France) also intended to abstain, for the reasons he had expressed at the previous meeting.

The resolution was rejected by fourteen votes to eight.

14. Traffic in Opium and Other Dangerous Drugs : Statement by Dr. Ethel Osborne regarding Drug Consumption in Australia.

Dr. Ethel OSBORNE (Australia) announced that she had received, since she last addressed the Committee, a statement dated August 20th, 1931, which was thus published ten months later than the document in which the figures regarding drug consumption in Australia, of which she had spoken at the last meeting, were set out. This new document contained an explanation regarding one of the drugs in question, which was practically identical with that which she had given the Committee, based on her own experience, and which she considered might be taken to apply to all the other drugs under investigation.

Dr. Ethel Osborne then read the following extract from document C.439.M.186.1931.XI, page 11 (Report to the Council on the Work of the Permanent Central Opium Board during its eighth, ninth and tenth sessions) :

> " The Australian Government, in its letter to the Board, gave a detailed account of the measures taken by it to prevent the escape of cocaine into the illicit traffic and concluded as follows :
>
> > " The Commonwealth Government, as the result of the inquiries made, is satisfied that the cocaine lawfully imported into Australia is used for legitimate purposes, and

the explanation as to why this lawful consumption of cocaine is so much greater per head of population in Australia than in other Anglo-Saxon countries largely lies, it is considered, in the provision made in Australia, to hospitals and other agents, for medical and dental attention to all members of the community, and in the fact that the community makes full use of the facilities provided. In children, dental and nasal pharyngeal conditions are looked for under a system of school medical inspection and, when detected, receive adequate treatment. A considerable proportion of the cocaine imported into Australia is utilised in the manufacture of dental anæsthetics ".

This matter has been set right, but only rather late in the day. It might be wise, when publishing figures relating to such social problems which might cause some anxiety in a country, to add a note to the effect that the figures in question were still under examination.

15. Traffic in Opium and Other Dangerous Drugs : Recommendation of the 1931 Conference regarding State Monopolies.

Mr. Duncan HALL (Secretariat) recalled that the Polish delegate had, at a previous meeting, asked why the Council had taken no action upon the recommendation regarding State monopolies, contained in the Final Act of the Convention for Limiting the Manufacture of Narcotic Drugs.

The Conference had not asked for a special communication of this recommendation to Governments, and the Rapporteur had considered that a circular letter on the subject was unnecessary. The complete text of the Final Act would be communicated to Governments as the certified text of the Convention, but, in view of the Council's decision on the subject, no special action would be taken with regard to the recommendation.

16. Improvements in Penal Administration : Discussion of the Rapporteur's Report.

M. PELLA (Roumania) read his report (Annex 3).

Lord LYTTON (British Empire) raised a point of order with reference to M. Pella's report. He submitted that the first two parts of this able and learned report, which dealt with the unification of criminal law and with international co-operation for the suppression of crime, were not matters which the Fifth Committee was competent to discuss. The report of the Secretary-General (document A.25), which dealt with penal administration, recorded the fact (page 1) that the Council at its session in January 1930 had requested the Assembly to place this subject on its agenda, in order to decide on the best means of co-operation with the International Penal and Penitentiary Commission and other organisations. By no stretch of language could such questions as international co-operation for the prosecution of criminals or the unification of criminal law be brought within the meaning of the words " penal administration ". Before the general discussion commenced he asked for the ruling of the Chair on the question of competence.

M. PELLA (Roumania), Rapporteur, thanked the British delegate for affording him an opportunity of dispelling a misunderstanding.

Though the League of Nations had as yet undertaken no co-ordinated or detailed study of the question of penal administration, he had purposely analysed in his report the various international aspects of penal problems in order to enable the Committee to choose those with which it wished particularly to deal. In his view, it was impossible to consider these aspects separately. The Committee of Experts sitting at Berne — the International Penal and Penitentiary Commission — had shown he truth of this; after years of work, it had reached the conclusion that it could not solve problems of penal administration without dealing with criminal law also ; for this reason it had changed its name to " Commission internationale pénale et pénitentiaire ". The report of the Secretariat, dated August 27th, 1931, showed that it studied subjects such as statistics of crime, repatriation of foreign delinquents, extradition, etc., subjects which, strictly speaking, were not covered by the term " penal administration ". The Howard League for Penal Reform, which had referred the question to the League of Nations, had also extended its scope ; its memorandum dealt with a number of like questions connected with penal law. The Committee could hardly decide as to the scope of a problem until it had embarked on a study of it.

Lord LYTTON (British Empire) said that if that were the sense of the Committee he would state the views of his delegation on that aspect of the problem which could properly be called penal administration.

The British delegation understood the problem of penal administration to be that of the treatment of the criminal when he had been declared to be a criminal by the court and had been handed over to the prison authorities. Even when viewed in this limited aspect, the treatment of prisoners varied greatly in the different countries, and even in the same country there were great divergences of opinion concerning the best method of dealing with offenders.

It was undeniable that there had been, and still were, abuses in the treatment of prisoners and that this was a humanitarian question which the League should take up, more especially since the victims of harsh treatment in prison might be the subjects of a foreign country. It should,

however, be observed that, whereas the other evils which the League was attempting to remedy were due to natural forces or created by the action of individuals contravening their country's laws, the evil in this particular case was almost invariably ascribable to a Government. The question therefore was a particularly delicate one. No improvement could be obtained without the willing co-operation of Governments, and in obtaining such co-operation the League might exercise a very effective function. It was necessary to proceed with tact as well as with courage.

The question had first been brought before the League of Nations by the Howard League for Penal Reform after two years of unsuccessful effort. In January 1930, the Council had invited the Assembly to consider how the League could collaborate with the International Penal and Penitentiary Commission, which had its headquarters at Berne and had been in existence for about fifty years.

Last year, the Assembly had before it a memorandum from the Howard League and a set of standard minimum rules drawn up by the International Penal and Penitentiary Commission and passed a resolution inviting the opinion of Governments thereon. This year, the Secretary-General's report contained the answers of Governments, a memorandum from the International Penal and Penitentiary Commission and a further memorandum from the Howard League. The League of Nations had thus recognised the interest taken in the welfare of prisoners by organised opinions in many countries. The task of the Fifth Committee was to advise the Assembly how the League could best express its own interest in these questions.

There was already an international body dealing with the matter at Berne. The British delegation wished to know whether the States Members desired that the same question should be dealt with internationally by another body at Geneva. If so, the next question was whether this second body should increase and improve the co-operation already established with the Berne organisation or whether it should deal with the matter singly and become the only body handling it internationally.

Lord Lytton considered that, if the League were to take up the treatment of prisoners, it must have the advice of a body of experts. The Child Welfare Committee could hardly be said to possess the necessary qualifications for that function. Time was required to gain experience of the results of co-operation between the League and the International Penal and Penitentiary Commission before a final decision could be taken. If, however, the latter body were to become the League's adviser on penal administration, its membership and perhaps also its procedure in some respects would need to be amended. It was desirable that unofficial opinion should be represented on that body and that its work should be discussed annually by the Assembly.

There were three questions requiring more especially international treatment : (1) the question of collecting and publishing information (that work had already been undertaken by the Berne organisation, which would shortly publish a report) ; (2) the preparation of a set of international rules as to the humane treatment of prisoners (the Committee was acquainted with the International Penal and Penitentiary Commission's opinion on this point) ; (3) study of the condition of alien criminals who, after serving their sentence, were sent home and very commonly found themselves without means or friends (on that point, too, the International Penal and Penitentiary Commission was compiling a report).

The British delegation considered that, before taking any other decision, the League should request the Governments to intimate their views on these different points ; M. Pella's report should be included among the documents distributed to them.

Finally, it would be desirable, after the general discussion, to set up a sub-committee to examine the ways and means of harmonising the British delegation's views and M. Pella's report.

Lord Lytton concluded by moving the following draft resolution :

" The Assembly,

" Having been invited by the Council in January 1930 to consider the best way in which the League of Nations could co-operate with the International Penal and Penitentiary Commission and other organisations in their efforts to assist in the development of prisons in accordance with modern economic, social and health standards ;

" Having considered the opinions of the Governments of the States Members and other organisations which were consulted regarding the standard minimum rules for the treatment of prisoners (document A.V.21.1930), drafted by the International Penal and Penitentiary Commission) ;

" Having also considered the memorandum of the International Penal and Penitentiary Commission, and the supplementary memorandum of the Howard League for Penal Reform, which appear as appendices to the Secretary-General's report to the twelfth Assembly (document A.25.1931.IV) ;

" Believing that, if the improvement of prison administration throughout the world by the friendly co-operation of Governments is to be assisted by the League of Nations, the League may require the advice and assistance of some permanent body of experts ;

" Requests the Secretary-General to invite the opinion of the Governments of the States Members as to whether the assistance of the League of Nations in this matter is desired, and if so, whether such assistance can best be rendered by continuing and strengthening the existing co-operation with the International Penal and Penitentiary Commission, or by the establishment of a separate Commission of the League itself to deal with the subject and to submit a further report on the question to the next Assembly ".

Count CARTON DE WIART (Belgium) had read M. Pella's remarkable report with much interest. He appreciated the British delegate's observations with regard to the scope of the report. Indeed, when the question of penal administration had first been brought to the League's notice, it had caused some surprise. It was a new question, and such questions were often received with some diffidence. Further, the problem was not one of those tasks assigned to the League in the Covenant, and it affected the internal administration of each State. It therefore seemed somewhat difficult to deal with in an international convention.

However, there was no doubt that the League's competence was somewhat encyclopædic and that some of its prestige and value was due to its social and humanitarian efforts. Moreover, the Howard League, in introducing the problem to the League of Nations, had touched on aspects of the question which were really international: extradition, comparative statistics of crime, probation (*liberté surveillée*), etc. It was not surprising, therefore, that the problem had been extended in M. Pella's report and that that report had been extended beyond prison reform to cover what was being done internationally to prevent crime. It was natural and desirable for the League of Nations to take action in connection with this universal phenomenon, as well as in regard to prison systems, a matter which concerned the laws of each country.

The Belgian delegate would consider the three classes of ideas dealt with in the report: (1) unification of the principles of criminal law; (2) co-operation of States in the prosecution and punishment of crime; (3) aspects of the question considered by the Committee in the previous year.

The League could not omit to take up the unification of criminal law. Unification was a movement that was taking place in public and even in private international law as well and that was a matter for satisfaction, one which reflected the solidarity of the nations. It had already found expression in the Conventions on Slavery, on the Traffic in Narcotic Drugs, and Obscene Publications. The Advisory Commission for the Protection and Welfare of Children and Young People, too, had attempted with success to bring about a certain degree of unification both with regard to the age of consent in connection with the protection of minors and with regard to the traffic in women.

The International Bureau for the Unification of Criminal Law for its part had attempted to achieve a measure of unification, particularly in the criminal law of those countries which had had to amend their codes in consequence of territorial changes. It was extremely desirable that there should be some approximation of the legislations of the various countries with regard to indictments, punishment and extradition, since, owing to easier communications, crime itself had become more and more international. In particular, an offence that was severely punished in one country must not be allowed to go unpunished in another owing to divergency in the criminal regulations.

Much valuable work had been done with a view to inter-State co-operation for the prosecution and punishment of crime. The International Penal Law Association had framed a preliminary draft model for extradition treaties. The Child Welfare Committee had drawn up a Convention whereby children who had escaped from the charge of their guardian and crossed the frontier could be repatriated without any need for complicated formalities. Valuable work too had been done by congresses like those at which the delegates of the central police offices of the various countries met periodically with a view to framing regulations for facilitating the prosecution of crime.

The British delegate had rightly emphasised the question of the carrying out of the sentence. In this matter, the Committee must attempt to reach definite conclusions. Agreement on questions of principle might be said to have been reached already. Imprisonment was no longer held to be solely the expression of public vengeance against the culprit. The object now was much more to prevent an offender from injuring society again than to chastise him.

As was shown in the replies from the Governments to the League's questions, the science of prison reform had made progress. In certain countries, the rules prepared by the International Penal and Penitentiary Commission were already in application.

The International Labour Office had also been consulted and had sent in a most interesting report, emphasising, in particular, that the work done by prisoners should not only be useful but should also be remunerated, part at least of the money earned being paid to the prisoner's family.

The Commission for the Protection of Children and Young People had urged that in no case should children be sent to prison. It had recommended the study of the system of prison schools, which was giving satisfaction in many countries, among them, Belgium.

The International Penal Law Association had, in its turn, through its Secretary-General, Professor André Roux, urged that a number of very judicious axioms should be applied in prison life. Convicts should be separated according to sex, age, the motive for their offences; prisoners awaiting trial should be isolated from convicted prisoners; there should be special rules for political prisoners, etc. It had likewise made proposals as to the size of prisons, which should not be too large or too small.

There could be no question of framing an international convention at the present stage. It would even be premature to attempt to draw up a declaration of principle as to the treatment of prisoners. The problem required further study. He suggested referring it to the Penal and Penitentiary Commission, together with a request that, if necessary, the rules, so satisfactorily formulated, be completed or revised.

It would be regrettable for the League to omit to display interest in the questions of inter-State co-operation with a view to the prosecution and punishment of crime and the unification of criminal law. It should at least watch and help to co-ordinate the work being done. It should,

for instance, send an observer to represent it at recognised conferences and congresses dealing with these matters.

In its closing passage, M. Pella's report showed that it would be desirable to take advantage of the session of the Commission for the Protection of Children and Young People to be held in April 1932 to consult the Government delegates on the Commission who might be joined by a representative of each of the six following organisations: the International Penal and Penitentiary Commission, the International Penal Law Association, the Union internationale de droit pénal, the International Bureau for the Unification of Criminal Law, the International Criminal Police Commission, and the Howard League for Penal Reform. He merely saw in this suggestion a convenient formula, whereby expense to the League could be avoided, provided it were understood that the associations mentioned would, of their own accord, send representatives at their own expense to the session in question.

In conclusion, the question must be left to ripen and must be taken up again and dealt with in whatever manner seemed most suitable when it was mature.

Mme. PLAMÍNKOVÁ (Czechoslovakia) observed that the urgent need for taking up the treatment of prisoners in a serious manner was shown by various studies, enquiries and campaigns in the Press. Psychiatry must plainly take a more and more preponderating place in the prison services, thus affording the authorities concerned a better understanding of the condition of the offender and hastening the time when prisons would be replaced by sanatoria and when it would be held that punishment should be replaced by assistance.

The need for solving the problem on an international basis was proved by the work done by the various organisations which had attempted to investigate the matter, by observations of Professor Roux, of Strasbourg, concerning the general rules to be applied in the treatment of prisoners, and by M. Pella's report. Attention should be drawn to the fact that an offender who left prison with a violent feeling of resentment was a grave social and international danger, particularly in the case of political prisoners, to whom the set of rules framed by the International Penal and Penitentiary Commission made no reference.

She would have liked to see a suggestion for a special commission similar to those dealing with the traffic in women and child welfare. Such a commission should have the help of the organisations concerned, of experts in psychiatry and other qualified persons.

She was glad to inform the Committee that in her country the recommendations in the memorandum by the Permanent Committee for Legal and Political Questions of the Federation of League of Nations Unions were fully covered by a law on juvenile courts, promulgated on March 11th, 1931, and another law on political prisoners, promulgated on July 16th of the same year. Further, the Czechoslovak Ministry for Justice had held an enquiry into prisons and convict life. Various proposals for the application of modern ideas in the Czechoslovak prison services had then been discussed at a Conference of Prison Governors and " Civic Inspectors ", under the chairmanship of the Minister for Justice. The present regime in Czechoslovakia was in accordance with the set of rules framed by the International Prison Commission and even went beyond them in certain respects.

A very interesting experiment had been made in Czechoslovakia. " Civic Prison Inspectors ", chosen from among the Members of Parliament, undertook to visit prisons at least four times a year and to send to the Ministry for Justice a report to be completed by concrete proposals for improvements. These inspectors were unpaid. The Ministry took action on any observations made in such reports. The inspectors gained the trust of the convicts, who were allowed to converse with them directly and in private. This form of supervision had been in existence for only two years, but had given quite extraordinary results.

In conclusion, the Czechoslovak delegation would warmly support anything that might be done to improve the lot of prisoners. It greatly hoped that the League of Nations would take up this question.

Count PAGLIANO (Italy) shared Count Carton de Wiart's view as to the unity of the subject.

With regard to the three points of the report, Italy would do everything possible to promote the first and second, the movement for the internationalisation of criminal law, and for international co-operation in the prosecution and punishment of criminals. Action had already been taken in this second matter with regard to crimes committed abroad, the means adopted including extradition treaties and the communication of judicial and extra-judicial documents. He agreed with M. Pella that the third point — rules for the treatment of prisoners — required further elucidation. The time was therefore not ripe for the consultation on this matter proposed by the British delegate.

Count Pagliano then explained the fundamental principles of the recent penal and penitentiary reforms executed in Italy.

Mlle. HESSELGREN took the Chair.

Mme. VON ZAHN-HARNACK (Germany) stated that her delegation supported the British view; the point on the agenda was penal administration, and her Government instructions covered this matter only. She could not therefore say anything as to the proposal appearing at the end of the first chapter of M. Pella's report, other than that the " very general recommendation " which he advocated would, in her personal view, be ineffective.

Germany endorsed the proposal for closer co-operation with the International Penal and

Penitentiary Commission ; the support of the Berne experts would give the League's work the greatest possible authority.

League action taken at the session of the Commission for the Protection and Welfare of Children and Young People in April 1932, mentioned at the end of the report, would be most useful, though it must of course be subject to budgetary considerations.

The importance of the reference in the International Labour Office memorandum (I.L.O. /N. 200/19/0/1) to the work done by prisoners must be emphasised from the economic as well as from the moral and educational points of view, and she would recommend the circulation of the memorandum to all Governments and relevant organisations. She advocated the closest co-operation between the Child Welfare Committee and the International Labour Office.

Conditions in most countries seemed to be rather better than was required by the Standard Minimum Rules, and her Government shared M. Pella's opinion that these were inclined to fall below the level desirable, especially in the matter of corporal punishment and of confinement in dark cells. Minimum standards tended to become normal standards, and the rules might thus hinder further development. The German delegation requested the League to ask those of its Members who were not members of the International Penal and Penitentiary Commission to comply with the requirements of these rules.

She strongly emphasised all that M. Pella had said as to the training and choice of officials without which all attempts at reform could not but fail.

Mlle. CAMPOAMOR (Spain) did not agree with the British and German view as to the Committee's competence ; M. Pella's three points should, within the limits set by his report, be discussed as a whole.

As regarded point I, the legal and social aspects of the work of the Committee were so closely interconnected that they could not be considered separately. In any case, the Committee was not asked to encroach upon the legal province, as M. Pella's proposal to which Mme. von Zahn-Harnack had referred was a recommendation only and left the technical details to legal experts.

The suggestions made at the end of the first chapter of the report, where it was stated in particular that the present time was favourable for the unification of criminal law, were of the greatest importance to Spain. Spain, which had adopted the principle that the normal standards of international law should be embodied as an integral part of its positive law, was considering its new penal code. The Spanish delegation thought it important that these standards should be drawn up as soon as possible. The jurists to whom was entrusted the preparation of the penal code would find them useful as a basis for their work. The Spanish delegation supported the proposals contained in the first part of M. Pella's report and approved the statement contained in the second part. Finally, it subscribed to what was said in the third and last part with regard to the rules on the treatment of prisoners.

It desired that all reference to children and minors should be expunged from these rules.

Two points which were not covered by the report required special study ; the first was the provision of crèches for children up to 5 years of age in women's prisons in order to enable the prisoners to do their duty as mothers. Spain had already adopted this procedure. The second was that of the special regime to be applied to political offenders. She therefore proposed the following draft resolution :

> " The Assembly, in view of the danger entailed by crime and the necessity of viewing this problem in all its aspects, is of opinion that a Committee of Experts should be set up to deal with all these problems, in particular the progressive unification of criminal law, the co-operation of Governments in the campaign against international crime, and the measures to be taken with a view to the improvement of prison conditions and to affording assistance to prisoners after their discharge ".

Count MORSTIN (Poland), after associating himself with the congratulations addressed to the Rapporteur, said he thought it most satisfactory that, in his general examination of the question, the Rapporteur had not confined himself to one aspect of the problem.

Count Morstin thought it essential to tackle the question of the unification of the various national legislations in connection with the offences sometimes known as " international crimes ". Further, at a time when rapid communications facilitated escape, it was also urgent to provide for closer co-operation between the States with a view to the apprehension and punishment of the criminal. The questions of the execution of penalties, the treatment of prisoners and assistance to prisoners after their release must also be examined.

He urged that the question should be studied as a whole and that the new Committee should deal with all its aspects.

Dr. HYDER (India) pointed out that unification, whatever form it might take, required uniform rules. Any such rules must take into account two factors : the first, humane treatment along enlightened lines — a matter in which India was, as its reply (document A.25) would show, far in advance of the minimum standard required ; the second was that of environment. Physical, climatic and social conditions varied from country to country, and this changing element required the exercise of infinite caution in the framing of any rules. He would add that he had been specially

interested to read the report from the International Labour Office. Referring to the Czechoslovak delegate's speech, he observed that committees of visitors had long been established in prisons in India.

Mrs. PLUMPTRE (Canada) stated that Canada, when a member of the Council, had purposely refrained from raising the question of penal administration, considering that its international aspect — in the strict sense of the word " international " — was not yet established. The Secretary-General's report (document A.25) endorsed the view that further study was required, and she therefore supported the British resolution and the German delegate's statement on this point.

Canada, being a federal country, was still governed by inter-provincial relations in the matter. Her own province's recent action in placing certain parts of penal administration under its new Department of Social Welfare illustrated the general trend of developments in the Dominion.

Her Government felt that the present necessity for curtailing League expenditure did not justify the establishment of a new Committee, however desirable this might be.

M. GAUTIER (France), referring to the question of the extension of the powers of the Committee for the unification of criminal law, thought it would be wise to proceed slowly. He entirely agreed with Count Carton de Wiart, and felt that a detailed study of the question should be made, all the important associations being consulted, it being understood that when the League had collected sufficient documentation, it could extract the points held in common. In any case, the observation of M. Hyder, delegate of India that, the standardisation of law might present difficulties should be borne in mind.

With regard to the prison system, the French delegate agreed as to the aim in view. It was of importance to help freed prisoners, instead of exciting their worse instincts. On this account, he thanked M. Pella for his report, which was the report of a great jurist, an honest man, a man who believed with heart and soul that every living being, however guilty he might be, was entitled to a minimum of respect and culture. M. Gautier thought that, with prudence, goodwill and fellowship, the desired aim would be achieved.

M. PELLA (Roumania), Rapporteur, wished, before replying to the points raised, to propose the formation of a Drafting Committee to prepare a single resolution based on those already submitted, and on his report.

He maintained his view, in which he had had the support of several speakers, that the three points he had raised came within the Committee's competence. Crime was a social evil and the Fifth Committee was entitled to deal with social questions. The close connection between the social and judicial aspects of the questions at issue made it impossible to consider the problem other than as a whole. Obviously the competent organisations could be consulted for the purpose of determining the aims of the League's efforts in this field.

He agreed with the German delegate that, for certain States, the Standard Minimum Rules were rather below the level desirable, and thought, with Count Carton de Wiart, that they should be referred back to the International Penal and Penitentiary Commission for revision, accompanied by the observations of the various Governments and of the Fifth Committee.

With regard to the unification of criminal law, it was obviously impossible to unify criminal law over its whole field. There was no question, however, of doing this, but merely of making further progress along the lines already laid down by international conventions. He agreed with the delegate of India that every consideration must be given to existing national conditions.

The Committee was not faced with a decision on the question of substance, and the time would not be ripe for consulting Governments, as the British delegate had suggested, until the expert organisations had been consulted as to the field in which the League could work.

M. Pella thought that the Governments could only usefully be consulted with regard to the progressive unification of criminal law and the co-operation of States in the prevention and repression of crime after the competent organisations had replied to the League of Nations. In order to make it possible for the said organisations to reach conclusions regarding the various aspects of the problem, it would be desirable to suggest to them, through the Fifth Committee's report, that they should call a joint meeting of their representatives to discuss the unification of penal law and international co-operation in the prevention of crime, to which their attention had been called by the League of Nations.

M. Pella's proposal for the appointment of a Drafting Committee was adopted.

The CHAIRMAN proposed that this committee should be composed as follows : M. PELLA (Roumania), and the following members who had proposed resolutions : Lord LYTTON (British Empire), Count CARTON DE WIART (Belgium), Mlle. CAMPOAMOR (Spain) and Mme. PLAMÍNKOVÁ (Czechoslovakia).

This proposal was adopted.

SEVENTH MEETING.

Held on Friday, September 18th, 1931, at 3.30 p.m.

Chairman: Mlle. HESSELGREN (Sweden).

17. Work of the Traffic in Women and Children Committee : Discussion of the Rapporteur's Report.

Mrs. PLUMPTRE (Canada) presented her report (Annex 4).

Mme. MATSCH (Austria) wished to state that the Austrian delegation approved the terms of the report submitted to the Fifth Committee.

She emphasised the fundamental importance of the question of women police. A certain number of women had already been engaged for some years past in the different kinds of welfare work organised by the Vienna police. As experience had shown the great advantages of employing women in this capacity, the Police Directorate, in view of the lively interest taken in the matter by public opinion, had carefully considered to what extent women could be employed in general police work. After an exhaustive examination of the question, it had come to the conclusion that, while women police could be employed with advantage in carrying out preventive measures, they could not replace men in criminal police work, and that the co-operation of women in this sphere was neither useful to the service nor desired by public opinion.

The Police Directorate of Vienna was at present employing women in the welfare service — namely, to supervise prostitution, to protect young people, and to supervise persons inclined to alcoholism and persons suspected of suicidal tendencies. At the present time, thirty-seven women were employed in the Department for Preventive Measures and thirteen in the Department for the Suppression of the Traffic in Women. In the police prisons, the police officers who formerly supervised women prisoners had been replaced by ten women. The Police Directorate of Vienna proposed to increase the number of women police to carry out the duties mentioned above. It was also proposed to use women police in foreign service, for observation work and if necessary to assist the criminal police in enquiries and the hearing of cases.

In order to fit women desirous of entering the police force for their task, a six months' preparatory course had been instituted, instruction being given in the rudiments of psychology, social medicine, first aid, social welfare institutions and certain laws relating to the constitution, civil code, penal code and administrative measures.

The results of the employment of women police had been most satisfactory, and the Austrian delegation therefore requested the Rapporteur to be good enough to insert in the Committee's report to the Assembly a paragraph worded roughly as follows :

> " Taking into consideration the fact that the countries in which women police have been established have one and all testified to the excellent services rendered by them, the Fifth Committee draws the attention of those Members not yet employing women police to the necessity of instituting such a service, particularly for questions regarding women and children ".

Dame Edith LYTTELTON (British Empire) drew attention to the " Study of the Laws and Penalties Relating to *Souteneurs* " (document C.441.M.188.1931.IV), which brought out the curious discrepancies existing between the penalties inflicted in the various countries.

With regard to the results referred to in the last paragraph of page 8, her Government felt, in view of the steady diminution in the number of convictions in Great Britain, that the maximum sentence of two years' imprisonment was proving efficacious. In her opinion, however, another aspect of these results required further study — namely, how far did *souteneurs*, after serving their sentence, return to their old pursuits ? She submitted the following resolution with a view to ensuring further investigation of this point :

> " That the Advisory Committee on the Traffic in Women and Children be requested by the Assembly to consider the possibility of ascertaining the results of the penalties on *souteneurs* inflicted under the different legal systems, with special regard to the recurrent conviction of the same habitual offenders ".

Count CARTON DE WIART (Belgium) supported the Rapporteur's suggestion that Assembly action should be taken in order to obtain ratification of the 1921 Convention by the twelve States Members of the League who had not yet acceded to it. It was desirable that these new ratifications should be obtained before undertaking the settlement, by means of an additional Convention, of the question of the abolition of the age limit from the Convention — a proposal which was favoured by twenty-six Governments, including Belgium.

The wording of one phrase in the report of the Traffic in Women and Children Committee (document C.267.M.122.1931.IV) might give rise to a misunderstanding. Paragraph 3 of the section

on page 4 dealing with *souteneurs* included the words " in accordance with the legislation of each country ". This did not of course mean, as it might be read to do, that present legislation must be retained. Each country must, in fact, adapt its internal legislation when it had signed a Convention.

The adoption of an additional Protocol on the punishment of *souteneurs* (document C.267. M.122.1931.IV, page 9) constituted real progress, in particular, by attributing full competence to courts of all signatory countries. The definition of the term *souteneur* was such that it could be interpreted as covering also the owners of licensed houses. He further stressed the importance of Articles 4 and 7 of the Protocol.

It was to be hoped that the circulation of this draft additional Protocol to Governments would lead to the ultimate convening of a conference to deal both with the question of *souteneurs* and that of the abolition of the age-limit from the 1921 Convention.

Princess CANTACUZÈNE (Roumania) stated that the activities of the Roumanian police were steadily bringing to light the existence of powerful and wealthy associations with agents in the ports all over the Far East and South America. The convention should mention that international action should be directed against these associations and not against individuals. The Roumanian police could and did arrest the local agents of such companies, but it was impossible, without international action, to get at their employees who were engaged in the traffic in foreign ports or in ships.

She recommended the communication by cipher telegram from one country to another of information regarding the departure of vessels carrying passengers whose trafficking transactions had been learned too late for arrest ; she further advocated the encouragement of police vigilance in the matter of the traffic by the award of special medals for efficiency.

Licensed houses had recently been closed in Roumania. Unhappily, however, many hotels and pensions had been opened which served the same purpose. The Government's projected scheme of rescue homes had had to be abandoned in view of the economic crisis.

With regard to women police, a law to be placed before the Roumanian Parliament on November 15th instituted schools for candidates, which would be opened in a few months' time, and envisaged the sending of these abroad to gain six months' experience in a small number of countries already employing women in this capacity.

Mme. VON ZAHN-HARNACK (Germany) stated that Germany intended to increase the maximum penalty for *souteneurs* from one month to five years' imprisonment. The German law regarding this offence did not at present cover both sexes, but this difficulty could no doubt be overcome.

She drew attention to a recent article in the *Shield*, giving details as to child prostitution and marriage laws in the Far East, which fully proved the need for the work being carried out there by the Commission of Enquiry.

Women police had been found particularly useful in Germany, especially in matters dealing with clandestine transport of women. The German Government was not in favour of the repatriation of foreign prostitutes, considering, with the welfare societies, that this would be a retrogressive step.

The German law regarding protection against venereal diseases was working well. The abolition of licensed houses in Germany had not caused any material change in the aspect of the streets except in so far as unemployment and the economic crisis were leading women to fall back upon prostitution.

Mme. SCHÖNFELD-POLANO (Netherlands), referring to the draft additional Protocol, stated that her Government endorsed the first clause of Article 2. The Netherlands legislation drew a definite distinction between the offence of the *souteneur* and procuring, but not precisely that drawn by the Protocol. In the Netherlands, the distinct characteristic of the *souteneur's* trade was the fact that he lived on the earnings of a woman's prostitution ; he need not necessarily be the promoter of it. His offence was punished as an infraction, whereas procuring was a crime punishable by a term of imprisonment. The Netherlands Government could not, therefore, agree with the definition given in Article 1, which, under its law, applied to procuring.

This did not mean that her Government did not make every effort to repress the activity of *souteneurs*. It agreed with the draft in so far as this advocated the severe punishment of those offences which, under its law, were considered to constitute procuring, but, in view of its conception of the *souteneur's* offence, it must make reservations regarding paragraph 2 of Article 2 and the following articles.

M. CHODZKO (Poland) drew attention to the difficulties with which the Traffic in Women and Children Committee had been faced in drawing up the draft additional Protocol, which had had to be sufficiently elastic to cover the varying provisions of the different legislations. Hence the omission of all reference to such definite points as the length of the period of imprisonment; but he thought the Assembly's attention might well be drawn by the Rapporteur to the fact that this penalty amounted to as much as ten years' imprisonment in Canada and fifteen years in Poland. These considerations justified the insertion of the words " if such loss, is provided for by the legislative system of the country " at the end of Article 2 and of the words " as a general rule " in Article 4.

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[1] Loss of civil and political rights.

Dr. Chodzko asked the Rapporteur to draw special attention, in her report to the Assembly, to the importance of the Protocol as a whole, omitting the words " concerning the study of laws and penalties relating to *souteneurs* ", which had mistakenly been made to apply to the Protocol (second paragraph of page 5.)

He also asked the Rapporteur to insert in her report a reference to the central authorities, co-operation between whom must play such an important part in stamping out the traffic. He considered that the conclusions reached by the Warsaw Congress of the International Bureau for the Suppression of the Traffic, reproduced on pages 29 and 30 of document C.441.M.188, were particularly valuable, as was the British resolution, to which he gave his warmest support.

M. GIANNINI (Italy) pointed out that the provisions of the new Italian penal code were entirely analogous to those of the international conventions and provided very wide means for dealing with these problems.

Souteneurs in Italy were liable to a period of imprisonment of from two to six years or to a fine which could amount to 10,000 lire.

The draft Protocol should be studied with particular care, for if it were to be unanimously applied its regulations should be very elastic, so that they could be included in the national penal legislation without overlapping with certain general provisions.

Dr. Ethel OSBORNE (Australia) stated that there was no information from her country in the reports before the Committee. It was seldom represented at the various Committees on these social problems, not because of its indifference to the subjects, but owing to the great distance from Geneva.

Women police had been instituted in Australia, and had been found helpful in the prevention of crime and in the relief of many social problems. They formed part of the State police organisations and were too few in number to be separately controlled. Moreover, under a single direction there was close co-operation which made for efficiency. Women police made their best contribution, not in the detection of crime, but in protecting women and children from becoming criminals.

As regards *souteneurs*, she supported the British resolution, which was endorsed by resolution 4 of the Warsaw Congress (document C.441.M.188, page 30).

Australia, though experiencing but few cases of the traffic, had established machinery to deal with it definitely as a result of League activity, and had set up a central organisation, which had taken drastic action in recent cases.

Referring to the 1921 Conference, she quoted Commonwealth documents as follows :

> " Australia was not represented at the Conference, but subsequently signed and ratified the Convention. A central authority was appointed by the Commonwealth Government to co-operate with the League in connection with the traffic so far as Australia is concerned — viz., the Director of the Investigation Branch, Attorney-General's Department, who is in correspondence with the several State authorities and compiles the annual report to the League of Nations on the subject ".

The German delegate had raised the point that unemployment and the economic crisis would increase prostitution. The present time was particularly favourable for investigation of the matter, and she urged that the Social Section should, if possible, gather information and statistics on this question.

There was no time to go into the question of obscene publications, but she must, however, mention the question of propaganda films referred to in the last section of page 2 in document C.267.M.122.1931.IV. Such films were often definitely pernicious, especially when they endeav our ed to point their moral by means of a human story. They could only become valuable if they dealt with the social problems of venereal disease, prostitution, etc., strictly from the scientific and hygienic points of view.

It had sometimes happened that unscrupulous firms manufacturing absolutely unwholesome and totally inartistic films had gained an otherwise impossible publicity for them under the guise of propaganda. She suggested this aspect of the subject as suitable for serious consideration by both the Social Section of the League and the Institute of Educational Cinematography.

The dangers to which young girls going abroad on professional contracts were exposed were well known. In these times of economic distress, she considered this field of enquiry should be widened to cover other contracts than those of artistes.

Mlle. RADZIWILL (Secretariat) stated that the question of films had been raised at the Traffic in Women and Children Committee by the German delegate and would be submitted to examination.

Mlle. CAMPOAMOR (Spain) was glad to note that the majority of the countries represented on the Traffic in Women and Children Committee were coming to accept its view and were now co-operating with it as far as possible.

Spain was at a turning-point in both her political and social life. It was too early to speak of improvements and reforms which were being carried out, but she could assure the Committee

that her country had every intention of achieving the greatest possible measure of progress in the matter. The draft laws under consideration were based on the principle of closing licensed houses.

M. GARAY (Panama) emphasised the interest taken by Panama — an important transit country — in the questions of the traffic in women and children and in opium and other dangerous drugs.

He asked whether the digest of laws and regulations regarding the traffic, referred to in the " budget " section of the Rapporteur's report, was in existence. He knew that the Assembly had decided to publish it, but that this had not been done. He would like to know whether it was possible to consult it.

M. EKSTRAND (Director of the Opium and Social Questions Sections) stated that it was in existence in draft form and could be consulted in the Secretariat. He pointed out that, as the Supervisory Commission had that very morning further reduced the sum allocated for printing, the Secretariat would not be able to publish it this year, nor could it take account of all the requests for publication which had been made.

The CHAIRMAN pronounced the general discussion closed.

Subject to a slight drafting amendment proposed by M. Contoumas (Greece), *the resolution proposed by the British delegate concerning the results of the penalties inflicted on* souteneurs *was adopted.*

Princess CANTACUZÈNE (Roumania) submitted the following draft resolution :

" The Fifth Committee requests the Council to ask the Advisory Committee on the Traffic in Women and Children to study the legal means of extending penalties to cover clandestinely formed associations carrying on such traffic ".

Mrs. PLUMPTRE (Canada) stated that she would bear in mind the suggestions made by the members of the Committee when finally drafting her report.

Delegates must use every influence with their respective Governments in order to obtain ratification of the 1921 Convention. She submitted the following draft resolution, to conclude her report :

" The Assembly,

" (1) Having taken note of the report on the Traffic in Women and Children Committee, welcomes the new accessions to the 1921 Convention for the Suppression of the Traffic in Women and Children, and expresses the hope that further ratifications will be registered in 1932.

" (2) Considers that the studies already made on the part played by *souteneurs* in the traffic show the need for severer penalties against them.

" (3) Commends, therefore, to the attention of the Members of the League the draft Protocol supplementing the 1921 Convention submitted for their observations, and suggests increasing the maximum penalties applicable to traffickers.

" (4) Desires to draw attention to the necessity of developing the work and organisation of the central authorities, and commends this study to the attention of the States signatories to the 1921 Convention.

" (5) Thanks the Traffic in Women and Children Committee for its work and invites it to continue its efforts to suppress this infamous trade ".

The CHAIRMAN stated that these two resolutions would be discussed together with the final report.

18. Traffic in Opium and Other Dangerous Drugs : Examination of the Report of the Fifth Committee to the Assembly.

M. SAWADA (Japan) read the final text of his report (document A.V./12), drawing attention to one or two corrections to be made in it.[1]

Subject to minor drafting amendments, *the report and resolutions were adopted unanimously.*

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[1] For the final text of the report, see records of the plenary meetings of the twelfth Assembly, *Official Journal*, Special Supplement, No. 95.

EIGHTH MEETING.

Held on Saturday, September 19th, 1931, at 3.30 p.m.

Chairman : M. ALÂ (Persia).

19. Improvements in Penal Administration : Draft Resolution submitted by the Drafting Committee (document A.V./11.1931).

M. PELLA (Roumania), Rapporteur, stated that the Drafting Committee appointed by the Fifth Committee had agreed on the following draft resolutions :

" The Assembly,

" Having been invited by the Council, in January 1930, to consider the best way in which the League of Nations could co-operate with the International Penal and Penitentiary Commission and other organisations in their efforts to assist in the development of prisons in accordance with modern economic, social and health standards ;

" Having noted the observations of the States Members and non-members of the League of Nations and of the organisations which have been consulted regarding the Standard Minimum Rules for the Treatment of Prisoners (see document C.620.M.24.1930.IV) ;

" Considering that, if the improvement of penal administration by co-operation between Governments is to receive the support of the League of Nations, the latter will need the advice and assistance of a body of experts ;

" Considering, further, the importance of the efforts which have already been made, both by means of a number of international conventions, and by certain organs of the League of Nations and various institutions, to achieve a gradual unification of penal law and to establish co-operation of States in the prevention and suppression of crime :

" Requests the Secretary-General :

" (1) To refer to the International Penal and Penitentiary Commission the replies and observations received regarding the Standard Minimum Rules for the Treatment of Prisoners, and also the report and Minutes of the Fifth Committee, and to ask it to reconsider these rules in the light of the aforementioned replies and observations ;

" (2) To develop the policy of co-operation with organisations dealing with the international aspect of penal penitentiary problems ;

" (3) To ask the International Labour Office to continue its study in connection with prison labour ;

" (4) To forward the report and the Minutes of the Fifth Committee to the International Penal Law Association, the International Bureau for the Unification of Penal Law, the International Criminal Police Commission, the International Penal and Penitentiary Commission, the Howard League for Penal Reform, the International Law Association, the International Penal Law Union and any other international organisations which may be proposed by the Governments to the Secretary-General, and to ask them in what manner they consider that the assistance of the League of Nations might be of value with a view to achieving a gradual unification of criminal law and the co-operation of States in the prevention and suppression of crime ;

" (5) After having received the observations of these organisations, to forward them, together with the report and Minutes of the Fifth Committee, to the States Members of the League, and to ask them whether they wish the League of Nations to assist also in the questions referred to in No. 4.

" The Secretary-General is asked to submit a report on all these questions to the next Assembly.

" The Sub-Committee refers the following text to the Fifth Commission, which has been proposed as point 6 of the resolution, and on which no agreement could be reached :

" 'Requests the Secretary-General to ask the Governments of States Members of the League whether they consider that the League could best assist, in connection with the treatment of prisoners, by co-operation with the International Penal and Penitentiary Commission, or by setting up a special Committee of the League to study this problem'. "

The above text had been unanimously adopted by the Drafting Committee with the exception of the last point, to which the Fifth Committee would perhaps confine its discussion.

The Committee unanimously adopted the first five points of the resolution.

Count PAGLIANO (Italy) stated that the Italian delegation, considering that the question of the treatment of prisoners was not yet ripe for discussion, could not accept point 6.

Lord LYTTON (British Empire) pointed out that, if the League of Nations were to do more than merely co-operate with the International Prison Commission at Berne, delegates must have their powers extended to cover the question. The intention of point 6 was to acquire the necessary powers

and point 6 was, moreover, the only point in the resolution which dealt directly with the subject before the Committee — Improvements in Penal Administration.

Upon a vote being taken, *the Committee approved point* 6 *by thirteen votes to six.*

After some further discussion, *the Committee decided to ask the Drafting Committee to draw up a fresh text for point* 6, *with a view to obtaining unanimity.*

20. Traffic in Opium and Other Dangerous Drugs : Statement by the Delegate of Uruguay regarding the Report of the Fifth Committee to the Assembly.

M. DE CASTRO (Uruguay) had not intended to speak on the report on the League's work in the matter of narcotic drugs (document A.V./12.1931). His colleagues in the Advisory Committee and at the Limitation Conference had made their comments on M. Sawada's first report. He regretted, however, that the final text had been adopted in accordance with a new procedure which was contrary to the Assembly Rules.

Article 17, paragraph 2, of the Assembly Rules said that: " As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to all Members not later than the day preceding the meeting ".

M. Sawada's final report, which was dated September 18th, 1931, had been distributed towards the end of the afternoon meeting on that date and had at once been adopted, in spite of the fact that the Persian delegate had drawn the Committee's attention to the irregularity of such procedure.

It might be argued that the agenda of the meeting included the question of the traffic in opium and other dangerous drugs, and that delegates wishing to speak on the subject should therefore have been present at the meeting. He, however, had understood — as had several of his fellow-delegates — that this point on the agenda referred merely to the presentation of M. Sawada's final report which would not be discussed until the 19th. The discussion of this report, since it had been adopted on the 18th, was in theory closed, but he would draw the Committee's attention to the fact that it did not refer, amongst others, to Recommendation X of the Final Act of the Conference, dealing with the question of awards to inventors. The Committee had appreciated the importance of this recommendation, and mention of it should therefore have been made in the report.

He regretted, moreover, that M. Sawada had not emphasised the very legitimate wish which had been expressed that the Minutes of the Bangkok Conference should be as full as possible in order to enable the members of the Advisory Committee, the Permanent Central Opium Board and the Fifth Committee to take full account of the trend and importance of the discussions. This material would also be useful to the Conference on the Limitation of the Production of Raw Materials, and it was thus the more important that the Minutes should not be merely a general interpretation which, he thought wrongly, was becoming the general tendency, but a verbatim record of the Bangkok discussions.

His delegation found it impossible to estimate the true value of the votes taken on the question of the destruction of seizures of narcotic drugs, since these had not been taken in accordance with the procedure laid down in Rules 20 and 27 of the Assembly, which stipulated that such votes should take place by *appel nominal.* The members of the Committee could not ignore the value of knowing the attitude of the various Governments in a question of such importance. For instance, it was impossible for him to base his information to his Government regarding this matter on the individual votes of the different delegations.

He also regretted that he found no mention in the report of the missions sent to Turkey and Yugoslavia under the Director of the Opium Section, an omission which made it impossible for the Committee and the Assembly to appreciate the work carried out there.

There were other points, too, on which M. Sawada might have dealt with greater length as a result of the discussion on his report, but he would confine himself to drawing the Committee's attention to the unfortunate impression created in his mind by the procedure followed at the previous meeting which constituted, he thought, a dangerous precedent.

M. de Castro made full reservations on this matter and asked, in the interests of all concerned, that his statement should be reported in full in the Minutes.

21. Work of Child Welfare Committee : Discussion of the Rapporteur's Report.

Countess APPONYI (Hungary) read her report (Annex 5).

She asked the members of the Committee, in view of the urgency of the problem of assistance to destitute foreigners, to press for the convening at the earliest possible moment of the special committee mentioned in the report.

She recalled the three main principles upon which assistance to foreign minors was based,

which had been laid down by Count Carton de Wiart in his report and approved by the tenth Assembly (see Minutes of the Fifth Committee (1929), page 68) :

" (1) With respect to assistance, the foreign minor has the same rights as the minor who is a national of the country, except that the former may be repatriated ;

" (2) The interests of the minor must always be the first consideration whenever there is any question of affording him assistance ;

" (3) Repatriation is not to be looked upon as being necessarily the best method of affording assistance ".

Mlle. PÜNDER (Germany) shared Countess Apponyi's view as to the importance of the work done by the Child Welfare Committee and the need for restricting its enquiries to a few subjects. Excellent results had been obtained by the co-operation of special experts from certain countries.

She had no objection to the draft Convention on the repatriation of minors. She asked, however, why the title chosen for the Convention was " Convention on the Return of Young People to their Homes ", instead of " Convention on Repatriation ".

She regretted that the first session of the Special Committee on Assistance to Foreign Minors had been fixed for October 1932 only, since the problem was a very urgent one.

With reference to the work proposed by the Child Welfare Committee for the coming year, she asked what the Secretariat meant by " social measures more directly concerned with the welfare of illegitimate children ".

M. EKSTRAND (Director of the Traffic in Opium and Social Questions Sections) replied that the phrase " return to their homes " had been chosen in preference to " repatriation " because the child's home was not necessarily situated in the country to which it officially belonged.

Mlle. COLIN (Member of the Social Questions Section) said, in reply to the German delegate's second question, that the " social measures more directly concerned with the welfare of illegitimate children " might be arranged in three principal classes :

(1) Financial — such as social insurance, maternity allowances, etc. ;

(2) Social — such as welfare of the mother and child during the period of pregnancy, maternity homes, etc. ;

(3) Administrative — such as compulsory guardianship of illegitimate children, assistance to mothers and children in claiming their rights on the father, etc.

Mlle. VACARESCO (Roumania) said that the question of child welfare came before the Fifth Committee each year with the regular persistence of a tide that finally altered the configuration of the shore. The subject was of special importance this year, in view of present events. The world crisis should force men to turn their eyes to the future and think of the children.

She would deal more particularly with the passage in the report concerning juvenile courts. Financial considerations had so far prevented Roumania from setting up such courts, but they existed in several countries. They were not complete unless they had their necessary complement of auxiliary services (medical, legal, etc.). The membership of those services should consist as far as possible of women who were accustomed to dealing with children. Technical experts of both sexes would study, in all its aspects, the appalling problem of juvenile crime and would defend young criminals in the courts. The Fifth Committee would have less need to concern itself with distressing subjects, like the traffic in women and children, if more care were taken of children from their earliest days.

She regretted the omission to deal with the question of films in the report. It would be helpful to know what were the relations between the Child Welfare Committee and the International Educational Cinematographic Institute in Rome.

Finally, she drew attention to one matter deserving of interest — the position of minors abroad and their urgent need of relief.

Count DE PENHA GARCIA (Portugal) observed that child welfare was an essentially national problem. It had, however, its international aspect, and in that the League could play a very important part. The League's action must necessarily be confined to two principal channels — first, the study and development of legal questions connected with children and, second, the co-ordination of the work of the national and international associations dealing with child welfare. It must be agreed that considerable results had already been obtained by the League in these two matters.

With regard to legal questions, the League had this year succeeded in preparing a draft Convention on the return of children to their homes. Other questions, in particular assistance to foreign minors and the execution of maintenance orders abroad, were being investigated, and there was reason to hope that a solution would be found, in spite of the difficulties created by the variety of cases and conditions in different countries. The method of work mentioned in the report was admirable. It was highly desirable that a committee of experts should take advantage of the work done hitherto and that model draft conventions should be drawn up. In this way, each country

would have the benefit of the experience acquired by others in the solution of certain aspects of the very perplexing problem of child welfare.

He seconded Mlle. Vacaresco's suggestion concerning auxiliary services in juvenile courts. In Portugal, the term " juvenile courts " had been replaced by " *tutoria* ", the object being to express the idea that the judge should, to a certain extent, act as the children's guardian.

An International Congress on Child Welfare was to meet at Lisbon on October 24th, 1931, and Count de Penha Garcia issued a warm invitation on behalf of his Government to all delegations.

Count CARTON DE WIART (Belgium) drew special attention to the new direction given to the legal and international problems under consideration by the Child Welfare Committee. The latter had for many years been engaged in drawing up three international conventions. In the matter of the return to their homes of children and young people, the Committee had succeeded in preparing a draft which had finally been communicated to the Governments and which might serve as a model for bilateral or multilateral agreements.

The Committee had felt that it could not settle the questions dealt with in the other two drafts — assistance to foreign minors and the enforcement of maintenance orders abroad — without exceeding its jurisdiction to a certain extent, since they referred to assistance to the mother or relatives responsible for the child and to decisions which might also concern adults. This difficulty had been successfully overcome by a proposal to set up a special committee of experts and jurists on which twelve countries would be represented. Count Carton de Wiart was glad to note that the problem of assistance to foreigners had been included in the League's programme in this form.

He was sure the Child Welfare Committee would give very careful attention to the question of illegitimate children. One of the first practical steps would be to facilitate the marriage of the parents by some such measure as making only a very small charge for registration papers and other necessary documents which so often prevented working people, particularly abroad, from contracting regular marriages. As to the legal status of illegitimate children, there were various classes to be considered : natural children who had been recognised and who, generally speaking, enjoyed the same legal facilities as legitimate children, with the exception of inheritance ; secondly, unrecognised natural children, and, lastly, natural children born in incest or adultery, whose legal status, more particularly in countries where the law was based on the Napoleonic Code, warranted certain criticism. It might be urged that the principle of guardianship should be extended by law to natural children, so that no illegitimate child would be without a legal representative to defend his rights. Count Carton de Wiart was glad to announce that his Government had prepared a Bill to complete the provisions of the Civil Code on this point.

Count Carton de Wiart turned next to Mlle. Vacaresco's question concerning the relations between the Child Welfare Committee and the International Educational Cinematographic Institute. The object of the Committee was to ensure that films did less harm to children on the one hand and more good on the other. The harm they did might be lessened, not merely by educational measures, but by physical and material measures as well, in particular, as regards the sanitation of the theatres, non-inflammable films, etc. More good might be secured by encouraging the production of films that would not only instruct but give recreation, without which their success would be small. As a result of the Committee's efforts, the Rome Institute had made an appeal to certain authors, and scenarios were being prepared, many of which had already been published in the *Educational Cinematographic Review*. A draft Convention had been drawn up with the object of allowing Customs exceptions for educational films.

He thought it unnecessary to dwell on the problem of juvenile courts. He noted with satisfaction that the Fifth Committee took a particular interest in this institution and that one of the members of the Child Welfare Committee was a magistrate in a juvenile court and a woman as well. He also pointed out that, at the request of an important American association, the question of crippled children was included in the programme for the first time. That question would have to wait its turn, but he was grateful to Countess Apponyi for having mentioned it in her report.

In conclusion, some order of priority should be followed in the various questions which the Child Welfare Committee was asked to undertake. That Committee was convinced that, in order to obtain good results, too much should not be attempted at the same time.

Mme. SCHÖNFELD-POLANO (Netherlands) stated that her Government welcomed the suggestion to set up a Special Committee to deal with the whole question of assistance to indigent foreigners, but was not in favour of giving prior attention to assistance to minors in an endeavour to reach a partial solution, as was suggested in Section III (*b*) of the Child Welfare Committee's report, even if the Special Committee thought that a complete solution of the entire problem would involve considerable delay.

The Netherlands Government based this view on the principle that it was essential to respect family ties. It could not but view Article I of the preliminary draft Convention, providing foreign minors with the same treatment as national minors, as valueless, since the Netherlands gave no assistance to national minors other than that rendered to their families. Respect for the same principle meant that it could not subscribe to any undertaking involving the special treatment of minors which might affect its right to expel a foreign family.

As regarded the problem as a whole, it must be remembered that, under Article 29 and Protocol VI, *ad* Article 6, of the Draft Convention on the Treatment of Foreigners, the country in which the foreigner desired to settle was entitled to judge whether he could or could not do so. It was therefore impossible to impose an obligation on a country to permit an indigent foreigner to reside in it. Once the State of residence had declared its willingness to tolerate indigent foreigners in its territory responsibility for the upkeep of such persons should in any case rest with the State of which they were nationals, either in the form of direct aid to the persons concerned or of a refund to the State of residence of any sum spent on assistance ; failing this, their State of origin should receive them back into its own territory.

She cited the Convention of 1906 between Germany and the Netherlands, regarding the treatment of nationals of the one in the territory of the other, further to illustrate her point. It was based on the conviction that, in case of expulsion, the family as a whole should leave the country and, though the right to expel was recognised in principle, a special administration established at Arnhem was responsible for assistance to indigent Netherlands nationals in Germany, with a view as far as possible to preventing expulsion on the grounds of their indigence.

Her Government was convinced that any special measures envisaging minors only were doomed to failure and agreed with Sweden that no partial solution of the problem should be attempted.

Dr. Ethel OSBORNE (Australia) drew attention to the increased social danger to the adolescent brought about by the world economic crisis and present unemployment conditions. In view of this, two points mentioned in the International Labour Office's report and one by the Health Section, on page 2 of the Child Welfare Committee's report, should receive special attention :

> " It was pointed out that it would be desirable to ensure that, wherever this is not already done, the age of admission for children to all forms of employment should coincide with the end of the compulsory school-age. This should be brought about by raising the school-age and not by lowering the age of admission to employment ".
>
> " The International Labour Office was asked to collect information on the protection of the children of seasonal workers. "
>
> " It was suggested by several delegates that, in order to cope with the social causes of this (infant) mortality, it would be desirable to extend the system of social insurance, to increase the number of social workers or visiting nurses, and to introduce courses of training in child-rearing for girls in order to raise the level of education among the mothers. "

The adolescent must be trained for life, for Australian statistics showed that remarkably few criminals came from the classes trained as skilled workers through years of apprenticeship. Modern industrialism tended to require less and less of these skilled workers and more and more persons without specialised training, but capable of executing repetition work of a monotonous character. The interest of the young must therefore be turned to other pursuits, such as agriculture, gardening, organised sports, etc. This was especially to be recommended in view of the present tendency in some countries to cut educational grants to meet the urgent need of national economy. There was no doubt that such retrenchments would in the main operate unfavourably on the educational provision for the post-primary and adolescent grades.

She urged that the Committee should place on record its apprehension of the special danger in which the present economic world situation placed the adolescent, boy or girl, from the point of view of employment, education, nutrition and health, and that the Child Welfare Committee should direct attention to this particularly urgent problem.

She stressed the importance of the suitable training of crippled children. The Australian Commonwealth was engaged at the present time on a complete survey of its cripples, including children, and the records on this matter might constitute a valuable guide for future study of the problem. Crippled children were least fitted to be turned out into the unskilled labour market and, for that reason, their education should be particularly adopted to equip them for life work in other directions.

M. CHODZKO (Poland) considered the preliminary draft conventions dealt with in Section III. of the Committee's report were the most important part of its work. He had an objection to raise to that on assistance to foreign minors in that he did not think it possible to deal with these without dealing with their families also. Hence he asked the Rapporteur to lay particular stress upon the value of the Special Committee to be instituted to review the subject as a whole.

He asked for elucidation from the Secretariat as to the differences of principle between the convention drawn up in Paris in 1912 on the treatment of foreigners and the draft submitted by the Legal Sub-Committee of the Child Welfare Committee.

In the Minutes of the second meeting of the Council, held on September 4th,[1] an invitation was extended to twelve Governments to appoint experts to serve on the Special Committee. The countries represented were to be those of emigration and immigration as well as certain others asked in view of their interest in the subject. This last qualification was scarcely a basis for selection, since no country could fail to be interested in such a matter.

The Committee's work on juvenile courts and their auxiliary services (Section V, page 3, of the report) also deserved attention. Documentation regarding the educational institutions to which young offenders were sent must be collected and the questionnaire to be drawn up on this subject should be circulated as soon as possible.

In conclusion, he supported the Australian delegate's recommendation.

Mlle. COLIN (Member of the Social Questions Section), in reply to Dr. Chodzko, stated that the 1912 Paris Convention and the new preliminary draft convention were alike in that they both assimilated foreigners to nationals in all matters of assistance and in that they both recognised the right of foreigners to demand repatriation or a refund of the expenses necessary for their return to their home. The difference between the two conventions was that that drawn up by the Child Welfare Committee subordinated everything to the interests of the minors. Such was the case, for instance, as regards repatriation under the terms of Article 7.

Dame Edith LYTTELTON (British Empire) stated with reference to juvenile courts, that these had been used in Great Britain for some years. The auxiliary services, some of which were paid and some voluntary, had been found particularly valuable.

The basic principle, in the treatment of young offenders, was the avoidance of all atmosphere of crime. Hence, children were tried, not in police courts, but in an ordinary hall or room, and were sent for correction, not to prison, but to schools or homes.

She could not overemphasise the value of women magistrates, who perhaps better than men understood the working of children's minds and the impulses which prompted their actions. She would therefore like to present a resolution urging the representatives of countries in which no such courts existed to press for their establishment and for the employment of women officials therein.

M. GIANNINI (Italy) pointed out that the Committee's work had two aspects. It dealt, in the first place, with general humanitarian problems which countries must in the main solve by internal action. In this respect Italy had made great strides. The National Government regarded child welfare as a fundamental problem of national life and was launching throughout the country an extensive scheme in regard to this matter, of which he would indicate the main lines. In the second — the international — aspect of the Committee's work Italy was particularly interested, since ten million Italians resided abroad.

On a purely practical point, it was difficult to advocate economy when sitting on the Fourth Committee while recommending fresh expenditure at the meetings of the Fifth. He therefore proposed that the Committee should rationalise its expenditure and, without entirely renouncing any of the measures proposed, postpone those which were not immediately essential and concentrate upon achieving the completion of a few of the more urgent tasks in hand. He therefore asked the Australian delegate with whose recommendation he agreed, to modify it in such a way as to imply that the proposed action should be taken as soon as financial conditions might permit.

Mlle. FORCHHAMMER (Denmark) supported the recommendation proposed by the Australian delegate.

Countess APPONYI (Hungary) stated that she would endeavour when drawing up her report to take into account the various suggestions made. She could not, however, agree with the view expressed by the Netherlands delegate that a partial solution of the problem of indigent foreigners, covering minors only, was inadvisable. Problems affecting children could not wait, and, unless immediate action was taken, the young men and young women of a few years hence would have a right to take the Committee to task for its neglect of their welfare.

22. Child Welfare : Appointment of the Rapporteur to the Assembly.

On the proposal of the CHAIRMAN, Countess APPONYI *was unanimously appointed Rapporteur.*

23. Improvements in Penal Administration : Draft Resolution submitted by the Drafting Committee (continuation).

The CHAIRMAN stated that the Drafting Committee had prepared the following amended text for point 6 :

> " Requests the Secretary-General, after having received the answer of the International Prison Commission on the Standard Minimum Rules, to ask the Governments of States Members of the League . . . "

[1] See *Official Journal*, November 1931, page 2036.

Count PAGLIANO (Italy), Lord LYTTON (British Empire) and M. PELLA (Rapporteur) stated that they accepted this text.

Point 6, as amended by the Drafting Committee, was adopted unanimously.

NINTH MEETING.

Held on Monday, September 21st, 1931, at 3.30 p.m.

Chairman : Mlle. HESSELGREN (Sweden), later M. ALÂ (Persia).

24. Work of the Traffic in Women and Children Committee : Examination of the Draft Report of the Fifth Committee to the Assembly.

Mrs. PLUMPTRE (Canada) presented her report (Annex 6), to which the following amendments were accepted :

Page 1[1].

Paragraph 1 : Deletion of the words " which represented the endeavour to secure a common understanding between the Governments with a view to united action " ; proposed by Dr. Chodzko (Poland), since the use of the expression " *représente une tentative* " in the French text in connection with a convention concluded in 1921 was somewhat inappropriate.

Deletion of the words " and consolidated the work previously undertaken by the International Bureau for the Suppression of the Traffic in Women and Children " ; proposed by Mlle. Forchhammer (Denmark), since the wording as it stood failed to take into account the earlier Conference and Convention of 1910.

Page 3[2].

Paragraph b : Insertion of a reference to the heavy maximum penalties adopted by countries such as Canada and Poland, proposed by Dr. Chodzko (Poland).

In accepting this proposal, Mrs. Plumptre (Canada) asked the Committee to permit her to insert a reference to the fact that, in Canada, an additional penalty in the form of whipping could be added to the ten years' sentence in the case of a second offence.

Dame Edith LYTTELTON (British Empire) stated, on behalf of the delegate for India, who was absent, that, in view of an amendment which he had submitted to her amendment, she proposed a fresh draft resolution embodying the definition of the *souteneur* contained in Article 1 of the draft Protocol. The Indian delegate felt that the bare word " *souteneur* " did not cover as broad a field as he could wish.

It was agreed that the revised draft resolution should be discussed later.

Page 4[3].

Paragraph 2 : Substitution of the words " on the other hand, taking into consideration that the countries in which women police have been established declared their complete satisfaction with the same, the Fifth Committee suggests . . . ", for the words " on the other hand, the success . . . in dealing with matters relating to women and children, suggests . . . ", in the paragraph dealing with women police ; proposed by Mme. Matsch (Austria).

Page 5[4].

Paragraph 2 : Substitution of the words " ostensibly prepared as propaganda against venereal disease, prostitution and the traffic ", for the words " as propaganda against prostitution and the traffic ", in the paragraph dealing with obscene publications ; proposed by Dr. Ethel Osborne (Australia).

Last paragraph : Before the sentence beginning " The co-operation of States . . . ", the addition of the words " It was pointed out that the present world situation seems to provide a unique opportunity for obtaining conclusive evidence on the relation between economic need and prostitution, and that information and statistics relative to this problem should as far as

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[1] See page 62.
[2] See page 62.
[3] See page 63.
[4] See page 63.

possible be collected and analysed " ; proposed by Dr. Ethel Osborne (Australia), in order to bring out the point which both the German delegate and she had already raised.

Subject to these amendments, to some minor drafting changes, and to subsequent approval of the resolution submitted by the British delegate, the report was adopted.[1]

(M. ALÂ (Persia) took the chair.)

25. Traffic in Opium and Other Dangerous Drugs : Reply by the Chairman to the Question raised by the Delegate of Uruguay at the Eighth Meeting regarding the Report of the Fifth Committee to the Assembly.

The CHAIRMAN recalled that, in the course of his declaration made at the last meeting of the Committee, the delegate of Uruguay complained that the adoption, on the previous afternoon, of the draft report of the Rapporteur to the Assembly on Traffic in Opium and Other Dangerous Drugs was a new procedure and contrary to the rules of procedure of the Assembly, Article 17 (2), of which read :

" As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to all representatives not later than the day preceding the meeting ".

He considered it unnecessary to remind his colleagues that they had frequently in the past adopted reports which had been circulated on the day on which they had been discussed. Even such an important report as that adopted by the Fifth Committee in the year 1929 regarding the Limitation Conference had been adopted on the same morning as it had been distributed; a great many similar precedents existed in other League Committees. The adoption of this procedure was, of course, wholly dependent upon the unanimous consent of the members of the Committee. The Committee would remember that before the item in question had been discussed on the previous Friday afternoon, the Chairman had been most careful to ask whether any member of the Committee had any objection to the discussion of the report. No objection having been raised, the report had been discussed paragraph by paragraph and adopted section by section. It was only at the end of those proceedings that a member of the Committee had asked whether the formal adoption of the report could be postponed until the following day. After discussion, the member in question had withdrawn his suggestion in order to enable the report to be adopted. In those circumstances, neither the Chairman nor the Committee could, he thought, be regarded in any way as having adopted an irregular procedure. The item had been put on the agenda, the Committee had unanimously agreed to discuss it and the report had been adopted unanimously.

Furthermore, at the beginning of the next meeting, the delegate mentioned above had referred to his abstention on the previous day which had been due to the fact that he had not finished examining the report, and had said that, after completing his examination of it, he accepted it in its entirety and desired that his previous declaration should not figure in the Minutes. It was evident that this fact, as well as the events that had taken place in this connection at the meeting on the previous Friday, must have been unknown to the Uruguayan delegate, who had not been present during the discussions.

The delegate of Uruguay had raised a second question of procedure — namely, that the vote on the resolution on the destruction of seizures was not in accordance with the rules of procedure of the Assembly, since a roll-call had not been taken.

The members of the Committee, as well as of any other of the League Committees, would remember a great many occasions upon which votes on the resolutions had, in the absence of any demand from any delegation for a roll-call, been taken by a show of hands. That, the Chairman believed, had been the practice of the Fifth Committee in the past. If no delegation asked for a roll-call to be taken, this method of voting was not adopted. On the occasion in question, it had not, he thought, been the function of the Chair to suggest a roll-call if no delegation present expressed any desire that such a roll-call should be taken.

M. CHODZKO (Poland) said that, though the incident was closed, there was no guarantee that a similar incident would not occur another year.

The Assembly's main work was done in committee, and he had for several years past viewed with considerable anxiety the growing pressure exercised upon the Committees to complete their work as quickly as possible. The wise procedure laid down in the Assembly Rules was not followed, and this merely in order to gain a day or two. This haste tended to create a very trying atmosphere prejudicial to the work both of the Committees and of the Secretariat, and he hoped that in future years the Rules would be observed to the letter.

The Chairman having remarked that the Committee was master of its own procedure, Dr. Chodzko suggested that the General Committee of the Assembly was the body responsible for exercising the pressure to which he had referred.

The CHAIRMAN replied that this was incorrect. The General Committee, of which he was a member, had only that day stated that it did not wish to hurry the work unduly.

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[1] For the final text of the report, see records of the plenary meetings of the Assembly (*Official Journal*, Special Supplement, No. 95).

M. CHODZKO (Poland) took note of this fact.

M. DOLLFUS (Switzerland) endorsed M. Chodzko's view, but agreed with the Chairman that the matter was one which the Committee itself must regulate.

M. SAWADA (Japan) noted that the question of procedure raised by the delegate of Uruguay had been settled by the Chairman. He wished, however, to say that he could not understand the interpretation given by the delegate of Uruguay regarding the reference made in the agenda of the previous Friday to M. Sawada's report. This reference was : " Item 3 : Traffic in Opium and Other Dangerous Drugs. — Draft Report to the Assembly presented by the Rapporteur, A.V.12.1931." M. Sawada considered that this could only mean that it was proposed to discuss and to adopt the report at the meeting on which it figured on the agenda.

The delegate of Uruguay had drawn attention to the omission from the report of certain questions which, in his judgment, should have been included. These questions were the following : the tenth recommendation in the Final Act of the Limitation Conference, the question of a verbatim record for the proceedings of the Bangkok Conference, the results of the Secretariat mission in Turkey. M. Sawada regretted that the delegate of Uruguay had not informed him that he wished these matters to be mentioned in the report. A Rapporteur could only sum up the discussion which had actually taken place. It was not his duty to include in his report every matter which was mentioned during the discussion by individual members of the Committee. He could hardly mention matters which had not been discussed at all, and, so far as M. Sawada was aware, the third of the questions mentioned above had not been raised in the Committee before the close of the discussion and the adoption of the report.

None of the questions to which the delegate of Uruguay had drawn attention appeared to the Rapporteur to have received such special emphasis during the discussion that they should have been included in the report, nor, so far as he was aware, had any request been made by any member of the Committee that they should be dealt with in the report. Moreover, when the report had been discussed paragraph by paragraph not a single member had asked that these matters should be mentioned in it.

26. Work of the Child Welfare Committee : Examination of the Draft Report of the Fifth Committee to the Assembly.

Countess APPONYI (Hungary) presented her report (document A.V.16.1931), *the first two pages of which were adopted without discussion.*

Page 3.

Mme. SCHÖNFELD-POLANO (Netherlands) pointed out that the statement " Consequently, the Fifth Committee . . . a solution, even if only a partial one of the problem, " had not been included in the previous report. She had already stated her Government's reasons for disapproving of a partial solution, upon which she based her request for the deletion of the sentence.

Countess APPONYI (Hungary) and Mlle. VACARESCO (Roumania) opposed this suggestion, since the matter brooked of no delay.

Mlle. PÜNDER (Germany) proposed the insertion of the words " and provisional " after the word " partial " to meet the point.

Mme. SCHÖNFELD-POLANO (Netherlands) did not insist, as she did not desire to prolong the discussion. She pointed out, however, that if it were concluded that a partial solution would be ineffective or impossible, it would be illogical to suggest such a solution, even as a provisional measure.

The Committee agreed to accept Mlle. Pünder's proposal.

Page 5.

Mlle. FORCHHAMMER (Denmark) stated that the reference to " the Assembly " in the first paragraph did not make it clear to which Assembly the report referred.

M. CONTOUMAS (Greece) suggested that the first words of the sentence should read :

> " The Fifth Committee recommends that the Assembly should inform the Child Welfare Committee of the great importance it attaches to the improvement of the position of illegitimate children, requesting it . . . "

The Committee adopted this suggestion.

Mlle. CAMPOAMOR (Spain) pointed out that the wording of the second half of the sentence in question implied that the marriage of parents was the one meagre proposal that the Committee could make. This proposal was in any case weak, since it failed to take into account the fact that in certain countries legitimisation could be effected by other means than the marriage of the parents, whereas, in others, the legislation in no circumstances permitted the legitimisation of a natural child. She therefore proposed the more general formula : " examination of the best means of improving the position of illegitimate children ".

Countess APPONYI (Hungary) replied that the necessity for facilitating marriage was a point worth stressing, since the problem of distance and the difficulty of obtaining accommodation often prevented the legitimisation of the child.

After discussion, *it was agreed to adopt the following wording proposed by the Rapporteur :*

" Requesting it at the same time to maintain on its programme, among other questions, the examination of the best means of facilitating the marriage of parents, with a view to legitimising the children ".

Mlle. VACARESCO (Roumania) informed the Committee that she was in touch with a new and far-reaching international organisation called " Le Message ", whose aim was to further international goodwill. She would be glad to arrange to place the broadcasting facilities of this organisation at the disposal of the Child Welfare Committee for purposes of greater publicity. She proposed the inclusion of a suggestion to this effect in the report.

Dame Edith LYTTELTON (British Empire) thought it was not possible for the Fifth Committee to make recommendations to the Child Welfare Committee on a subject of which it had so little knowledge. The Committee certainly could not commit itself to any expression of opinion as to the methods of the organisation without fuller information.

Countess APPONYI (Hungary) considered that it was worth referring the matter to the Child Welfare Committee for its consideration. Such action would in no way commit the Fifth Committee, while it might be of value to the Child Welfare Committee in its attempt to gain further publicity.

The CHAIRMAN stated that the question would be referred to the Child Welfare Committee.

Subject to the above amendments the draft report to the Assembly was adopted.[1]

27. Traffic in Women and Children : Publication of the Collection of Laws and Regulations regarding the Traffic : Letter from the International Council of Women.

The CHAIRMAN stated that he had received a letter from the International Council of Women which contained the following resolution :

" The International Council of Women, in view of the great importance, from the point of view of the moral reforms for which it is working, of the Collection of Laws and Regulations regarding the traffic in women and children, which the Council on March 27th, 1923 and, later, the Assembly decided should be published and kept up to date, respectfully asks the League of Nations to publish the said collection, since publication would not entail any considerable expenditure and would contribute greatly to the realisation of the recommendations adopted by the League of Nations in this matter ".

The letter also contained the information that the International Council had recommended its national councils to institute special courses for the re-establishment of women rescued from licensed houses when these were closed down.

Count CARTON DE WIART (Belgium) expressed the view that, though anxious to help the International Council of Women in every possible way, the Committee must resign itself, for financial reasons, to postponing, until better times, any action involving new expenditure.

The CHAIRMAN stated that this was the general opinion of the Committee. As regarded the second item of information in the letter, the matter had, he felt sure, the full sympathy of all those present.

28. Preparation of the Minutes of the Committee.

M. ENTÉZAM-WEZIRY (Persia), though fully realising the necessity for short Minutes, considered that the points made by various speakers were not always well brought out. He was not asking for a verbatim report of every speech, but for a summary which could be relied upon to bring out the sequence of the speaker's reasoning. He asked that the final Minutes should be as detailed as possible.

Count PAGLIANO (Italy) and M. PELLA (Roumania) supported this view : the latter had noticed, when drawing up his report, that vital parts of the discussion on penal and penitentiary questions had been so much cut down as to be of but little value to the various associations which would be consulted on these questions by the League of Nations and which depended on the Committee's Minutes for their information.

The CHAIRMAN stated that this point had been raised in other Committees also, and would be given due consideration.

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[1] For the final text of the report, see records of the plenary meetings of the Assembly (*Official Journal*, Special Supplement No. 95).

29. Work of the Traffic in Women and Children Committee : Revised Text of the Draft Resolution submitted by the British Delegate.

Dame Edith LYTTELTON (British Empire) submitted the following draft resolution, explaining that the text had been prepared in agreement with the Indian delegate :

> " The Assembly recommends that the Traffic in Women and Children Committee should consider the possibility of ascertaining, with special reference to the recurrent conviction of habitual offenders, the results of the penalties on *souteneurs*, as defined in Article 1 of the Additional Draft Protocol to the International Convention of 1921 for the Suppression of the Traffic in Women and Children ".

Dr. HYDER (India) supported the resolution, the wording of which would allow of no misunderstanding. Uniform data from which definite conclusions could be drawn could thus be acquired, and the work of the Secretariat would be facilitated.

Count CARTON DE WIART (Belgium) would have preferred more precise wording in order that the Traffic in Women and Children Committee should be quite clear as to the work expected of it. Was it to undertake some kind of enquiry in the various countries with a view to ascertaining the results of the legal provisions applied to *souteneurs* ? In his view it was, above all, to seek for new arguments in favour of severer measures for the prevention of this special and odious offence. The penalties inflicted on *souteneurs* rarely improved such offenders. He saw no objection, however, to such an enquiry as was proposed, which he thought should be based on the statistics of crime for the various countries.

M. DOLLFUS (Switzerland) felt that the Committee had agreed as to the substance of the resolution, which need not further be discussed.

The draft resolution was adopted.

30. Improvements in Penal Administration : Examination of the Draft Report of the Fifth Committee to the Assembly.

Lord LYTTON (British Empire) said that, as he had unfortunately been unable to be present at most of the Committee's meetings, he had no remarks to make on the passages in the report which summed up the views of the various delegations (document A.V.15.1931). As regarded the parts which contained expressions of opinion attributed to the Committee, he accepted no responsibility for any opinions other than those which he had expressed on behalf of his delegation.

M. PELLA (Roumania), Rapporteur, explained that the report summarised the opinions expressed by the various speakers. Asto the views of the Committee as a whole, the Rapporteur had merely explained the resolution which he had prepared as a result of the conciliating formulas adopted by the Drafting Committee. That resolution, which dealt with the gradual unification of criminal law, the co-operation of States in the prevention and suppression of crime, and the execution of penalties, had been accepted unanimously by the Drafting Committee, on which was a representative of the British Empire. The resolution had also been adopted unanimously by the Fifth Committee.

As the request of Lord LYTTON (British Empire) the English text of the paragraph dealing with the ultimate convening of the representatives of the institutions referred to under Point 4 of the resolution was altered to bring it into harmony with the French text and in order that it might be quite clear that the League was expressing a wish and would not itself convene a meeting.

Count PAGLIANO (Italy) said that, as he understood Point 4 of the resolution, the Committee considered that the Minutes of the present session were intended to provide preparatory studies for the use of the organisations responsible for the further work contemplated. He therefore asked the Chairman to ensure that the Secretariat should arrange for the Minutes to be drafted in accordance with the suggestions previously made by the Persian delegate.

The CHAIRMAN stated that he would take the necessary action.

Subject to a few drafting amendments, the report to the Assembly was adopted.[1]

In answer to Mr. Burdekin (New Zealand), the CHAIRMAN stated that M. Pella would present the report to the Assembly.

31. Close of the Session.

The CHAIRMAN thanked the members of the Committee for their co-operation. He considered that useful work had been done.

M. DOLLFUS (Switzerland), seconded by Mlle. PÜNDER (Germany), speaking in the name of the Committee, thanked the Chairman, the Vice-Chairman, the Rapporteurs and the members of the Secretariat who had assisted in the Committee's work.

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[1] For the final text of the report, see records of the plenary meetings of the Assembly (*Official Journal*, Special Supplement, No. 95).

ANNEX 1.

A.V/1.1931.

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS.

REPORT PRESENTED BY THE RAPPORTEUR, M. SAWADA (JAPAN).

The past year marks a date of the utmost importance in the campaign against the traffic in narcotic drugs, in view of the fact that the League of Nations, in accordance with the resolution of the 1929 Assembly, going beyond mere measures of control, has succeeded in drawing up a convention for limiting the manufacture and regulating the distribution of narcotic drugs, which should enable it to strike at the very root of the evil. I will begin with a description of this important part of the task accomplished this year, thanks to the preparatory work of the Advisory Committee and to the Conference held in May last.

I. Conference for the Limitation of the Manufacture of Narcotic Drugs.

It will be remembered that, in accordance with the resolution of the 1929 Assembly, the Advisory Committee had, in January 1930, drawn up a plan which was accepted by the Council in May 1930 as a practical basis for the work of the Conference and was communicated to the Governments with a request for their observations on the subject. At its meeting of September 1930, held during the last meeting of the Assembly, the Council asked the Committee to examine the Governments' replies, at the same time taking into consideration the results of the preliminary Conference of manufacturing countries held in London in October-November 1930. The Council also suggested that the Committee should prepare a draft convention as the outcome of its study of the problem.

The Advisory Committee, during the first part of its fourteenth session, held in January and February 1931, drew up on this basis a draft convention to be submitted to the Conference for the Limitation of the Manufacture of Narcotic Drugs, to which, in accordance with the eleventh Assembly's resolution, all the States Members and non-members of the League were to be invited and the date of which had been fixed by the Council for May 27th, 1931.

I cannot enter here into the details of the long discussions to which the framing of this draft gave rise in the Committee, which based its work on the principles of the original plan accepted by the Council in May 1930 — namely, establishment of the world's needs for medical and scientific purposes with the assistance of the estimates furnished by the Governments; allocation of world manufacture among manufacturing countries on a quota system: control of distribution by a central body in order to ensure the receipt by every country of supplies of narcotic drugs in accordance with the amounts set forth in its estimates. I need only say that, although the members of the Advisory Committee agreed to accept this quota system, with certain adaptations made in accordance with various amendments to the original plan, some countries had already raised objections to it, fearing that it would affect freedom of trade. These objections were voiced afresh during the long discussion held during the general Conference which met from May 27th to July 13th, with M. de Brouckère in the chair, and at which were present delegations from fifty-seven States, among them several non-members of the League of Nations.[1]

It then became apparent that agreement could not be reached upon the quota system contained in the draft Convention drawn up in January 1931 by the Advisory Committee. The Japanese delegation, with the support of the French delegation, proposed the substitution for this system of provisions authorising the contracting parties to manufacture the quantities of narcotic drugs necessary for national needs and for the execution of legitimate export orders under the control of a central body. On the proposal of its Committee for Limitation, the Conference accepted this draft as the basis of its discussion. On July 13th, it finally adopted a " Draft Convention for limiting the Manufacture and regulating the Distribution of Narcotic Drugs ".

To describe the work accomplished by the Conference, I cannot do better than to quote the following extract from its President's closing speech :

> " The Conference's task was to limit manufacture — that is, to elaborate a system which would not allow the production of more drugs than the world could legitimately consume. There were two methods of reaching such a result : one seemed simple — the allocation to every one of his share, each undertaking not to exceed it. The other was particularly difficult to realise ; it meant that every country must be left to buy and sell freely, at the same time setting up machinery so well regulated that the sum of the production of all the competitors would nevertheless remain within the limits set. After some hesitation, the Conference adopted this second course and has, in spite of all difficulties, achieved its object ".

I am certain that my colleagues will realise only too gladly that the conclusion of this Convention constitutes a marked progress in the efforts made to eliminate the scourge of narcotic drugs.

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[1] Afghanistan, Brazil, Costa Rica, Danzig, Egypt, Hedjaz, Mexico, San Marino, Turkey, Union of Soviet Socialist Republics, United States of America.

The Convention drawn up by the Conference, which had at its disposal the most highly qualified experts — able to draw up a list of narcotic drugs as complete as present-day science permits — covers a far larger number of drugs than preceding Conventions : it covers all the known or possible narcotic derivatives of opium and the coca leaf ; moreover, new preparations derived from these two substances can only be placed on the market under certain conditions.

Thanks to a system of estimates fixed by Chapter II of the Convention, it will be possible to establish a world total of the quantities to be manufactured corresponding to legitimate needs, with a margin for the laying down of reserve and Government stocks. Estimates of the quantities of each drug required for their medical and scientific needs are to be submitted by the contracting parties to the Permanent Central Board. Further, a Supervisory Body, composed of members of the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs of the League of Nations, of the Permanent Central Board, of the Health Committee of the League and of the Office international d'Hygiène publique, will examine each estimate and, except in matters regarding national needs, can ask for any explanation or information required to supplement or throw light on the estimate ; basing its action on the information thus received, it can, with the consent of the State concerned, modify the estimates. The work of the Secretariat of the Supervisory Body will be provided for by the Secretary-General of the League of Nations, in close co-operation with the Permanent Central Board.

Chapter III of the Convention establishes the limitation proper of manufacture. There shall not be manufactured in any country a quantity of any of the drugs greater than the quantity required by the estimates for its medical and scientific needs, for purposes of conversion either for domestic consumption or for export, for the execution during the year of orders for export, and, lastly, for the maintenance of reserve and Government stocks at the level specified.

Certain delegations would no doubt have liked to see the establishment of a total figure for world manufacture which could not be exceeded. Had this been done, limitation would have been realised in an even more tangible form, but it seemed difficult to achieve such exactitude before the new mechanism had been tested. The Conference, however, gave this point its consideration and, in the recommendation which it adopted and which will be found in the Final Act, requested the Council of the League of Nations to instruct the Secretary-General to draw the attention of the Members of the League and the States non-members to the figures set out in the documents drawn up by the Secretariat, estimating the total present world requirements of drugs for use as such approximately as follows :

	Tons
Morphine	9
Diacetylmorphine	2
Cocaine	5½

Chapter IV provides for prohibitions and restrictions, the importance of which must be stressed.

The Conference was not unanimously in favour of the suggestion of certain delegations that diacetylmorphine (heroin) manufacture should be totally abolished but, under the terms of the Convention, the contracting parties undertook to prohibit the export of diacetylmorphine and its salts except when intended for the Government of a country in which diacetylmorphine was not manufactured, and then only under clearly defined conditions. Further, trade in or manufacture for trade of any product obtained from any of the phenanthrene alkaloids of opium or from the ecgonine alkaloids of the coca leaf not in use on the date of signature of the Convention for medical or scientific purposes shall only be permitted if the medical or scientific value of the product in question has been ascertained to the satisfaction of the Government concerned. Should the Health Committee consider that the product is capable of producing addiction it shall fall under the regime laid down in the Convention.

In the event of the Health Committee deciding that the product is not itself capable of producing addiction, but is convertible into such a drug, the question as to which group the drug in question shall belong shall be referred to a body of three experts.

In Chapter V, the Convention establishes a system of control, the principal objects of which are to render the provisions of the Geneva Convention or any equivalent provisions applicable to drugs and, further, to ensure through the Permanent Central Board that exports to any particular country do not exceed the total estimates for that country. The Permanent Central Board shall each year prepare for every country or territory a statement showing the estimates in respect of each drug and the amounts consumed, manufactured, converted, imported and exported ; if such statement indicates that one of the contracting parties has failed to carry out its obligations, the Board shall have the right to ask for explanations, through the Secretary-General of the League, and the procedure specified in paragraphs 2 to 7 of Article 24 of the Geneva Convention shall apply in any such case.

Thus, by means of the simultaneous action of the Permanent Central Board and the Supervisory Body provided for in Chapter II, the Convention will, in fact, institute a central counting-house for the world traffic in drugs.

The system of control is supplemented by a group of " administrative provisions ". If they have not already done so, contracting parties shall create a special administration for the purpose of applying the provisions of the present Convention regulating, supervising and controlling the trade in the drugs and organising the campaign against drug addiction. Strict supervision shall be exercised over the amounts of drugs manufactured or in stock and on their distribution upon delivery from the factory. The amounts of raw materials in the possession of manufacturers are

also to be subject to limitation. All drugs seized in the illicit traffic are to be destroyed, or converted into non-narcotic substances, or reserved for medical or scientific uses, either by the Government or under its control. Diacetylmorphine must always be destroyed or converted.

Lastly, the Convention includes certain general provisions regarding its application. Under one of these provisions, the contracting parties shall, through the Secretary-General of the League of Nations, communicate to one another the laws and regulations promulgated in order to give effect to the Convention and shall forward an annual report on the working of the Convention in their territories in accordance with the form drawn up by the Advisory Committee on Traffic in Opium and other Dangerous Drugs.

My colleagues will remember that the 1930 Assembly, as the result of a proposal made to the Fifth Committee by the Chinese delegate, voted a resolution requesting the Governments to undertake a detailed enquiry into the illicit traffic and to communicate to the Secretary-General full information likely to assist in the suppression of the traffic, such as the kind of drugs seized, their origin and destination, the action taken, etc. I would point out that Article 23 of the Convention fulfils the desire expressed by the Assembly. It stipulates that the contracting parties shall communicate to each other through the Secretary-General of the League of Nations particulars of this nature, reproducing the Assembly resolution almost word for word.

The Conference carried its task even further. It decided to insert in the Final Act a series of recommendations which I will not enumerate, some of which are intended to ensure the execution by the organs of the League of Nations of certain proposals made during the Conference, others to serve as landmarks in carrying out future tasks destined to strengthen the control of the traffic in narcotic drugs.

In the resolution, to which I have already referred when dealing with Chapter III (Limitation), the Conference recommended that, pending the entry into force of the Convention, countries manufacturing narcotic drugs should, so far as possible, limit such manufacture to the quantities necessary for domestic consumption and export for medical and scientific purposes.

At its sixty-fourth session, the Council, at its meeting on September 4th, 1931, approved the provisions of the Convention, the application of which requires action on its part — namely, those regarding the composition of the Supervisory Body, the measures to be taken by the Health Committee regarding new drugs, and the provisions referring to the participation of the Advisory Committee in the Committee of Three Experts. These Council decisions are subject to the consent of the Assembly so far as concerns any financial provisions which may be necessary, but their application is not immediate, and I have no doubt that, when the time comes, the Fourth Committee will take measures to this effect.

The Council also noted the various recommendations contained in the Final Act, entrusting any necessary execution thereof to the organs of the League.

The Convention concluded by the Conference was immediately signed by numerous delegations; up to the present, thirty-six signatures have been received, including those of the manufacturing countries with the exception of Turkey and the Union of Soviet Socialist Republics.

The League of Nations is now in possession of an instrument for combating the drug evil more directly than in the past, but a number of conditions must be realised before this means of action becomes really effective.

In the first place, the responsible delegates of this Committee should do their utmost to hasten the ratification of the Convention by their Governments. Under Article 30 it is to come into force ninety days after the Secretary-General of the League of Nations has received ratifications or accessions from twenty-five Members of the League of Nations or States non-members, including four of the following States : Germany, United States of America, France, United Kingdom, Japan, the Netherlands, Switzerland and Turkey. Even when this indispensable minimum of ratifications has been received, the Convention will have to be universally adopted without delay. It constitutes a coherent whole, and the abstention of one or more States would seriously affect the working of its mechanism and could not fail to facilitate smuggling.

In the second place, the States which have not ratified the Hague and Geneva Conventions should do so as soon as possible, since, as was frequently observed in the Advisory Committee, the Convention drawn up by the Conference is not intended to replace the other Conventions but to supplement and strengthen them.

Lastly, the value and effect of the new Convention will depend on the strictness of the administrative control to be instituted by the Governments in order to put it into effect. The history of the illicit traffic in recent years shows that this traffic has only been enabled to develop to such an extent because the traffickers have always managed to take advantage of the difficulties and weaknesses in the administrative provisions for carrying out the Conventions, and, *a fortiori*, of the absence of adequate provisions in non-signatory countries.

All the other methods used by the Advisory Committee for combating the drug traffic are therefore of great importance. I would therefore now draw your attention to this subject.

II. General Position regarding the Campaign against the Drug Traffic: Position of the Ratifications of the Conventions : Examination of Annual Reports.

Position of the Ratifications of the Conventions.

The Advisory Committee noted with satisfaction that progress had been made in the ratification of the Geneva Convention. At the Committee's last session in January 1931, forty-two ratifications had been received. This number has now been raised to forty-seven, as a result of the accession

of Lithuania (February 16th, 1931), Norway (March 16th), Iraq (August 8th) and the ratification of Cuba (July 6th) and of the Irish Free State (September 1st). As the Rapporteur of the Fifth Committee pointed out last year, the Geneva Opium Convention now more than ever heads the list of League Conventions as regards the number of ratifications received. Although the progress accomplished in this sphere is satisfactory, there is still a long list of States which, in spite of the urgent and repeated appeals of the Assembly and Council, have not ratified the Convention; as the Committee's report shows, this list includes an important group of Latin-American countries and three States Members of the Council. Last year Chile, Nicaragua and Panama informed the League of Nations that they intended to ratify the Convention or submit it to their Parliaments for approval or ratification, but the Secretariat has received no further information on the subject.

The Geneva Convention can only be fully effective if it is universally applied. This is proved by the very extensive information which the Committee this year obtained from the documents prepared by the Secretariat. As the Committee's report points out, this documentation shows that a favourable change took place in the position in 1930. This change is due to the fact that the Geneva Convention was put into force in all European manufacturing countries except Turkey, and that the esters of morphine were placed under control at the beginning of that year.

The year 1930 was marked by a great decrease in the manufacture and export of the drugs in a number of the principal European countries; nevertheless, the large seizures of drugs and the illicit transactions still recorded in some countries show that, even in 1930, there were extensive defects in the control of the traffic.

Annual Reports.

As usual, the annual reports provided the Committee with an abundant source of valuable information on the traffic in drugs in various countries and on the results of the new legislative measures adopted. The Fifth Committee will be gratified to note that, for the first time, the Advisory Committee received reports from several South-American countries. The Committee, however, recommended that these reports should be as detailed as possible, and it appealed to the large number of Latin-American countries which still did not transmit reports to assist the Committee in its task by supplying the necessary information in an annual report based on the revised form drawn up by the Advisory Committee and communicated to the States. For this purpose, the Secretary-General addressed a circular letter to the Latin-American Governments on August 12th, 1931.

III. Illicit Traffic and Control Measures for suppressing it.

In its report, the Committee noted that the illicit traffic on the whole was being more effectively combated but that its ravages were still felt on an enormous scale and continued to prove that much larger quantities of drugs were being produced and circulated than were required for the medical and scientific needs of the world.

As a result of the activity of the police and Customs and closer co-operation between the Governments and the police departments, it has been possible to make a large number of important seizures and to discover regular gangs of traffickers; this result justifies the insistence with which the Committee has requested the Council to recommend the Governments to take a number of steps to strengthen the control.

The Committee devoted special attention to India, Egypt, Turkey, Persia and China.

India. — For some years, the Committee has been disturbed by the growing ravages caused in India by the illicit traffic in cocaine from the Far East; it therefore learned with real satisfaction that the new Japanese regulations provided for stricter methods of control than in the past. It hopes that their effect will soon be felt, and I can give the Committee the assurance that the Japanese Government is taking any necessary measures to supplement or strengthen these regulations.

Egypt. — The Committee was gratified to note the great improvement in the position in Egypt, where, according to the Egyptian Government's report, the drug habit among the fellahs has been decreased by half. It congratulated the Egyptian Government and police on their efforts. Unfortunately, about 250,000 inhabitants are still affected by the drug habit and the country continues to be flooded with considerable quantities of foreign drugs, including hashish.

Turkey. — The position in Turkey has occupied the Committee's attention, especially since that country, which is not a party to the Hague and Geneva Conventions, has become a manufacturer of drugs and in view of the fact that large quantities of Turkish drugs have been found in the illicit traffic. The Committee has always been convinced that only the application of the control measures laid down in Chapter V of the Geneva Convention and, in particular, the adoption of the system of import certificates would make it possible to introduce an effective control over the international drug traffic. It therefore proposed that the Council should address an urgent

appeal to the Turkish Government to co-operate in the work of the League of Nations and to consider the possibility of acceding to the Geneva Convention. The Secretary-General is now addressing a communication to this effect to the Turkish Government.

Since the Committee's report was drawn up, the Turkish Government in May 1931 addressed a memorandum to the Secretary-General on drug regulations in Turkey. The representative delegated by the Turkish Government to the Council at its sixty-third session in May 1931 read an extract from this memorandum to the effect that the decree adopted by Turkey on February 15th, 1931, established strict control over the manufacture, export and domestic sale of drugs. In accordance with the Turkish delegate's statements, the import and sale of drugs in Turkey are strictly regulated and controlled by methods in conformity with the provisions of the Hague and Geneva Conventions ; the manufacture of these products is also subject to permanent control which is becoming more and more rigorous and is exercised by agents specially appointed for the purpose ; the export of manufactured products has been subject, since February 15th, 1931, to the grant of an import licence by the competent authorities of importing countries in accordance with the corresponding article which forms the basis of the Geneva Convention.

The Council, at its meeting of May 19th, 1931, expressed its satisfaction that the Turkish Government had begun to co-operate with the League of Nations in regard to opium. This co-operation was again demonstrated by the presence of a numerous delegation to the Conference on Limitation. I am sure the Fifth Committee will join in the Council's satisfaction by expressing the earnest hope that the measures taken by the Turkish Government will have the expected effect and will thus effectively close one of the serious gaps in the international system for suppressing the illicit traffic. The Committee will also be glad to learn that, according to a letter of July 30th, 1931, from the Minister of Foreign Affairs of the Turkish Republic to the Secretary-General, the Etkin Drug Factory at Eyoub (Istambul), in view of certain irregularities discovered in its accounts, was closed by order of the Council of Ministers until it could give an account of its operations ; this firm was mentioned in the Committee's report as being implicated in the illicit traffic.

Persia. — As regards Persia, in which country the position has in recent years been a matter of concern for the Committee in view of the large quantities of Persian opium despatched illicitly from Bushire to the Far East, the Council and the Committee noted with interest the statement made by the Persian delegate to the Council on January 22nd, 1931. This statement was to the effect that " a formal clause in the exclusive concession recently granted by the Monopoly Service for the total export of Persian opium obliged the concession-holder to submit for each case of opium that left the country a certificate from the importing country ". The Committee expressed the desire that the Persian Government should, if possible, communicate a copy of the contract concluded with the concession-holder and, in accordance with the Council's decision, the Secretary-General is now addressing a letter to that effect to the Persian Government. The Committee hopes that, under this new regime, it will be possible to close one of the sources of the illicit traffic in drugs destined in particular for China.

China. — As regards China, the Committee at its thirteenth session adopted a recommendation that an investigation should be made in respect of concerted action by China and the Powers having treaties with China. The Council referred this recommendation to the Governments for examination. This co-operation is especially desirable as, according to the statements made by the Chinese delegate in the Advisory Committee, the position in China in respect of the illicit traffic is still very serious and is shown by the very high seizure figures reported by the Chinese delegate to the Commission ; a further communication on this subject gives the figures for a period of five years. The Committee decided to let the resolution of the previous year take effect and, at its request, the Secretary-General is now communicating to the Governments for their information the statements made by the representative of the Chinese Government to the Committee, laying down the principles which, in his opinion, must form the basis of the proposed co-operation, and adding observations submitted by the members of the Committee. The point of view of the Chinese Government and of the Powers is set out in the report of the Committee to the Council on the work of its fourteenth session. Though the Chinese Government and the Powers unanimously support the principle of co-operation, there are certain differences of view with regard to the rules to be applied in the settlements, concessions or leased territories. In conformity with a decision of the Committee and of the Council, the Secretary-General is now sending a letter to the Governments concerned to ask them whether it would not be possible to obtain annual reports for the foreign concessions and settlements in China. The Chinese delegate had reserved his Government's opinion on this point.

General Measures with a View to combating the Illicit Traffic.

The Committee adopted various recommendations regarding more general provisions for strengthening the campaign against the illicit traffic, which must be based on three fundamental conditions : adequate laws, adequate administration to apply those laws, and international co-operation.

Under the terms of these recommendations, a firm which is well known to be manufacturing or supplying for the illicit trade any drugs coming within the terms of the Geneva Convention,

or any derivatives of morphine or cocaine, even if they are not yet covered by the Convention, or benzoylmorphine or any other ester of morphine, since the Secretary-General in his circular letter of January 11th, 1929, communicated to the Governments the recommendations of the Health Committee on this subject, should not be allowed to hold a licence for the manufacture of or trade in drugs to which the Geneva Convention applies.

The Council having approved these recommendations, the Secretary-General forwarded them in his circular letter of June 15th, 1931, to the Governments of the countries concerned, with a request that these countries should inform him of the measures adopted in respect of such firms. In its reply to this circular letter, the Turkish Government informed the Secretary-General that it had closed down one of the three Turkish factories referred to in the report of the Advisory Committee as implicated in the illicit traffic, together with two German firms. The German Government announced, through the German representative who was President of the Council at the May 1931 session, that it would state subsequently how it proposed to give effect to these resolutions. I am sure that the fifth Committee will insist that this salutary international action should be pursued with vigour.

The other recommendations referred to similar subjects. One proposes that persons known as habitual smugglers should be deprived of their passports.

Again, I would draw attention to the recommendation concerning the need for effective control of seizures ; under the decision approved by the Council, the Secretariat has been instructed to request Governments to indicate exactly how they dispose of seized drugs and the provisions of their laws on the subject, particularly the manner in which the seizures are included in national statistics.

During the discussion on the illicit traffic, the Committee's attention was drawn to the necessity of strengthening co-operation between the police authorities and the League of Nations. The Committee also had submitted to it by the delegates of the International Police Commission, who had been invited to be present at some of its meetings, a draft international convention similar to the Convention for the Suppression of Counterfeiting Currency and providing for the establishment in each country of a central police office. It formed a Sub-Committee to study all the aspects of the question. This Sub-Committee, in a meeting held at the time of the Conference for the Limitation of the Manufacture of Narcotic Drugs, decided to request the Chairman of the Advisory Committee to send a preliminary questionnaire on the subject to the members of the Committee and to the Canadian and United States representatives on the Sub-Committee. The replies to this preliminary questionnaire might be used to prepare a more detailed questionnaire which the Advisory Committee could ask the Council to communicate to all Governments, as was done in the case of the Convention on Counterfeiting Currency.

Finally, the Committee decided to study the question of the chartering of vessels by foreigners for illicit traffic in opium from the Persian Gulf and recommended that this point should be submitted to experts in law and maritime custom. The Council referred this question to the Advisory and Technical Committee for Communications and Transit. The latter Committee, at its sixteenth session in June 1931, decided to refer the matter to its Committee on Ports and Maritime Navigation, to be reinforced for the purpose of this enquiry by one or more members of the Permanent Legal Committee as selected by the Chairman of that Committee.

Finally, I would refer to the action taken in connection with the important recommendation adopted by the 1930 Assembly which, as I stated above, led to the insertion of an article in the Convention for Limitation. The object of this recommendation was that a very minute enquiry should be conducted into the illicit traffic and that information of every kind regarding the traffic should be communicated to the Secretary-General. This would make it possible to ascertain whether the various measures already recommended by the Advisory Committee for many years were being effectively applied.

Following on the Circular Letter 330.1930.XI, of November 26th, 1930, addressed by the Secretary-General to the various Governments on this subject, the Secretary-General had received (on September 7th, 1931) replies from the following States : Albania, Argentine, Belgium, Canada, Costa Rica, Cuba, Denmark, Dominican Republic, Egypt, Ecuador, Estonia, Finland, Germany, Great Britain, Guatemala, Haiti, Irish Free State, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Mexico, Monaco, the Netherlands, Norway, Poland, Portugal, Siam, Sudan, Union of South Africa, Uruguay and Venezuela. South Africa, Belgium, Estonia, Latvia and Monaco have, in their replies, forwarded certain information concerning seizures. A number of countries — Albania, Argentine, Canada, Egypt, Great Britain, Luxemburg, the Netherlands, Portugal, Sudan and Venezuela — stated that they were already applying the measures recommended by the Advisory Committee. Denmark, Italy and Poland stated that they would continue to communicate or would henceforth communicate information concerning seizures. Costa Rica, Cuba, Dominican Republic, Ecuador, Germany, Guatemala, Haiti, Mexico, Siam and Uruguay have promised to forward replies from the competent authorities. Finally, Finland, the Irish Free State, Lithuania and Norway stated that the question did not arise in their territories, there being no illicit traffic there.

IV. Enquiry into the Drug Habit.

In the second part of the resolution to which I have referred, the eleventh Assembly invited the Advisory Committee to consider whether Governments should be requested to conduct an enquiry regarding the approximate number, for each kind of drug, of addicts in their respective countries, the approximate amount of the drugs consumed and the methods of treatment employed.

Certain members of the Advisory Committee pointed out the difficulties which such an enquiry would encounter and expressed doubt as to its utility. They said that the information which might be obtained would only be approximate, that there was no average dose of consumption in the case of drug addicts, nor any standardised method of treatment. On the other hand, those who supported the enquiry declared that it was relatively easy to obtain statistics for certain countries and that it was of great importance for the combating of an evil to ascertain the exact extent thereof. The Committee finally decided to consult the Health Committee on this subject and to request Governments, not necessarily to undertake a special enquiry, but at least to supply the fullest information they may possess on the subject. This decision was approved by the Council.

V. Various Questions.

The Committee examined a number of questions connected with other more special branches of its work. It instructed the Secretariat to consult the various Governments with regard to the proposal of the Uruguayan Government for the improvement of the system of import and export certificates.

It has re-formed a Special Committee of Experts to amend and amplify on the basis of the replies received from the various Governments the provisional lists of substances and preparations referred to in the Hague and Geneva Conventions which it had established and communicated to the various countries. This Sub-Committee, which met during the Conference for the Limitation of the Manufacture of Narcotics, has prepared the draft of a new list which it proposes to examine at a second meeting to be held shortly.

Finally, the Committee reached important decisions concerning the organisation of its work, which is still growing. It decided to hold two sessions in future ; one in the spring and the other in the autumn, and to appoint a small Sub-Committee to meet before each session in order to make a preliminary examination of the seizure reports. The Committee appointed the delegates of Germany, China, Spain, France, Great Britain, Japan and the Netherlands as members of this Sub-Committee, which will hold its first meeting during the present Assembly.

VI. Permanent Central Opium Board and Commission of Enquiry into the Control of Opium-Smoking in the Far East.

I do not think it will be necessary for me to give any details regarding the work of the Permanent Central Opium Board, which has been summarised in the report on statistics for 1929, submitted to the Council in January 1931. This document is analysed in the report of the Secretary-General to the Assembly (document A.6.1931). At its session held from August 10th to August 20th, 1931, the Committee examined the statistics for 1930.

Nor need I dwell upon the work of the Commission of Enquiry into the Control of Opium-Smoking in the Far East, whose report, submitted to the Council on January 22nd, 1931, is at the disposal of the members of the present Committee. The Conference to deal with this question will meet at Bangkok on November 9th this year on the invitation of the Siamese Government. I wish, however, to mention the fact that the Council at its sixty-second session, at the meeting held on January 22nd, 1931, decided, on the suggestion of the Commission of Enquiry, to ask the Advisory Committee on the Traffic in Opium and Other Dangerous Drugs to examine and report to the Council in regard to the possibility of convening a Conference of the Governments concerned to decide whether poppy-growing could be limited and supervised and to report to the Council on the subject.

* * *

This, then, is a brief outline of the year's work. Whereas ordinarily, at former meetings of the Fifth Committee, the dominant impression produced by this survey of the general situation was extremely sombre, this year the picture is a brighter one. Although, of course, the drug peril is still serious, we feel that public opinion is taking a greater interest in our campaign and particularly that our means of action are becoming better adapted to our purpose : the wider application of the Geneva Convention and the new weapons which the Convention for the Limitation of Manufacture will place in the hands of the League justify, I think, a hope that effective results will be secured. In order, however, to ensure the best possible result, we must not relax our efforts, but intensify them, and ensure even closer co-operation than in the past.

ANNEX 2.

A.V/2.1931

TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS

QUESTION OF DISCONTINUING THE DISTRIBUTION OF ANNUAL REPORTS TO GOVERNMENTS.

MEMORANDUM BY THE SECRETARIAT, SUBMITTED TO THE COMMITTEE ON SEPTEMBER 12TH, 1931.

At its tenth session, the Assembly, on the proposal of the Fifth Committee, decided that the annual reports of Governments on traffic in opium and other dangerous drugs should in future be circulated textually to all Governments as well as to the Advisory Committee.

The Advisory Committee, at its fourteenth session, came to the conclusion that, subject to the approval of the Assembly, the circulation both to the Committee and to the Governments of the annual reports of a large number of colonies and territories, indicated in a list in its report to the Council, should be discontinued, more attention being given than in the past by the Secretariat to such reports in its yearly summary of annual reports.

In view of the need for economy, the Fifth Committee may wish to consider the desirability of discontinuing the circulation of reports to Governments, this being confined, as in the past, to a circulation to the Advisory Committee of the reports *in extenso* and the circulation to the Committee and to all Governments of the printed summary of the annual reports prepared by the Secretariat. The cost of the circulation to Governments (cost of postage, paper, roneoing, etc.) is fairly considerable.

In a certain number of cases, annual reports which reach the Secretariat in printed form are too long to roneo—*i.e.*, exceed forty roneod pages. Usually, in such cases, the Governments forward a sufficient number of copies for distribution in the original language to both the Advisory Committee and to States Members. But, owing to the length of such reports, it is necessary for the Secretariat to print them for purposes of distribution in the other language of the League. The expense of printing could be avoided if the Secretariat were instructed by the Assembly in such cases to abridge the report, for the purpose of roneoing it in the other League language.

An estimate of the total saving involved in the carrying out of the change in procedure indicated above will be circulated later to the Fifth Committee.

ANNEX 3.

A.V/5.1931.

IMPROVEMENTS IN PENAL ADMINISTRATION

REPORT PRESENTED BY THE RAPPORTEUR, M. V. PELLA (ROUMANIA).

INTRODUCTION.

The introductory portion of the report on penal administration, which was submitted to us by the Secretary-General, contains a summary of the resolutions adopted by the League of Nations since 1930 ; there is then no need for me to trace here the history of the question brought before the League of Nations by the Howard League for Penal Reform.

Nevertheless, it might be well to mention that, as far back as 1924, a proposal was made to the League of Nations relating to international co-operation for the prevention of ordinary crimes (see *Revue internationale de Droit pénal*, No. 1, 1924). In 1927, as representative of Roumania, I pointed out at the eighth Assembly that the League cannot remain indifferent to the increase in crime which is keeping pace with the continuous transformation and internationalisation of contemporary social life by becoming international itself. Accordingly, on behalf of the Roumanian delegation, I suggested to the eighth Assembly that the League should also turn its attention to this scourge of humanity. The suggestions I made during the discussion of the problem of the codification of international law at the 1927 Assembly (see document C.548.M.196.1925.V, page 40) were referred to by the Howard League in its memorandum to the League of Nations (document A.P.1).

In this document, the Howard League stated that " in connection with the progressive codification of international law, the Committee of Three Jurists, whose report was presented to the Council of the League in June 1929, suggested that there should be conventions on

international criminal law and conventions on mutual assistance between States with a view to the punishment of criminal offences ", and added that, in its opinion, it was surely the concern of the States Members of the League that the methods of such punishment should be enlightened and humane.

I believe that an international solution of the problem of penal administration is essential and that the League of Nations would be discharging its duty by organising international co-operation for the suppression of crime.

Internationally, the problem of penal administration, or rather of international criminal policy, may be regarded from several angles.

For the purpose of preparing a systematic plan for the League's activities, mention may first be made of the question of unifying in the various systems of national law certain charges relating to offences which threaten the interests of humanity at large — *i.e.*, offences sometimes called " international crimes ".

Secondly, an improvement is desirable in international co-operation for the prosecution and punishment of criminals, particularly in regard to extradition, regulations governing the despatch and execution of letters of request, police co-operation, etc. In this connection, the settlement of certain conflicts of competence, as a result of which in some cases (negative conflicts of competence) international offenders now escape punishment altogether, should be examined.

A third aspect of the problem is the execution of the penalty and the measures of security, particularly terms of imprisonment (treatment of prisoners) and the assistance to be given to prisoners on discharge.

The dictates of humanity and the necessity for finding the best means of ensuring the offender's readaptation to his social environment fully demonstrate the international importance of this last aspect of the problem.

As the League of Nations is now displaying, or tends to display, activities in all these fields, it would be worth while, not only with a view to co-ordinating its own activities, but also for the purpose of co-ordinating the activities of other institutions in these matters, to give a succinct account of what has been done by all these organisations in the last few years.

International Offences and the Unification of Indictments.

As far as the first subject is concerned — *i.e.*, the unification of criminal law, we must acknowledge that the activity of the League with regard to certain offences of an international character, such as the traffic in women and children, slavery, the traffic in drugs, obscene publications and, recently, counterfeiting currency, has been most productive.

The fact that international conventions concerning the offences referred to have been drafted or supplemented through the lead given by the League and under its auspices bears eloquent witness to the League's increasing activity in this field.

An examination of these conventions shows, first of all, the tendency to secure international solidarity against criminality by the unification of certain indictments in the law of the various countries. Although the results obtained in the older conventions as regards the unification of indictments cannot be regarded as altogether satisfactory, we must nevertheless acknowledge that, as far as counterfeiting currency is concerned, the Convention of April 1929 reached a satisfactory solution.

This Convention constitutes in some sort a model to be kept in mind when previous conventions concerning the prevention and punishment of certain other international offences are revised.

The Conference for the Limitation of the Manufacture of Narcotic and Other Dangerous Drugs, which was held under the auspices of the League in July 1931, and which (in the Final Act) contains the following recommendation, expressed a similar view :

> " The Conference,
>
> " Considering that the Advisory Committee on Traffic in Opium and Other Dangerous Drugs has been presented by the International Criminal Police Commission with a draft international Convention for the suppression of the illicit traffic in narcotic drugs, the main features of which are based on the Convention of April 20th, 1929, against counterfeiting currency :
>
> " Expresses the wish that, on the basis of the work undertaken by the Advisory Committee, a convention may be concluded with the least possible delay for the prosecution and punishment of breaches of the law relating to the manufacture of, trade in and possession of narcotic drugs. "

Clearly, the tendency to unify certain indictments in municipal law is also facilitated by the way in which the juridical conceptions of the civilised nations are being influenced by the international spirit, the effect being to internationalise municipal law. At a more distant date, we may even contemplate the possibility of embodying all the provisions of existing Conventions in a general convention, which would include all the rules relating to the punishment of offences declared to be international offences by treaty provisions. All other offences which the Governments might agree to regard as international in character could be inserted within the framework of such a convention, without it being necessary to draft fresh conventions.

But it is not only in the matter of indictments that certain of the existing Conventions referred to tend towards international unification, or have even succeeded in reaching it. A similar unification is now being carried out with regard to the fundamental principles of criminal law. For instance, the Convention of April 1929 for the suppression of counterfeiting currency contains provisions concerning attempts to commit forgery, complicity and habitual criminality.

It may be recalled that the League is at present undertaking investigations for the purpose of preparing fresh conventions for the punishment of certain other offences which are regarded as having an international character. We shall merely mention the Financial Committee, which is dealing with the question of the possible preparation of a convention for the prevention and international suppression of the forging of documents of value other than paper money and bank-notes — *e.g.*, shares and bonds, cheques, bills of exchange, etc.

Certain private or governmental institutions, such as the Association internationale de droit pénal (Brussels Congress, 1926) and the International Prison Commission (Prague Congress, 1930), reflecting the contemporary tendency towards the international unification of criminal law, have discussed the problem of unification and passed resolutions clearly favourable to such unification.

A special international institution for the unification of criminal law has also been set up. The aim of the International Bureau for the Unification of Law, as the institution is called, is to study the proposals made by Governments, the various organisations of the League of Nations and international associations for harmonising and co-ordinating criminal law; to carry out preparatory work for the purpose of deciding which questions of criminal law can form the subject of uniform regulations in the various countries, and to take the necessary steps for summoning international conferences for the unification of criminal law.

Proceeding with the caution necessary for the accomplishment of such a task, the three official Conferences for the Unification of Criminal Law which have so far been held have secured encouraging results. The aim of these Conferences (Warsaw 1927, Rome 1928, and Brussels 1930) was, *inter alia*, the unification of indictments for offences covered by the Conventions for the suppression of the traffic in drugs, the traffic in obscene publications and the suppression of counterfeiting currency. The next Unification Conference, which is to meet in Paris at the end of this year, will deal particularly with the traffic in women and children, slavery and piracy.

The present time is clearly favourable for the unification of criminal law, and we ought to take advantage of the opportunity. Many States are now engaged in framing new criminal codes. These countries may at present unify the principles relating to punishment — particularly the punishment of international offences — more easily than when they have framed and passed their codes.

Accordingly, taking into account the desires indicated both in international Conventions drawn up under the auspices of the League and in resolutions adopted by international Conferences and Congresses, the Fifth Committee might, in connection with the general problem of penal administration, submit a very general recommendation to the Assembly concerning the progressive unification of criminal law.

At one of its previous sessions, the League Assembly pronounced itself in favour of the principle of the unification of private law. It would, therefore, have no reason for objecting to the principle of the unification of criminal law.

Of course, specialists will have to establish carefully the scheme of unification — *i.e.*, determine the scope of such a unification.

International Co-operation for the Prosecution and Punishment of Criminals.

Reference must also be made to what the League has done in connection with the second part of the problem.

The Committee for the Codification of International Law investigated the question of extradition, the competence of States with regard to offences committed outside their territory and the communication of judicial and extrajudicial documents in criminal matters. Although its work did not lead to the conclusion of multilateral conventions, it nevertheless provided models for certain countries in framing bilateral conventions.

A case in point is the Convention regarding Extradition and Judicial Co-operation in Criminal Matters between Portugal and Roumania, which was signed at Lisbon in February 1930. The preliminary draft was prepared by your Rapporteur, and was directly based on certain provisional and tentative results obtained by the League Committee for the Progressive Codification of International Law.

This Convention between Roumania and Portugal was a step forward, not only from a humanitarian point of view, but also from the point of view of the principles of criminal law in regard to extradition and judicial co-operation.

The codification of international criminal law is often seriously impeded by national susceptibilities, which will continue as long as important differences exist between the codes of the various countries in regard to the fundamental principles of prosecution and punishment. That is why the Interparliamentary Union, at its Paris Conference (August 1927), bearing in mind the difficulties encountered by the Committee for the Codification of International Law, adopted a recommendation which was supported by Professor Schücking, to prepare the ground for the codification of international criminal law by first of all removing the differences in the various codes — *i.e.*, by a preliminary unification of certain principles of criminal law.

Clear evidence that a large number of States are decidedly in favour of the unification of certain principles of criminal law is furnished by Recommendations 12 and 14 of the Diplomatic Conference on Counterfeiting Currency.

The said recommendations ask " that the rules for the extradition of accused or convicted persons should be unified on an international basis with a view to obtaining a really effective suppression of crime, and that the despatch and the execution of letters of request should be regulated by an international convention, so as to produce a uniform system of rules ".

It is also interesting to recall that the first Conference of Central Police Offices, which met at Geneva under the auspices of the League in March 1931, unanimously adopted a recommendation in favour of the conclusion of multilateral and regional extradition treaties, to replace, in the case of certain groups of States whose legal codes present no fundamental differences of principle, the many existing bilateral treaties (see document C.193.M.76.1913.II.A, page 15).

It has also been urged that the opposition between countries whose penal system is based on strict territoriality and those whose systems admit as a general rule of the punishment of crimes committed abroad constitutes a serious difficulty in arriving at international agreements on criminal matters.

Experience, however, has proved the contrary. Indeed, in the Convention for the Suppression of Counterfeiting Currency, drawn up under the auspices of the League, compromise formulæ of a most satisfactory nature were devised, which, none the less, respect the principles of competence in criminal matters maintained by the different countries. This is the case with Article 4 (complicity, distinct offences), with Article 6 (international recognition of previous convictions), with Article 8 (principle of active personality) and with Article 9 (partial application of the principle of the universality of punishment).

Reference may now be made to the work accomplished in the matter of international criminal law by governmental or private institutions. Without calling further attention to what was done before the war by the International Criminal Law Union and the Institut de droit international, or to the more recent work of the International Law Association, a special committee of which, at its congress in Warsaw, adopted a draft model extradition treaty, mention should be made of the fact that the International Penal Law Association, the International Prisons Commission, the International Criminal Police Commission and the International Bureau for the Unification of Criminal Law have undertaken theel aboration of certain principles of international criminal law.

As regards international police co-operation, we would here recall a recommendation made by the Conference of Central Police Offices held this year in Geneva under the auspices of the League. This Conference recommends :

> " . . . that the Council of the League of Nations should, if it thanks fit and expedient, in view of the increasingly international character of crime in its various aspects, study the possibility of preparing a Convention on international co-operation between police forces and the establishment of an official police information bureau forming a link between the various police forces, with the general object of ensuring more effective prevention and punishment of crime " (See Document C.193.M.76.1931.II.A).

It is clear that, in this branch of its work, the League of Nations can derive advantage from collaborating with an important institution — namely, the International Criminal Police Commission. The work of this institution — the value of which has been unanimously recognised by specialists — the valuable assistance which it has afforded and is affording to States in identifying and arresting criminals, as well as its congresses on scientific police work, show clearly how useful and helpful the Commission can be in securing the general application of international measures relating to identification and arrest.

Execution of Penalties, Preventive Measures and Aid to Discharged Prisoners.

A penalty can no longer in these days be regarded merely as the infliction of pain or the expiation of a crime. Apart from quite exceptional cases, when the criminal has to be segregated from his fellows, a penalty is to be looked on as a means of readapting the offender to social life — as means of reclamation. It is, moreover, this characteristic of punishment which has contributed to the great development of penology.

Owing to the great importance of the problem, it has been suggested that the question of drawing up a special code for the execution of penalties might be examined. This question has been submitted to the Third Congress of the International Penal Law Association to be held at Palermo in April 1932.

If, in the immense majority of cases, the penalty is regarded as a means of reclaiming the delinquent, and if it is intended to influence the whole character of the criminal, it must obviously not be executed in a barbarous spirit, as thereby it would fail in its real aim, which is to reform and humanise the delinquent.

Thus it is not without a certain uneasiness that we have to draw attention to the abuses in the execution of penalties, to which reference has been made by the Howard League in its memorandum addressed to the League of Nations.

In view therefore of the social and humanitarian importance of this problem, it is clear that the question of the regulation of the execution of penalties of imprisonment, in the light of these fundamental principles, concerns and must concern the League of Nations.

Naturally, in this sphere, the League of Nations can be assured of the co-operation of two international organisations particularly qualified to assist it in its work — namely, the Howard League for Penal Reform and the International Prison Commission.[1]

[1] As regards the organisation and work of these institutions, see documents A.P.1. and A.P.2.

In reviewing the discussions which have taken place between the Secretariat of the League of Nations and the representative of the International Prison Commission, in pursuance of the resolution of the last Assembly, it would be desirable for the Fifth Committee to accept the proposal for establishing closer relations between the League of Nations and this organisation on all questions dealing with the execution of penalties and preventive measures.

It is of course understood that these relations would not prevent the League from approaching other institutions in regard to the same questions with a view to adding to its documentary material.

Bearing in mind also the important work of the International Prison Commission, there should be a discussion as to the advisability of proposing to the Assembly a recommendation to the effect that States Members of the League which do not as yet form part of this Commission should be invited to belong to it.

Another question on which the Fifth Committee will be called upon to give an opinion is that of the action to be taken in regard to the enquiries carried out and the observations submitted by the various Governments on the General Body of Rules for the Treatment of Prisoners drawn up by the International Prison Commission. These Rules give rise to a large number of problems. It would be impossible for the Assembly at the present stage to pronounce upon the substance of this question.

While recognising the great value of these Rules, it is obvious that they might be regarded by certain countries which have made considerable progress in this matter as falling below the minimum requirements desirable.

Moreover, in fixing the minimum conditions, care must be taken to avoid giving the impression that certain other countries whose systems conform to those conditions need make no further efforts. We are therefore of opinion that it would be preferable to convert these minimum Rules into a declaration of fundamental principles for the treatment of prisoners.

Without attempting a full analysis of the Rules drawn up by the International Prison Commission, which, generally speaking, have had a favourable reception, we would point out that the international institutions consulted, and also the International Labour Office and certain organs of the League, have raised objections in regard to certain special points.

The International Labour Office has submitted to the Secretary-General a learned memorandum on prison labour (document 200.19.01), in which it raises objections, *inter alia*, to Rule No. 13 concerning remuneration for work. This Rule is not imperative, but is a simple recommendation. The International Labour Office also regrets that the General Body of Rules does not deal with the quantity of work given to the prisoner.

As regards the principles upon which the reclassification of offenders should be based, it is obvious that the problem of juvenile delinquents should receive special attention, and more stress might perhaps be laid upon this problem in the General Body of Rules. The Child Welfare Committee recommends that detention in prisons should be absolutely forbidden in the case of children.

As regards the treatment of juvenile delinquents, certain countries are very backward, while others have made considerable progress. Among the most recent reforms, we would mention the entry into force of the new Italian Penal Code (July 1931).

The League's Child Welfare Committee has already undertaken enquiries into the question of juvenile delinquents, and it is to be hoped that its efforts will help to improve the methods of their treatment.

The problem of habitual criminality, and the special measures to be taken in regard to the treatment of regular criminals might also be dealt with more definitely in the General Body of Rules.

We would also mention the special treatment of abnormal criminals; when the Rules for the Treatment of Prisoners are revised, this question should be dealt with more fully.

Lastly, in certain replies from the organisations consulted, special reference is made to the question of the treatment of political offenders. Without going more deeply into this matter, one fact is certain — namely, that there is a great difference between political offences and common law offences. The consequences of this difference should therefore not be overlooked in devising a model prison system.

Moreover, the International Penal Law Association (Memorandum by Professor Roux) considers that the question whether maintenance of very large prisons is or is not desirable should also have been settled in the General Body of Rules. The International Penal Law Association is in favour of medium-sized prisons, because if these institutions are too large the moral influence of the director cannot be effectively exercised. The International Labour Office states in its memorandum that it entirely agrees with the observations of the International Penal Law Association.

As regards the separation of offenders (separation by sex, age, and separation of untried from convicted prisoners) this Association also suggests that they should be separated according to the motives of the crime.

It would also be desirable, when the General Body of Rules is revised, to lay further stress on the application of the progressive system, which is based on a careful classification of prisoners and is designed to avoid the risk of moral contagion.

The delicate problem of the cell system is also dealt with in the observations submitted by the various organisations. For instance, the International Penal Law Union (memorandum by Professor Grünhut) states that *permanent* solitary confinement is no longer admissible in any case. The length of time during which a prisoner may be confined in a cell should be strictly limited by the legislation of every country.

Certain other problems, such as disciplinary measures, corporal punishment of a disciplinary nature, and instruments of restraint, have also given rise to interesting observations.

Finally, the problem of prisoners' health has given rise to certain suggestions on the part of the Health Committee, which also proposes to continue its investigations into this special matter.

Other questions which have been dealt with in certain countries (the sex problem in prisons, etc.) might also form the subject of further enquiries.

The most careful attention should also be given to the choice of officials. The question may be asked whether it would not be best to entrust the management of women's prisons entirely to women. The International Labour Office considers that, if enquiries were made, they would show that, in order to ensure satisfactory organisation, it is in no wise necessary to entrust the management of women's prisons to men. In all countries in which these duties have been assigned to women, they have been equal to their task. In Spain, the general control of prisons has recently been entrusted to a woman.

Certain other important questions, such as the conversion in certain countries of a fine, in the case of non-payment, into imprisonment might also be dealt with. In this connection, the desirability, in accordance with the provisions of certain draft penal codes, of converting the fine into a certain number of days' labour without detention, or, if it is impossible for the person convicted to work, into a number of days' arrest at home, should be examined with a view to preventing the imposition of short-term penalties of imprisonment, which in many cases tend to corrupt him.

It would also be of interest to examine the conditions under which the system of open-air labour, which, when it is well organised, produces admirable results in certain countries, might be made general.

Greater attention should be given to remuneration for the prisoners' labour. Certain countries, such as Poland (Decree of March 7th, 1928), have gone so far as to allow prisoners the legal right to substantiate their claim to the sum placed to their account.

Lastly, the formation in all countries of a fund derived in part from the prisoner's labour should be considered. The object of this fund, which was introduced in Amsterdam prisons as long ago as the seventeenth century, is to make it possible to readapt the offender and fit him for an honest life after he leaves prison, and also to assist the members of his family. In certain countries it is possible for a portion of the prisoner's earnings to be given to the members of his family; this is the case in Austria, Belgium, Finland, Germany, Norway, Sweden and some other countries.

Before concluding this survey of the execution of the penalty, we should like to refer to one of the most delicate problems, which has given rise to a great deal of discussion — namely, deportation (banishment, transportation).

From a humanitarian point of view, it would obviously be of interest to consider whether the actual system of deportation should be abandoned, or whether all that is necessary is to improve the conditions of application of such a system, so that the life and health of convicts may no longer be endangered.

From this standpoint also, attention might be drawn to the necessity of limiting the period during which convicts are required to work in mines.

In view of the above particulars and of the fact that a large number of questions still remain to be cleared up, it is obvious that we are not in a position to reach a decision on the real problem of the treatment of prisoners. The General Body of Rules might perhaps be referred to the International Prison Commission, with a recommendation that it should examine the relevant observations. The Commission might be asked, after revising the General Body of Rules, to refer them back to the League.

The International Labour Office might also be asked to continue its investigations into prison labour.

Finally, the moral support, assistance and repatriation of foreign prisoners who have been discharged represent some of the grave problems which cannot be ignored in considering the whole question of international policy in regard to crime.

In this connection, the establishment of an international federation of the different associations dealing in each country with the welfare of prisoners might perhaps be encouraged.

* * *

In view of the necessity for considering the problem of penal administration in the three aspects referred to above, we think it would be desirable for the League, whose different committees already deal with certain questions of penal law, to co-ordinate its work in this connection, since these questions are interconnected and all come within the scope of the general problem of the prevention and punishment of crime.

It would also be advisable for the League to endeavour to co-ordinate the multiple activities of the governmental and private organisations mentioned in this report — namely, the International Prison Commission, the International Penal Law Association, the International Penal Law Union, the International Bureau for the Unification of Criminal Law, the International Criminal Police Commission and the Howard League for Penal Reform.

The League of Nations might perhaps take advantage of the meeting of the Commission for the Protection and Welfare of Children and Young People in April 1932 to consult the Government delegates serving on this Commission (to whom might be added a representative of each of the six organisations mentioned above) in regard to a systematic programme of work in the domain of penal administration. This meeting might also serve as a means of establishing closer co-operation between those organisations and the League.

The results of this consultation in April could then be submitted to next year's Assembly for its decision.

In conclusion, we must record our conviction that the work to be undertaken by the League in the sphere of penal administration will be greatly facilitated by the fact that there can be no difference of opinion among the Governments as to the necessity for the effective prevention and punishment of crime.

In the campaign against the common danger of criminality, all that is needed is to give concrete form to the sentiments of solidarity by which all civilised nations are inspired, and to co-ordinate their means of preventing and punishing crime. This will make it possible to organise the more effective protection of society against crime, and, what is still more important, to readapt the offender to his social environment.

By intensifying the means of action and by stimulating international co-operation for the prevention of criminality, the League will help to destroy the spirit of violence and rapacity which leads individuals as members of society, and also nations as members of the international community, to commit crime.

ANNEX 4.

A.V/3.1931.

WORK OF THE TRAFFIC IN WOMEN AND CHILDREN COMMITTEE

REPORT PRESENTED BY THE RAPPORTEUR — MRS. PLUMPTRE (CANADA).

The tenth session of the Traffic in Women and Children Committee was held in Geneva in April 1931, under the presidency of His Excellency M. Chodzko (Minutes of meeting, document C.401.M.163.1931.IV).

The members of this committee have received the report of the session and the other documents distributed by the Secretariat.

The Council, at its session of May 1931, took note of the report of the Committee and commended it to the attention of the Members of the League.

PROGRESS REPORT.

The members of this committee will be deeply interested in the question of the accession of Members of the League to the 1921 Convention for the Suppression of the Traffic in Women and Children. Apart from colonies, possessions and mandated territories, there are at present thirty-seven Governments parties to the 1921 Convention, the last accession being that of Lithuania, the delegate of that country having deposited the signature last Monday.

The Advisory Committee of the Traffic in Women and Children devoted special attention to this problem at its last sessions, and stated that in order effectively to suppress the traffic the Convention must be extended to as large a number of countries as possible, and the Council directed the Secretary-General to ask Governments not Members of the League who had not adhered to the Convention, whether they were prepared to do so. The following countries were approached : Afghanistan, Argentine Republic, Ecuador, Egypt, Hedjaz, Iceland, Liechtenstein, Mexico, San Marino, Sudan, Turkey, the Union of Soviet Socialist Republics and the United States of America.

I am glad to be able to inform you that the Government of Monaco acceded to the Convention on July 18th, 1931, and that the Governments of Turkey and Mexico have declared their intention of considering their accession. On June 27th, 1931, the Egyptian Government informed us that the competent authorities had reported in favour of accession and that the ratifications of the Agreement of 1904 and of the Conventions of 1910 and 1921 will be forwarded shortly. The Government of the United States stated in a letter dated August 18th that it was unable to become a party to this Convention, as the Convention of 1910 contains projects which pertain, under the constitution of the United States, to the police functions of the several States of the Union, and are therefore outside the competence of the Federal Government. It adds, however, that it is in full sympathy

with the aims of the Convention and does not wish it to be understood that the United States would be unable in the future to co-operate in the formulation of an International Convention which might enable the Government of the United States to become a party.

On the other hand, it must be noted with regret that fourteen States Members of the League have not yet acceded to the Convention, and that five have not ratified their signature. It would be of great importance to the work of this committee, if it were possible to discover the reasons for these abstentions, and to secure further ratifications before the Assembly of 1932.

Annual Reports from Governments.

The Advisory Committee noted that the annual reports of Governments were more detailed than in former years but that many of them did not respond to the Council's request for reports on national cases of trafficking and procuring. As this seemed to be partly due to a misunderstanding of the questionnaire, a revised questionnaire has been prepared and sent out to all Governments represented on the Advisory Committee for their observations and suggestions.

Up to the present time, reports for 1930 have been received from twenty-three Governments, and it is hoped that reports will be received before the next meeting of the Advisory Committee from all the signatories to the Convention. The largest number of reports received in any previous year is twenty-six.

As usual, the reports received from the voluntary organisations represented on the Committee by assessors were of great interest and proved how valuable the help of these organisations is in the suppression of this traffic.

In connection with the work of the voluntary organisations, I would like to draw attention to the resolution adopted by the International Bureau for the Suppression of Traffic in Women and Children at the Congress held last October at Warsaw. This resolution has been communicated to the Members of the Committee in document C.441.M.188.1931.IV, and the resolutions contain suggestions worthy of study.

Central Authorities.

The work of the central authorities is of the utmost importance for the effective suppression of the traffic, and the Council instructed the Secretariat to prepare a preliminary report. In view of the limited number of replies received, the Secretariat could only indicate the lines of an enquiry and the existing defects and remedies, of which one of the serious defects is the lack of co-ordination and standardisation.

This report has still to be studied by the Governments represented on the Committee, and it was therefore agreed to defer the examination of this question until the next meeting, which will take place on April 4th, 1932.

Penalties to be imposed upon "Souteneurs".

A concise study of the laws and penalties relating to *souteneurs* and copies of a revised draft Protocol supplementing the 1921 Convention for the Suppression of Traffic in Women and Children have been supplied to the members of this committee (document C.441.M.188.1931.IV). This valuable document embodies much careful research into both laws and penalties, and should guide the deliberations of this committee in dealing with the suppression of this most repulsive aspect of the Traffic in Women and Children.

Protection of Young Female Artistes and the Repatriation of Foreign Prostitutes.

The Advisory Committee discussed both these questions at its meeting last May, but, in both cases, considered that fuller information and further consideration were necessary before a report could be brought forward. Both questions will, therefore, be further discussed at the next meeting of the Advisory Committee.

Women Police.

A preliminary study on the use of women police was submitted by the Secretariat to the Advisory Committee, which decided that at the present stage of the enquiry conclusions would still be premature. It stated, however, that women police may be very useful in connection with the protection of women and children in moral danger, and that they played a particularly effective part in the campaign against the traffic in women and children. It was of opinion that the question of the organisation of this police cannot be determined in any uniform way applicable to all countries and that it should be adapted to national conditions.

Obscene Publications.

Thirty-three Governments have replied to the questionnaire on obscene publications sent out in 1930, enquiring as to the circulation of such publications and the steps taken to suppress it. A very complete collection of laws relating to this question has been compiled by the Secretariat (document C.T.F.E.500 *(a)*). The Advisory Committee recommends further standardisation in the methods used to deal with this problem, which depends upon the co-operation, etc., of all States Members of the League, and this Committee will no doubt wish to do all in its power to secure this co-operation as suggested by the Council at its meeting held in May 1930. The Council has already drawn attention to the difficulty that Governments find in giving annual replies to the whole questionnaire on obscene publications and the British representative on the Advisory

Committee suggested that it would be better to include in the amended questionnaire on traffi in women one or two questions on obscene publications. Such questions have been included i the new questionnaire now submitted to the Traffic in Women and Children Committee.

LAWS AND REGULATIONS TO SAFEGUARD PUBLIC HEALTH AGAINST THE DANGERS OF PROSTITUTION

In accordance with the suggestion made by the Assembly in 1930, the Advisory Committe decided at its meeting last April that, as investigations into this matter were being made b both the Health Organisation of the League and the International Union for Combating Venerea Disease, it would be wise to await the reports of these two bodies before deciding whether an further investigations were necessary. My colleagues will be interested to hear that the town o Nancy has just closed its licensed houses. In France, this question belongs to the province o municipal authorities.

ABOLITION OF AGE-LIMIT CONTAINED IN THE 1910 CONVENTION.

Twenty-six Governments have replied in favour of abolishing the age-limit of twenty-on years laid down in the 1910 Convention as amended by the Convention of 1921. This shows a marked increase in the number of replies in favour of abolishing the age-limit, but, in view o reservations made by certain Governments, the Advisory Committee asked that the matte might be reconsidered the following year in connection with other amendments to the 192 Convention and previous international agreements.

ENQUIRY INTO TRAFFIC IN WOMEN AND CHILDREN IN THE FAR EAST.

The Travelling Commission of Enquiry has completed only half its itinerary and therefor no report of its work can be presented at this time. The Commission has already visited th following countries: Siam, Indo-China, Hong-Kong, Macao, the Philippine Islands, China, Japan and Java. Everywhere, the Commission has been welcomed and afforded every facility in collecting information.

BUDGET.

I have finally to draw the attention of the Committee to a budgetary question. The Advisory Committee recommended in 1923 that the Secretariat should cause a digest of the laws and regulations against the traffic in women to be prepared and distributed to the Members of the League. The Assembly of 1924 endorsed this decision on September 25th. The last Assembly, at its meeting of September 27th, stated that it thought " this collection of laws and regulations would be of great value ", and asked that it should be published as soon as possible. The Secretariat therefore included the sum of 12,000 Swiss francs in the budget for this purpose. The Supervisory Committee at its meeting of last May did not agree to this provision in view of the necessity of cutting down the budget of the League as much as possible. The publication of the collection of laws will therefore have to be postponed.

This brief survey of the present conditions of the subjects under discussion by this Committee is presented with the hope that it may be found useful in the deliberations of these questions during the present session.

ANNEX 5.

A.V/8. 1931.

WORK OF THE CHILD WELFARE COMMITTEE.

REPORT PRESENTED BY THE RAPPORTEUR, COUNTESS APPONYI (HUNGARY).

The Child Welfare Committee held its seventh session at Geneva from April 14th to 20th last. The report on the work of this session (document C.249.M.113.1931.IV) has already been distributed.

I therefore think it unnecessary to review the Committee's proceedings in detail. I shall merely call the attention of the Fifth Committee to those questions in which success has been achieved or on which the Council has given fresh directions.

In my opinion, the question of the return of children and young people to their homes, which has been on the Child Welfare Committee's agenda for several years, has been solved most satisfactorily. The Committee submitted a draft Convention to the Council, which, at its meeting on May 20th last, approved the draft and instructed the Secretary-General to submit it to all Governments as a model for the conclusion of bilateral or plurilateral agreements. The Secretary-General also requested all Governments to inform him of any agreements they might conclude on that model.

Two other questions to which the Child Welfare Committee has also been devoting attention for several years are those of assistance to foreign minors and the recognition and execution of maintenance orders abroad. A draft Convention on Assistance to Foreign Minors, prepared by

the Legal Sub-Committee of the Child Welfare Committee and redrafted in the light of the observations made by Governments, was again submitted to the Child Welfare Committee at its last session.

Some Governments found this draft Convention acceptable, while others put forward objections of principle, which might perhaps have disappeared if a few modifications were made in the text. Many Governments, however, declared that the question of assistance to foreign minors could not be dealt with in a satisfactory manner without reference to the families to which the minors belonged.

In conclusion, the Child Welfare Committee recognise that the problem of assistance to foreign minors was connected with the problem of assistance to destitute foreigners generally, a question which exceeded the limits of its competence. It accordingly recommended the Council to set up a special committee composed of experts appointed by a small number of countries interested in the question, which would study the question as a whole and prepare a preliminary draft international Convention.

When the Committee came to consider the question of the recognition and execution of maintenance orders abroad, it was obliged to recognise one thing — that, while the question has an important bearing on child welfare, it may be argued that the Child Welfare Committee is not competent to deal with it, since maintenance orders may benefit adults at the same time as children. The Committee accordingly came to the conclusion that the study of this question could best be undertaken by a special committee, which might be the same as that which it proposed should be appointed to study the problem of assistance.

At its meeting on May 20th, the Council accepted the Child Welfare Committee's suggestion, and decided to set up a temporary special committee to investigate these two questions. At its meeting on September 4th, it named twelve countries whose Governments would be invited to appoint experts to form this special committee. In making its selection, the Council took into consideration the interest manifested by certain countries in questions relating to assistance at previous international conferences, and also the desirability of having emigration and immigration countries represented.

The twelve countries selected are: Argentine, Canada, Denmark, France, Germany, Great Britain, Hungary, Italy, Japan, the Netherlands, Poland and Switzerland.

The Council also fixed the first session of this special committee for October 1932, unless circumstances should call for any change.

The question of assistance to foreign minors has been constantly on the Child Welfare Committee's agenda for the last five or six years. Owing to differences of opinion among the Governments, it goes on from questionnaire to questionnaire and has been the subject of a preliminary draft Convention which has been more than once redrafted in the light of the observations of Governments. The question has now been referred to a special committee which will not meet until October 1932.

I hope the Fifth Committee will express a strong desire that the meetings of this special committee should not be further postponed. It might be well to call the attention of the experts to the main ideas on the subject of assistance to foreign minors put forward by Count Carton de Wiart in 1929 in his report to the tenth Assembly.

The questions of assistance to foreign minors and the recognition and execution of maintenance orders abroad, to which the Child Welfare Committee has devoted so much attention, are now, therefore, to be attacked on new, more general and more comprehensive lines. I have no doubt that the Fifth Committee will wish to remark that the work and the investigations carried out by the Child Welfare Committee, which have led to the appointment of this special committee, have been of real value in the advancement of social and humanitarian causes.

The Child Welfare Committee very carefully examined the reports laid before it by the Rapporteurs and by the Secretariat on the auxiliary services of juvenile courts. It recognised that the three main factors in the treatment of delinquent children — juvenile courts, auxiliary services and institutions entrusted with the execution of the measures prescribed — cannot be considered separately. It decided to publish, in collaboration with the International Prison Commission, all the information collected concerning the existence and organisation of juvenile courts, and it appointed a sub-committee to draft, in agreement with the International Prison Commission, a questionnaire to be sent to all Governments with the object of obtaining information regarding institutions for erring or delinquent minors in all countries, whether they do or do not possess juvenile courts. In a few years, therefore, the Child Welfare Committee will be in possession of full information with the aid of which it will be able to study the whole question — one of the most important in connection with child welfare.

Owing to lack of time, the Committee was obliged to postpone to its next session all discussion on the subjects of illegitimate children and the cinematograph; I think the Fifth Committee will agree with me in approving this decision, and encouraging the Committee not to consider more questions at one time than it can deal with thoroughly and conscientiously.

Various interesting communications were made to the Child Welfare Committee by the liaison officers of the International Labour Office and the Health Organisation, and by certain members and assessors, with regard to blind children, crippled children, the cinematograph, etc. You will find them set out in the report I have already referred to on the work of the Committee's seventh session.

In conclusion, I propose that the Fifth Committee take note of the Child Welfare Committee's report on its seventh session, recommend that the Committee continue its work in conformity with the suggestions and decisions contained in that report, and express its satisfaction with the work done.

ANNEX 6.

A.V/14.1931.

WORK OF THE TRAFFIC IN WOMEN AND CHILDREN COMMITTEE

DRAFT REPORT OF THE FIFTH COMMITTEE TO THE ASSEMBLY PRESENTED BY THE RAPPORTEUR, MRS. PLUMPTRE (CANADA).

The Fifth Committee has the honour to lay before the Assembly an account of the progress made by the League during the past year in its efforts to suppress the Traffic in Women and Children. Ten years have now elapsed since the conclusion of the Convention of 1921, which represented " the endeavour to secure a common understanding between the Governments with a view to united action ", and consolidated the work previously undertaken by the International Bureau for the Suppression of the Traffic in Women and Children.

The Fifth Committee is happy to announce that, apart from colonies, possessions and mandated territories, thirty-eight Governments are now parties to the Convention — the last signature having been deposited during the present Assembly.

The Traffic in Women and Children Committee devoted special attention to this Convention at its last session; as a result of its deliberations, the Council directed the Secretary-General to ask Governments not members of the League, who had not adhered to the Convention, whether they were prepared to do so. It is of the greatest importance that as many Governments as possible should adhere to this Convention. Therefore the following Governments were approached: Afghanistan, Argentine Republic, Ecuador, Egypt, Hedjaz, Iceland, Liechtenstein, San Marino, Sudan, Turkey, the Union of Soviet Socialist Republics and the United States of America.

The Government of Turkey has declared its intention of considering accession, and, in June, the Egyptian Government informed the League that the ratifications of the Agreement of 1904 and of the Conventions of 1910 and 1921 would be forwarded shortly. The Government of the United States, while regretting that it was unable to sign the Convention, since some of its provisions pertain to the police functions of the several States of the Union and are therefore outside the competence of the Federal Government, added that it is in full sympathy with the aims of the Convention and hopes to be able to co-operate in the future in the formulation of a Convention to which the United States might become a party. The Committee announces with pleasure that the Governments of Monaco and Lithuania have acceded to the Convention since the last Assembly, and that the British Government has informed the Secretariat of the accessions of the Colony and Protectorate of Gambia, of the Protectorate of Uganda, and of the Territory of Tanganyika.

Yet there are still twelve States Members of the League who have not yet acceded to the Convention and five others who have not yet ratified their signatures. In the resolution with which this report concludes, the Assembly is requested to bring this important matter once more to the attention of Governments.

The Traffic in Women and Children Committee at its tenth session dealt also with two matters directly connected with the Convention.

(a) The Convention of 1910 as amended by the Convention of 1920 fixed the age of consent at twenty-one years; but there is a growing desire to abolish this limit. Twenty-six Governments have replied in favour of abolition; but, in view of the reservations made by certain Governments, the Committee decided to reconsider the matter at a future meeting.

(b) The definition of the *souteneur* — as differentiated from the procurer, and the penalties which might properly be imposed upon such persons were discussed at great length by the Traffic in Women and Children Committee.

A draft Protocol supplementing the 1921 Convention is now before the Governments for their observations and suggestions. The Secretariat has prepared a Concise Statement of the Laws and Penalties relating to *Souteneurs*, which embodies much careful research. It should be of great value for study of the matter.

The following resolution, introduced by the representative of Great Britain, and adopted unanimously, suggests a further line of inquiry into this problem:

> " That the Advisory Committee on the Traffic in Women and Children be requested by the Assembly to consider the possibility of ascertaining the results of the penalties on *souteneurs* inflicted under the different legal systems, with special regard to the recurrent conviction of the same habitual offenders. "

The attention of the Committee was directed by the representative of Roumania to the activities of certain secret societies which carry on the traffic in women and children. It was suggested that the Committee should study the methods by which penalties might be inflicted upon their members.

The Committee on Traffic in Women and Children also dealt with the matter of women police on which a preliminary study was submitted by the Secretariat. It decided, however, that it had not yet sufficient information, based upon experience, to justify the formulation of definite

conclusions. On the other hand, the success of women police in some of the places where they had been organised, more especially in dealing with matters relating to women and children, suggests that this matter should be brought again to the attention of the States Members of the League who do not yet employ women in their police service.

It seems evident, from the discussions of the Traffic in Women and Children Committee that the time is approaching when it will be necessary to prepare for a conference to deal with amendments and additions to the 1921 Convention. In addition to the subjects already referred to above, the work of the central authorities appears to need further co-ordination and standardisation. The preliminary report on this subject, prepared by the Secretariat on the instructions of the Council, has still to be studied by the Governments. The Traffic in Women and Children Committee expects to deal with this report and with the replies of the Governments at its 1932 session.

The repatriation of foreign prostitutes has been the subject of preliminary discussions : but there is a great diversity of opinion among States Members of the League as to the advisability of such a measure ; and no conclusions have been reached.

The suppression of the circulation of, and traffic in, obscene publications was brought to the attention of Governments by a questionnaire in 1930. Thirty-three Governments have already replied. The Secretariat has compiled a collection of the laws relating to this question which will be of great assistance in the further standardisation of methods employed in dealing with it. The Traffic in Women and Children Committee suggested that the Secretary-General be instructed to publish these in a handy form as soon as possible.

Particular attention is drawn to the Belgian bill establishing around the schools a protective zone where it is forbidden to exhibit anything which might be of a nature to disturb the imagination of the child, as it is known that the first approaches by agents of the traffic to children and young people are often made through the exhibition of indecent postcards which are printed in certain centres and distributed to all parts of the world. It is therefore evident that the co-operation of all States Members of the League is necessary for effective action.

In connection with Obscene Publications, the influence of pornographic films should not be overlooked. Even some of those prepared as propaganda against prostitution and the traffic are likely to do more harm than good owing to their crude methods of presentation.

The Committee reports, with deep regret, that the present financial conditions of the League do not permit of the printing and distributing of the *Digest of the Laws and Regulations* against the traffic in women which has been prepared by the Secretariat. Since the last Assembly stated that " this collection of laws and regulations would be of great value ", the Committee hopes that the publication is merely deferred.

In presenting this report, the Fifth Committee desires to direct the attention of the Assembly to the dangers that attend the present conditions of unemployment and economic pressure. Such conditions may tend to make many women and young girls peculiarly open to the approaches of the procurer and the *souteneur* and to the tempting profits of prostitution. It is especially necessary to control the transfer of young girls, under contract, from one country to another. The co-operation of States in preventing all phases of the Traffic in Women and Children is therefore particularly important now. The signing of the 1921 Convention by those Members who have not already adhered, and the careful implementing of responsibilities by those who have already ratified it, will enable the League to fulfil its duty at this time of special need and difficulty.

In conclusion, the Fifth Committee submits the following resolution :

" The Assembly,

" (1) Having taken note of the Report of the Traffic in Women and Children Committee, welcomes the new accessions to the 1921 Convention for the Suppression of the Traffic in Women and Children, and expresses the hope that further ratifications will be registered in 1932.

" (2) Considers that the studies already made on the part played by *souteneurs* in this traffic shows the need for further consideration of this subject.

" (3) Commends therefore to the attention of States Members of the League the draft protocol supplementing the 1921 Convention, submitted for their approval.

" (4) Thanks the Traffic in Women and Children Committee for its work and invites it to continue its efforts to suppress this infamous trade, especially at this time, when unemployment and economic distress afford special opportunities for the activities of its agents. "

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ABBREVIATIONS

Cttee. = Committee.
Comm. = Commission.
Conf. = Conference.
Govt. = Government.
Int. = International.

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MEETINGS OF THE COMMITTEES

MINUTES

OF THE

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Vice-Chairman : His Excellency M. Adolfe COSTA DU RELS (Bolivia).

Members :

Abyssinia :	His Excellency Count LAGARDE, Duc D'ENTOTTO. His Excellency Badjironde Zelleka AGUEDÉOU.
Albania :	His Excellency M. Djemil DINO.
Australia :	Mr. James R. COLLINS, C.M.G., C.B.E. Mr. Raymond G. WATT (Substitute).
Austria :	His Excellency M. Albert MENSDORFF-POUILLY-DIETRICHSTEIN. Dr. Franz MATSCH (Substitute).
Belgium :	His Excellency M. Paul HYMANS. M. O. LOUWERS (Substitute).
Bolivia :	His Excellency M. Adolfe COSTA DU RELS *(Vice-Chairman).*
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Canada :	The Hon. C. P. BEAUBIEN, K.C., LL.L. The Hon. Martin BURRELL, P.C., LL.D.
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China :	His Excellency M. WANG CHIA CHEN. His Excellency Dr. WOO KAISENG. M. DEKIEN TUNG (Substitute).
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Greece :	His Excellency M. A. MICHALAKOPOULOS. M. R. RAPHAEL (Substitute). M. G. MÉLAS (Substitute).

Guatemala :	
Haiti :	His Excellency M. Constantin MAYARD.
Hungary :	His Excellency Count Albert APPONYI. Baron Gabriel APOR (Substitute). M. Georges OTTLIK (Substitute). M. Zoltán BARANYAI (Substitute).
India :	Khan Bahadur Diwan ABDUL HAMID, C.I.E., O.B.E. Sir Denys BRAY, K.C.S.I., K.C.I.E., C.B.E. (Substitute). Sir Jehangir Cooverjee COYAJEE, Kt. (Substitute). Dr. Lodhi Karim HYDER (Substitute).
Irish Free State :	Mr. Sean MURPHY. Mr. F. T. CREMINS (Substitute). Mr. T. J. COYNE.
Italy :	His Excellency M. Dino GRANDI. His Excellency M. Emilio BODRERO (Substitute). His Excellency M. Massimo PILOTTI (Substitute). Baron Alessandro SARDI DI REVISONDOLI (Substitute). M. Augusto Biancheri CHIAPPORI (Substitute).
Japan :	His Excellency M. Naotaké SATO.
Latvia :	His Excellency M. Karlis ULMANIS. M. Ludwig EKIS (Substitute).
Liberia :	His Excellency Dr. Antoine SOTTILE. The Honourable Louis Arthur GRIMES (Substitute).
Lithuania :	His Excellency Dr. Dovas ZAUNIUS. His Excellency M. P. KLIMAS.
Luxemburg :	His Excellency M. Joseph BECH. M. Charles VERMAIRE (Substitute).
Netherlands :	His Excellency Jonkheer J. LOUDON.
New Zealand :	Sir Thomas Mason WILFORD, K.C.M.G., K.C. Mr. C. B. BURDEKIN (Substitute). Miss E. M. HANNAM (Substitute).
Norway :	Dr. Christian L. LANGE. M. Hersleb BIRKELAND.
Panama :	His Excellency Dr. Narciso GARAY.
Paraguay :	His Excellency Dr. Ramón V. CABALLERO DE BEDOYA.
Persia :	His Excellency Mirza Hussein Khan ALÂ. Colonel Ali Khan RIAZI (Substitute).
Peru :	M. José-María BARRETO.
Poland :	His Excellency M. Auguste ZALESKI. His Excellency M. François SOKAL (Substitute). His Excellency M. Marjan SZUMLAKOWSKI (Substitute). His Excellency M. Anatol MUHLSTEIN (Substitute). M. Edouard RACZYNSKI (Substitute). His Excellency M. Witold CHODZKO (Substitute).
Portugal :	His Excellency Dr. Count DE PENHA GARCIA. Dr. Alexandre Magno FERRAZ DE ANDRADE (Substitute
Roumania :	His Excellency M. Démètre J. GHIKA. His Excellency M. Constantin ANTONIADE. Mlle. Hélène VACARESCO (Substitute). M. Raoul BOSSY (Substitute).
Siam :	His Serene Highness Prince DAMRAS. Luang Siriraj MAITRI (Substitute).
South Africa :	Major F. F. PIENAAR, D.T.D., O.B.E. Advocate C. T. TE WATER. Mr. W. C. NAUDÉ (Substitute).
Spain :	His Excellency M. Alejandro LERROUX. His Excellency M. Salvador DE MADARIAGA. M. Amadeo HURTADO Y MIRÓ. M. Julio CASARES. M. Julio LÓPEZ OLIVÁN (Substitute).
Sweden :	His Excellency Baron S. G. F. T. RAMEL. M. O. E. F. JÄRTÉ (Substitute). M. E. C. BOHEMAN (Substitute).
Switzerland :	His Excellency M. Giuseppe MOTTA *(Chairman)*. M. Camille GORGÉ. M. Roger DOLLFUS (Substitute).

Uruguay :	His Excellency M. Antonio BACHINI. Dr. Lorenzo Vicens THIEVENT (Substitute).
Venezuela :	His Excellency Dr. C. PARRA-PÉREZ, or His Excellency Dr. Diogenes ESCALANTE.
Yugoslavia :	His Excellency M. Voïslav MARINKOVITCH. His Excellency M. Iliya CHOUMENKOVITCH (Substitute). His Excellency M. Constantin FOTITCH (Substitute).

The following persons attended certain meetings of the Sixth Committee :

M. Gonzague DE REYNOLD (International Committee on Intellectual Co-operation).
M. Henri BONNET (Director of the Institute of Intellectual Co-operation).
M. Max HUBER (President of the Governing Body of the Nansen International Office for Refugees).
Major JOHNSON (Nansen International Office for Refugees).

SIXTH COMMITTEE OF THE TWELFTH ORDINARY SESSION OF THE ASSEMBLY.

(POLITICAL QUESTIONS.)

AGENDA

1. REPORT OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION.
2. PROTECTION OF MINORITIES.
3. SLAVERY :
   (a) Annual Report by the Council ;
   (b) Information received as a Result of the Resolution adopted by the Assembly at its Eleventh Session : Report by the Secretary-General.
4. MANDATES.
5. RUSSIAN, ARMENIAN, ASSYRIAN, ASSYRO-CHALDEAN AND TURKISH REFUGEES.
6. INTELLECTUAL CO-OPERATION :
   (a) Work of the International Committee on Intellectual Co-operation ;
   (b) Work of the International Educational Cinematographic Institute at Rome.

FIRST MEETING.

Held on Wednesday, September 9th, 1931, at 5 p.m.

Chairman : M. MOTTA (Switzerland).

1. Election of the Vice-Chairman.

On the proposal of Lord LYTTON, M. COSTA DU RELS (Bolivia) was elected Vice-Chairman.

2. Publicity of the Meetings.

On the proposal of the CHAIRMAN, *the Committee decided that its meetings should be held in public.*

SECOND MEETING.

Held on Tuesday, September 15th, 1931, at 10 a.m.

Chairman : M. MOTTA (Switzerland).

3. Adoption of the Agenda.

The Commission adopted its agenda as follows :

1. Work of the Commission of Enquiry for European Union.
2. Protection of Minorities (referred by the Assembly to the Sixth Committee on the motion of the German delegation).
3. Slavery (referred by the Assembly to the Sixth Committee on the motion of the British delegation.)
4. Mandates (referred by the Assembly to the Sixth Committee on the motion of the Norwegian delegation).
5. Refugees.
6. Intellectual Co-operation.

4. Necessity for Economy in preparing the Budget for 1932 : Resolution adopted by the Assembly on September 12th, 1931.

The CHAIRMAN read the following resolution, adopted by the Assembly on September 12th, on the proposal of M. Politis, Chairman of the Fourth Committee :

"The Assembly,

"Being convinced that it is imperative not further to increase the budget of the League for 1932, which will have to provide for the expense of the International Disarmament Conference, and hoping that it will even be possible to reduce the draft budget :

"Makes a strong appeal to its Committees to follow the principles of economy dictated by present circumstances ;

"Requests these Committees to limit and, if possible, to reduce to the indispensable minimum the programme of work to be undertaken in 1932, and especially to abstain, as far as practicable, from making recommendations which might involve avoidable expenditure."

5. Work of the Commission of Enquiry for European Union.

The CHAIRMAN said that, although the members were of course entitled to discuss the principle of continuing the work of the Commission of Enquiry (documents A.36.1931.VII, and A.38.1931. VII), he trusted that the need for continuing it would not be disputed, and that there would not be much difference of opinion on that point.

The Committee would have to decide at the present meeting to refer to the Second Committee the economic and financial questions examined by the Commission of Enquiry, and then to consider the constitution and methods of work of the Commission, which had submitted a report on this matter, on which the Sixth Committee would have to take a decision.

He drew attention to the draft Pact of Economic Non-Aggression submitted by the representative of the Union of Soviet Socialist Republics to the Commission of Enquiry for European Union, which had decided, subject to the approval of the Assembly, to set up a Sub-Committee for the study of this question instead of referring it to the Economic Committee of the League.

The Chairman read the following draft resolution submitted by the Estonian delegation :

"The Commission of Enquiry for European Union is instructed to include forthwith and permanently in the programme of its work the question of the various possible methods for the constitution and organisation of European Union.

"The Secretariat of the League is instructed to facilitate the task of the Commission of Enquiry by bringing together and collating all existing scientific information on the subject."

M. SATO (Japan) paid a tribute to the considerable results already achieved by the Commission of Enquiry, and observed that it must be remembered that non-European countries might be deeply concerned in the solution of certain problems which, although of particular interest to Europe, were, in fact, of worldwide scope. For this reason, the Japanese delegation, at the time of the creation of the Commission of Enquiry, had insisted that the resolution of the Assembly which set up the new body should take account of the interest which non-European countries might have in certain of these universal questions. He referred to the fact that the report presented by M. Motta in March 1931 on the organisation and procedure of the Commission of Enquiry was based upon the Assembly resolution, and that the Commission had decided that its meetings should be open to States Members of the League which were not represented on the Commission, and that they should be entitled to submit their views should they think fit. There was no need for him to emphasise the importance of that very desirable decision.

While Japan was glad to see European countries attacking the serious problems of the present day, and while he did not doubt that the Commission would be able to find useful solutions for them, he was of opinion that such solutions could only be fully effective with the co-operation of non-European countries. The Japanese market alone, for example, absorbed European products to the value of more than a thousand million Swiss francs, and was thus able to some extent to relieve the economic depression in Europe. It was therefore important that the non-European countries should, either directly or indirectly, be able to share in the work of the Commission of Enquiry so far as concerned matters of universal interest.

The Japanese delegation was of the opinion that a final solution of these questions must always be sought within the Economic and Financial Organisation of the League ; such a procedure would undoubtedly remove certain apprehensions which were felt by non-European countries in this respect.

With regard to the proposal of the Soviet Government concerning a Pact of Economic Non-Aggression, the Japanese delegation was unable to consider such a pact as not being of universal importance. The Union of Soviet Socialist Republics had economic relations with all parts of the world, and an enquiry into this problem by a sub-committee under the ægis of the Commission of Enquiry would give a European character to a question which concerned the interests of numerous non-European countries. For this reason, the Japanese delegation considered that the Soviet proposal should be referred to the Economic Organisation of the League. If, nevertheless, the Commission of Enquiry felt it necessary to maintain its resolution by which a sub-committee would be set up for the examination of this question, the Japanese delegation would insist that all

non-European States Members of the League should be admitted, if they so desired, to take a part in the work of the sub-committee on a footing of equality with the European non-member States who might be present at the discussion of this question. One of those States had even put forward a proposal in this sense.

The Japanese delegate drew the attention of the Committee to the overlapping which was involved by the creation by the Commission of Enquiry of sub-committees for the examination of certain economic problems which were already within the competence of the Economic and Financial Organisation of the League. He considered that it would undoubtedly be of advantage to send direct to this organisation general matters of interest to the entire world. It was necessary to avoid the partial study of questions by *ad hoc* bodies when there were already in existence other bodies which could examine them in a wider and more universal manner.

Mirza Hussein Khan ALÁ (Persia) supported the remarks of M. Sato, and reminded the Committee that he had already drawn the attention of the Assembly to the interdependence of all the countries in the world, and had stated that it would be desirable to extend the beneficial influence of the League to all Asiatic countries.

M. LANGE (Norway) said that the Norwegian delegation had been very happy to note last year that the Commission of Enquiry had been explicitly instructed to work within the framework of the League and, on the other hand, that it was called a "Commission of Enquiry", which name was proof that it was still in the experimental stage.

He pointed out that this first year of experiment had had an interesting secondary result, in that, during the year of unprecedented crisis through which Europe was passing, European statesmen had had an opportunity to meet and exchange ideas on the situation, not only at the Assemblies of the League, but also on two other occasions, thanks to the existence of the Commission of Enquiry.

M. Lange had two observations to make on the work undertaken by the Commission of Enquiry and on the report submitted to the Sixth Committee.

In the first place, he had been struck with the overlapping which was revealed in the documents which had been submitted to the Sixth Committee. Many questions which were already being studied by other League organs were on the programme of the Commission of Enquiry ; as an example, he might quote the enquiry concerning concerted economic action, questions of communications and transit, and questions of unemployment.

Moreover, as had been pointed out by the Japanese delegate, the problems which were of particular interest to Europe, far from being exclusively European, were questions of universal interest. There was, however, a residue of questions of exclusively European interest, among which might be mentioned the Belgian suggestion regarding the distribution of electrical energy.

M. Lange agreed with the criticisms made by M. Sato and expressed disapproval of the excessive number of bodies, documents and meetings which had resulted from the activity of the Commission of Enquiry and involved considerable expense to the League in addition to a great deal of work.

Without depreciating in any way the importance of the activity of the Commission of Enquiry, and while desiring that this activity should continue, the Norwegian delegation was of opinion that certain definite limits should be set.

Carrying the matter a little further, the Norwegian delegate felt that the idea at the basis of European union belonged to the past. At the present time, life was no longer lived in continents, but in a world that economically formed a single unit. In these circumstances, it appeared to him to be a mistake to work for a more or less permanent organisation of European States. In his opinion, more useful work might be done by following the German method of "Zweckverband"—that was to say, an association with very definite and practical ends.

In conclusion, therefore, the Norwegian delegate felt bound definitely to oppose the Estonian delegate's suggestion.

M. CURTIUS (Germany) said that, if present events proved that, from the economic point of view, Europe could not be isolated from the rest of the world, that was not a reason for asking the Assembly at the present stage to put an end to the mandate of the Commission of Enquiry. The latter had been in existence for only one year, and its mandate should be renewed.

In reply to the criticisms of the Commission's methods of work, and, particularly, of the number of committees and sub-committees it had set up, M. Curtius pointed out that this was the procedure adopted by all international organisations and that, moreover, every one of the committees and sub-committees had done very valuable work, some of them in a very short period of time and even, perhaps, at less cost than would have been incurred by the League Economic Committee. The Commission, therefore, could not be forbidden to set up such committees and sub-committees as were indispensable, it being understood, of course, that there must not be too many of them.

As regards the participation of non-European States in the Commission's work, M. Curtius appreciated their anxiety in the matter. It must, however, be remembered that the Commission's regulations authorised the non-European countries to send representatives to its meetings as observers and even to submit suggestions and memoranda. Though they had not so far exercised that right, it was none the less true that the Commission would be glad of the assistance of non-European States along the lines just indicated.

Again, the Commission of Enquiry had been set up by the League, and all its decisions must be submitted to the Assembly, where all countries, including the non-European countries, were

entitled to submit their observations. Further, the Governments were not committed by any decision of the Commission. These two facts should allay any legitimate misgivings felt by the non-European countries.

As regards the Pact of Economic Non-Aggression, submitted by the Soviet Government, M. Curtius intended to ask the Assembly to authorise the Commission to set up a sub-committee to study it.

Dealing next with the Estonian delegation's draft resolution, M. Curtius thought it would be premature at the present stage to attempt to determine the constitution and political organisation of the United States of Europe. The question should, he thought, be held over, and the Commission should concentrate its attention on economic questions, which, in view of the existing difficulties, constituted the essential part of its task for the time being.

M. Briand (France) recalled that he had been the prime mover in the setting up of the Commission of Enquiry, and had urged the peoples of Europe carefully to examine the question of uniting within the framework of the League of Nations for the purpose of attempting to solve the problems besetting them. After an important discussion, the question of principle had been answered in the affirmative. That question could not now be reopened. The Commission had been set up within the League. It had worked in accordance with the League's views and with the help of its organs.

Complaints had been made in the Assembly of the League's lack of activity. It would hardly be a proof of activity to undo this year what had been done last year—that was to say, to abolish the Commission which had been set up.

M. Briand then reviewed the criticism advanced against the Commission's methods. He agreed that, under the impulse of events, the Commission had somewhat exceeded the functions laid down for it. But it must be remembered that, faced with the awful sufferings of Europe, it had been unable to do otherwise than respond to the cry of those in distress. It had believed that, in so doing, it was acting in accordance with the wishes of the entire League. M. Briand considered that the Commission had done useful work. If it had not succeeded in relieving the countries where the economic depression was particularly severe, it had nevertheless done something to reconcile divergent interests. It had helped to create markets and had thus restored confidence in the countries affected. In the sphere of agricultural credit—mortgage loans—it had secured quite appreciable results. It could not, therefore, be charged with inactivity. The only reproach that could be made against it was that it had been over-zealous and had taken up problems that exceeded the European horizon. It would be well to call the Commission's attention to that point.

M. Briand thought that, in order to render the League the important services, which the latter had the right to expect of it, the Commission of Enquiry must, as the previous speakers had suggested, be prepared to examine all problems on a broad basis and confer with non-European countries as well as with States non-members of the League, as was laid down in the Assembly resolution of September 17th, 1930.

Consequently, M. Briand thought it would be desirable to confirm the last Assembly's resolution and to ask the present Assembly to extend the Commission's mandate.

M. Pusta (Estonia) explained his delegation's draft resolution. The Commission of Enquiry had by no means finished its work. It still had before it the question of the final form to be assumed by the co-operation of the European countries within the framework of the League. That question had been dealt with in the eleventh Assembly's resolution of September 17th, 1930, which contained the phrase, "sharing their unanimous opinion that such co-operation, whatever form it may assume, should be within the framework of the League . . . " He emphasised the words "whatever form it may assume", which were very significant.

The Commission had so far concerned itself mainly with economic problems, but it still had before it the second part of the task assigned to it—namely, the organisation of co-operation among the States.

The Estonian proposal did not ask the Commission to bring about European union in one of the known forms of associations of States. Its only object was to confirm the terms of the Commission's mandate.

There was no need to comment on the second paragraph of the draft resolution. The League Secretariat was at the same time the Secretariat of the Commission of Enquiry, and should therefore be responsible for collecting all the necessary documentation. In conclusion, M. Pusta stated that, if his proposal could be given a more general and wider form, he would be the first to welcome it.

M. Beneš (Czechoslovakia) concurred in the ideas expressed by M. Curtius and M. Briand on the question as a whole.

The plethora of committees and documents to which the Norwegian delegate had taken exception was explained by the desire to perform as much work as possible in the shortest possible time. Moreover, in an undertaking of such wide range, it was not always easy at the outset to discriminate between vital questions and less urgent matters. A judicious compromise could be reached on this point.

M. Beneš considered that, in raising the question of principle, M. Lange had gone somewhat too far. The idea of a Commission of Enquiry for European Union was a sufficiently practical one. The results which had already been obtained owing to its work showed that the Commission was not only justified, but that it met a genuine need. M. Beneš had been able to appreciate that, in Czechoslovakia and the neighbouring countries, great hopes were placed in the Commission's work. The community of international interests was already being appreciated more keenly, and the Commission's work had strengthened in Czechoslovakia, as in many other countries, the feeling that close and intimate co-operation was essential. That was an appreciable moral result,

As M. Briand had observed, the interests of the non-European States must be borne in mind. That, however, did not rule out the possibility of a reasonable compromise.

With regard to the Estonian proposal, a solution might be sought on the lines suggested by M. Curtius. M. Beneš therefore supported the proposal to continue the Commission's work, and he urged that the Assembly should take a decision in that sense.

Sir Jehangir COYAJEE (India) said that, if there was the least suspicion of criticism in the way in which the non-European countries regarded the work of the Commission of Enquiry, it was not because they felt anxious that they were being left out of a great movement, but because they appreciated the importance of the task undertaken.

He recognised that the Commission implied a certain amount of duplication of effort and a divergence of effort which were inevitable owing to the fact that certain world problems were sometimes considered from the Continental point of view as well.

However that might be, the Commission's work would be justified if Europe achieved union, and thus set an example of rapid and decisive action in the economic sphere. If the original idea of European union and the actual results were considered, it was plain that there was a certain weakening in action and a watering down of ideals. If the Commission contributed by its activities to the political and economic stability of Europe and thus created a confidence of which the whole world had such great need to-day, it would amply justify its existence. He hoped that that would be the case, but emphasised that it must act promptly.

In conclusion, he would enquire whether the policy of Europe in the economic depression of the 'seventies and 'eighties had not been to develop trade with the non-European and overseas countries and whether the depression had not been cured in that way. This might perhaps afford a useful suggestion for overcoming the present depression.

M. MICHALAKOPOULOS (Greece), in reply to the criticisms advanced against the creation of committees and sub-committees by the Commission of Enquiry, pointed out that this was the procedure adopted by Parliaments when they wished to do careful work. He believed, therefore, that the efficacy of the Commission's work would be lessened if its powers were restricted. It should also be remarked that each country's share in the expenses resulting from the Commission was trifling.

The view that the idea of European union belonged to past ages was, he thought, unduly pessimistic. Even if it was a very old one, was that a reason for dropping it ?

M. Michalakopoulos considered that, although he was justified in hoping that the union of European States would be achieved as promptly as possible, undue haste must be avoided in order to prevent failure. The best method was the empirical method. There was no question of isolating European policy from world policy. The object was to organise the life of Europe within the general structure of the whole globe. There was no reason for apprehension regarding the Commission, since its decisions must always be submitted to the League Assembly.

In conclusion, he supported M. Beneš' proposal that the Assembly should be requested to authorise the Commission to continue its work.

M. DEKIEN TUNG (China) appreciated the great utility of European co-operation, and stated that M. Briand's proposal had met with a sympathetic reception in China. While there were certain purely European interests, it was none the less true that the interests of all countries throughout the world were so closely related at the present moment that they could not be circumscribed by geographical frontiers.

The Chinese delegation shared the view that it was necessary for the non-European countries to take part in the work of the Commission of Enquiry.

M. CHOUMENKOVITCH (Yugoslavia) entirely agreed with earlier speakers as to the need for continuing the Commission's work. While it was true that the subject of its studies went far beyond the bounds of Europe, it was, however, impossible to set geographical limits to an enquiry of such wide scope.

The Commission had decided to investigate the world depression with regard to its effects on the European countries in particular. The depression subsisted and the European countries were more especially affected. As the causes which had brought it into being still existed, the Commission must continue its work. True, it had done much, but it had not concluded its task, and it should be a point of honour for the Commission to finish what it had begun. As representative of an agricultural country which was particularly severely affected, M. Choumenkovitch was anxious that the Commission should finish its work in that sphere. The actual text of the Sub-Committee's recommendations led to the inference that they should be carried out first and foremost within the framework of Europe. The Commission of Enquiry was the most competent body for that work.

There were certain other moral reasons in favour of continuing the Commission's work. The eyes of the world, and particularly those of Europe, were fixed on Geneva, and more especially on the European Commission. The work must continue until the depression had been overcome.

For these reasons, M. Choumenkovitch agreed with earlier speakers and urged that the Commission's mandate should be renewed.

The CHAIRMAN summed up the discussion. He noted, first, that no speaker had questioned the principle that the Commission's work should be continued ; that, therefore, could be regarded as accepted unanimously.

Next, the delegates of the non-European countries had urged that most of the problems taken up by the Commission were not exclusively European problems, but, in part at least, extra-European as well. The delegates of the non-European countries who had spoken had, however, assented to the Commission's continuing its enquiry.

Nevertheless, the Commission would not be adhering to the general spirit underlying the discussion unless it continued its work under the conditions in which it had been begun. It must preserve its character as a Commission of Enquiry for European Union.

Another point that seemed to emerge from the discussion was that the financial and economic questions considered by the Commission should be referred to the Second Committee.

Many speakers had expressed a desire that the Commission should employ the technical organs of the League to the fullest possible extent. It had, however, been generally admitted that, in certain cases, the Commission could set up special committees.

With regard to the Pact of Economic Non-Aggression proposed by the Soviet Government, M. Sato had said that he would prefer the question to be referred to the Economic Committee; but that, if the Commission adhered to its proposal to appoint a special committee, it must be understood that representatives of non-European countries would be invited to sit on the special committee. If, however, non-European countries were to be allowed to sit on a committee of that kind, it must necessarily be recognised that they must act on the same lines as those on which they acted in the plenary Commission.

The Chairman would suggest that a formula, which would be drafted later, should be adopted, to the effect that the Committee agreed in principle that the Commission of Enquiry for European Union should make use of the League's technical organisations in all cases where there was no warrant for exceptions to this procedure, but that special committees could be set up in exceptional circumstances. It might, however, be asked whether the League organisations would be always able to do such work as the Commission might place upon them. The Chairman would be glad to have the views of the Second Committee on this point. He asked for authorisation to send a letter on this subject to the Chairman of the Second Committee, and suggested that a small drafting committee be set up to consider the texts of the letter and of a draft resolution which would be submitted to the Committee for approval.

The Committee decided to appoint a Drafting Committee consisting of M. BRIAND, M. CURTIUS, M. SATO. M. LANGE. M. BENEŠ, M. GRANDI, Lord LYTTON, M. PUSTA and Sir Jehangir COYAJEE.

THIRD MEETING.

Held on Wednesday, September 16th, 1931, at 10 a.m.

Chairman : M. MOTTA (Switzerland).

6. Work of the Commission of Enquiry for European Union (continuation).

The CHAIRMAN read a draft letter from the Chairman of the Sixth Committee to the Chairman of the Second Committee prepared by the Drafting Committee appointed at the last meeting (Annex 1).

The draft letter was adopted.

The CHAIRMAN, referring to the Pact of Economic Non-Aggression, expressed the view that the substance of this question could not be discussed in the Sixth Committee, and that it was preferable to refer it to the Second Committee. In the course of the previous day's meeting of the Sixth Committee and of the Drafting Committee, it had been considered advisable that extra-European States should share in the discussion on this question. It therefore appeared necessary that the Assembly should decide that, when the Commission of Enquiry for European Union and the special committee entrusted with this particular question came to deal with the Pact of Economic Non-Aggression, the non-European States should co-operate in this work on equal terms with the European States. Before taking a definite decision on this matter, he thought it would be advisable to await any communications concerning it which might be received from the Second Committee.

The Chairman read the following draft resolution prepared and adopted unanimously by the Drafting Committee :

> "The Assembly notes with satisfaction the results of the work done by the Commission of Enquiry for European Union ;
>
> "It approves the report of the Commission of Enquiry regarding its constitution, organisation and methods of work ;
>
> "It requests the Commission to pursue the work undertaken in conformity with the principles laid down in the resolution of September 17th, 1930.
>
> "It recommends it to have recourse whenever possible to the technical organs of the League of Nations and to refer to the League the settlement of any problems which it thinks capable of solution on a universal plane ;

"It requests the Commission to submit a report on its further work to the next session of the Assembly."

The draft resolution was adopted.

The CHAIRMAN stated that the Drafting Committee was of the opinion that the draft resolution proposed by the Estonian delegation at the previous meeting, together with the observations made upon it in the Sixth Committee, should be regarded as a matter for the Commission of Enquiry. The Commission might, if it thought advisable, deal with it later, and it was in this sense that the Rapporteur of the Sixth Committee might refer to the proposal in his report to the Assembly.

The Chairman's proposals were adopted.

7. Work of the Commission of Enquiry for European Union (continuation : **Appointment of a Rapporteur.**

On the proposal of M. BRIAND (France), M. MOTTA *was appointed Rapporteur.*

The CHAIRMAN agreed to carry out the duties of Rapporteur, and expressed the belief that there would be no necessity for him to submit a written report to the Assembly, but that a verbal comment on the resolution would suffice. He pointed out that a rapporteur would also be required on the subject of the Pact of Economic Non-Aggression and that, should the Committee so desire, he would be prepared to agree to act as Rapporteur for this question also.

The Chairman's proposal was adopted.

8. Protection of Minorities.

M. CURTIUS (Germany), taking as the starting-point of his observations the report presented by M. Motta to the Assembly in the previous year, pointed out that, at the time of the discussion of this report, it was generally agreed that the problem of minorities was of fundamental interest for the peace of the world.

In connection with a case of particular importance, the Council had once more defined its attitude regarding the obligations of the League in this matter, and he quoted certain declarations on this subject made by Mr. Henderson, at that time President of the Council.

M. Curtius noted, from the figures available, that the activities of the Minorities Committees had considerably increased. Referring to the decision of the Council at Madrid that the members of the Minorities Committees might be increased from three to five when particularly important questions were under consideration, he observed that, so far, use had only been made of these powers on one occasion. He considered that it would be advisable to take this course more frequently in future.

Referring to the position of petitioners under the existing procedure, M. Curtius pointed out that, although receipt of a petition was acknowledged, and although petitioners had the right to submit additional petitions, they played absolutely no part in the actual procedure. They were not even informed of any observations made by the Governments concerned. Serious inconvenience might arise from this procedure, as had been shown in connection with a certain case which had been brought before the Council. The Minorities Committees no doubt had the right, when they considered it advisable, to ask for further information from the petitioners ; but they had up to the present scarcely made use of this right, which was an important means of increasing the confidence of minorities.

M. Curtius recalled the conclusions of the Council at Madrid regarding publicity for the decisions taken. He considered that publicity was an important guarantee for minorities and often made it possible to avoid misunderstandings. Publicity was particularly necessary in two cases—in the first place, when the procedure before the Committee terminated in an undertaking on the part of the Government concerned ; and, secondly, when the Government concerned put an end to the procedure by declaring that it was negotiating direct with the minority. Of the twenty-nine cases dealt with in 1930 by the Minorities Committees, in only three had the decisions taken been published. Similarly, of the sixty-one cases examined since the Madrid decisions, only eleven had been published. He considered it highly necessary to publish decisions in a larger proportion of cases. On the other hand, he pointed out that no information was available on the decisions taken in the fifty other cases. It was not even known in regard to some of them whether the Committees dealing with them had not met with opposition, as regards publication, on the part of the Governments concerned. It would be interesting to have figures on this point, as it would then be possible to ascertain to what extent the Minorities Committees were acting on the Madrid decisions.

Finally, he urged that all decisions on minorities questions should be applied in as liberal a spirit as possible. The League should not avoid its obligations in the matter of the protection of minorities, which were sacred rights and must be safeguarded.

M. GHIKA (Roumania) recalled that, during the discussions in the Sixth Committee in 1930, the delegates of Greece, Poland, Czechoslovakia, Roumania and Yugoslavia had expressed their views with regard to the question of minorities. They had nothing to add to these declarations, which they reaffirmed *in toto*, it being clearly understood that their declarations excluded any widening of the decisions taken at Madrid.

Count APPONYI (Hungary) maintained the position he had taken up in 1930. He agreed with the German delegate as to the necessity of improving the procedure for petitions and suggested (1) that observations made by the Governments on the subject of petitions should be brought to the notice of petitioners; (2) that the publicity given to the decisions taken should be much extended—in other words, that publicity should be the rule and not the exception.

M. BEAUBIEN (Canada) pointed out that the minorities question was not an exclusively European one, and that it had effects in distant countries, among others, in Canada, where there lived considerable minority groups faithfully attached to their country of origin.

The Canadian delegation maintained the view previously taken up on this question. While expressing satisfaction with the progress accomplished in the administration of the regulations relating to minorities, he thought that there was room for considerable improvement in the procedure adopted. Justice must be blind, it was undesirable that she should be occult, still less that she should be irresolute and dilatory.

The Canadian delegation considered that a Permanent Consultative Committee might render very useful services in connection with minorities.

Such a Commission, administering justice openly, would instil in the minorities that confidence which was so essential to the maintenance of harmonious relations. By doing away with vexatious delays, which at present were perhaps inevitable, it might be able at the outset to ease irritation, which otherwise might lead to conflict.

Lord CECIL (British Empire) supported fully the declarations previously made by Mr. Henderson, to which M. Curtius had referred. They represented accurately the British Government's point of view. The moment was not suitable for a discussion of principle. Lord Cecil was convinced that the suggestions of M. Curtius would receive the attention they deserved, and noticed with satisfaction that the procedure was being improved. It would be well to maintain the procedure in its present form, as it would undoubtedly continue to improve with time.

M. PETSCHE (France) agreed with Count Apponyi and Lord Cecil that the time was not ripe for reopening a discussion which in many respects might be extremely difficult. M. Petsche adhered to the statement of principle made last year by M. Briand, and was glad to note from the speeches which he had just heard that the present system was not directly under discussion, but only the method of its application. The French delegation felt it should be applied in a liberal spirit and was confident that the Committees of the Council would continue to base their action both on the sacred rights of the minorities and on the rights of sovereign States, which were also sacred.

M. HURTADO (Spain) would not suggest any change in the procedure followed hitherto or in the legal situation relative to the minorities problem. The minorities would obviously feel greater confidence if the decisions of the Minorities Committees were made more widely known. All that was needed was to find a way of giving the decisions of these Committees greater publicity without wounding the susceptibilities of the States concerned or making them feel that they had in any way accepted permanent supervision. The decisions should only be published with the agreement of the countries concerned. The important point was to make them understand that it was to their advantage to assent to publicity.

Whatever the procedure adopted, the main thing to be borne in mind was the psychological aspect. M. Hurtado might cite his own country to illustrate his meaning. The new Spanish Republic was far more seriously affected by the mistrust felt abroad as to the stability of the Government than by internal difficulties. Two important Bills had been placed before the Cortès: a Bill for the Constitution of the Republic and a draft Charter of Catalonian autonomy. These two Bills embodied all the principles enunciated by the League with regard to the rights of minorities. It followed that, whereas last year the Spanish minorities had come to the League and tried to obtain protection against the sovereign State, they now formed part of the League and felt it an honour to represent the State of which they had previously had cause to complain.

In conclusion, M. Hurtado drew attention to the practical lesson which might be learnt from the example of the Spanish Republic and which might be summed up in the following rule: The surest method of overcoming the supposed or real disaffection of national minorities is to have confidence in them and to grant and respect their due rights.

The CHAIRMAN suggested that, as there was no definite proposal before the Committee, one of the members should be requested to sum up the discussion in a report which would be submitted to the Assembly. The Council might deduce from the report such conclusions as it thought desirable when dealing with the minorities questions under its jurisdiction.

9. Protection of Minorities (continuation) **: Appointment of a Rapporteur.**

The CHAIRMAN proposed that Baron YRJÖ-KOSKINEN, delegate of Finland, should be appointed Rapporteur.

The Chairman's proposal was adopted.

10. Slavery.

Lord LYTTON (British Empire) said that the British Government's position with regard to slavery was the same as in previous years. He reminded his colleagues of the resolution submitted to the Committee last year by the British delegation for the establishment of a Permanent Bureau of Experts on Slavery. Although the draft resolution submitted this year was slightly different, the delegation's attitude had not altered with regard to the establishment of such a bureau.

The Commission set up in 1922, following the New Zealand delegation's proposal, to deal with slavery had not completed its work when it was disbanded in 1925. The Convention subsequently drawn up—and since ratified by forty countries—could not be regarded as the end of the League's work in the matter of slavery, but rather as the starting-point of new activities. His Government would never be satisfied until the status of slavery was finally abolished and the British delegation would continue to recommend any course which, in its opinion, would help to achieve the abolition of this evil until slavery ceased to exist, not merely in name, but in fact. That aim was still remote. The number of persons at present in a state of slavery might without exaggeration be estimated at five millions. The question now was how to assist in the liberation of these five millions.

The British Government did not desire to condemn the Government of any country in which slavery still existed. It recognised the very great difficulties with which those countries were faced in fulfilling their obligations and appreciated the efforts they were making to do this. It was their knowledge of the difficulty of the task to be achieved that had convinced the British Government of the need for establishing a Permanent Advisory Bureau, not to criticise, but to help the Governments concerned, and to save them from condemnation by insufficiently instructed public opinion.

The British delegation did not think it expedient to submit again this year the proposal for such a bureau ; first, for financial reasons of which everyone was aware, and, second, because it hoped that the experience derived from the temporary committee which was being proposed would remove the objections which had hitherto been raised to the establishment of a permanent bureau. These objections, he thought, were largely due to a misunderstanding. The analogy which had been suggested between the proposed Permanent Advisory Bureau and the Permanent Mandates Commission was, perhaps, responsible for this misunderstanding. The functions of the two would really be quite different.

The British delegation's new proposal was to reconstitute the Temporary Slavery Commission which had been disbanded in 1925. It was plain from a letter dated July 25th, 1925, from the Chairman of the Commission to the President of the Council of the League (document A.19.1925. VII) that, when the Commission was disbanded, it did not regard its work as completed.

Lord Lytton would also suggest that the earlier British proposal for the establishment of a Permanent Advisory Bureau should be referred to the reconstituted temporary Commission. If a sub-committee were appointed to consider the matter, he would submit to it a proposal that the Assembly should request the Council to reconstitute the Temporary Slavery Commission for one year, on the understanding that the expenses involved should be reduced to the lowest possible point. In making that proposal, the British delegation reserved its right to revert next year to its original proposal for the establishment of a Permanent Advisory Bureau.

The CHAIRMAN drew attention to a letter he had received from the first delegate of New Zealand forwarding correspondence between the Anti-Slavery and Aborigines Protection Society and the Emperor of Abyssinia (Annex 2).

Count DE PENHA GARCIA (Portugal) was obliged to make the same objections of principle as those he made two years previously, when the British proposal had first been brought forward. There were two additional reasons for voting against the proposal this year : (1) the need for economy, and (2) the fact that the Sixth Committee had adopted the principle that, whenever the existing League organisations were sufficient for the performance of any work, it was useless to set up others. Very strong legal arguments could be opposed to the British proposal. He would develop them during the discussion in the sub-committee of which Lord Lytton had just spoken. Another reason why Count de Penha Garcia objected to the proposal was that the methods adopted by the Assembly on two occasions to accelerate the effects of the Convention on Slavery had been found excellent in practice, and consequently no new method should be adopted unless there were very serious reasons for doing so. The procedure adopted by the Assembly in its resolutions of 1929 and 1930 had given admirable results, as was proved by the number of new ratifications to the Convention received by the Secretariat since the procedure in question had been applied and, as well, by the information supplied by the States under the terms of the Convention.

Further, the documents received by the Secretariat, as a result of the methods established by the Assembly, gave every reason to be satisfied with what had been done in recent years to abolish slavery in the countries in which this deplorable condition still existed. Among the documents supplied by the British Government was a report by the Anti-Slavery and Aborigines Protection Society. That report provided information in somewhat measured terms with regard to slavery in certain countries. After showing the extent of the evil, it indicated the means of fighting it and eradicating it completely.

According to the above report, three factors were required to achieve the latter result. The first was time. It was difficult to make a rapid change in usages founded on old traditions, and a commission of experts would be unable to take effective action to change this situation which the report of the Anti-Slavery Society rightly placed in the forefront.

The second factor was money for compensation to dispossessed slave-owners, expenses for the upkeep of schools, organisations of all kinds for freed slaves, etc. While the Commission could draw attention to the importance of this factor, it would be unable to obtain the money.

The third factor was the pressure of public opinion. Public opinion, however, was kept on the alert in a matter of this kind, not only by anti-slavery societies, but by the discussions at the League.

To sum up, there was nothing to show that the Commission proposed by the British delegation would be useful. Count de Penha Garcia thought that, not only was it doubtful whether it would be of value, but it was not covered by the Covenant, and, above all, it was incompatible with the legal situation created by the Slavery Convention. A new Convention would be required before the principle of a temporary or permanent commission on slavery could be accepted. The Portuguese Government was not prepared to agree to the creation of any Commission the duties of which were not in accordance with those legal principles which the Assembly was bound to respect. Count de Penha Garcia proposed to develop these arguments later.

(The continuation of the discussion was adjourned to the next meeting.)

FOURTH MEETING.

Held on Thursday, September 17th, 1931, at 10 a.m.

Chairman : M. MOTTA (Switzerland).

11. Slavery (continuation).

Count APPONYI (Hungary) supported, as he had done in the previous year, the British proposal, in spite of the altered form in which it was submitted. He thought it desirable that there should be a permanent body to supervise the progress of the campaign against slavery, an institution which was universally condemned. He did not wish to blame any countries in which slavery still existed, recalling the fact that the Civil War in America had been partly due to the support of slavery by States which, from the standpoint of culture, were highly developed.

He did not agree with the Portuguese delegation that the present position was satisfactory. The information received so far was incomplete, and the permanent committee now proposed would be able to collect information systematically and procure it from quarters which, up to the present, had not supplied any. Its existence would also be evidence of the keen desire of the League of Nations that this evil should be abolished.

With regard to the important action taken by the Emperor of Abyssinia, in spite of considerable difficulties, he pointed out that, according to the latest decree, slaves were to be liberated immediately on the death of their master and not after an interval of seven years, as had previously been the case. The loan of slaves was also prohibited, and a tribunal had been set up to enforce the decrees. Slave-trading was also being satisfactorily dealt with. He handed to the Chairman an English translation of these decrees (Annex 3) and suggested that the League of Nations should congratulate the Emperor of Abyssinia on his action.

M. SOTTILE (Liberia) supported the British proposal for the restoration of the old Committee on the understanding that it did not concern itself with the internal policy of the States. His views on this matter had undergone a change, as he had previously opposed the British proposal. Last year his Government, giving an unprecedented example of courage and loyalty which everyone must appreciate, decided to ask an international Committee to conduct an enquiry into slavery, forced labour and the pawn system in his country. That committee, after five months of work, completed its investigations in September 1930. Unfortunately, at the time of this investigation, there was a Presidential election in Liberia, and the situation had been exploited for electoral ends by means of wrong moves and forged documents, etc. The result of this unfortunate atmosphere had been to prevent the Committee from obtaining a fair view of the facts, and it had, as a consequence, exceeded its terms of reference.

There were undoubtedly exaggerations and inaccuracies in the report of the Committee, and they were no doubt due to the above causes. The publication of the report last December had been followed by a newspaper campaign against Liberia which had not confined itself to the statements, already inaccurate and exaggerated, made in the report, but had added many other unfounded assertions. The result was that Liberia had had a very bad advertisement, which, although it drew the attention of the world to the existence of Liberia, was in other respects regrettable.

The Liberian Government had taken energetic action with a view to carrying out the recommendations made in the report, within the limits of its constitutional and financial powers.

It would go still further in this direction and would willingly examine any offers of assistance it might receive and which were within the limits of the Covenant of the League.

The Council of the League had appointed a special Committee to examine in what practical way assistance might be given to his country. This Committee had sent three experts to Liberia, one in administrative matters, one in finance and one in hygiene. The experts had returned to Geneva on August 17th, and he hoped that their report would soon be in the possession of the Committee.

His reason for supporting the British proposal was that the result of the Press campaign against Liberia had been a general conviction that Liberia was a hotbed of slavery. This he strongly denied. He could produce evidence to show that forms of slavery and forced labour were in existence in other parts of the world which would not be tolerated in his own country. He desired to contribute to the eradication of slavery and to prove to public opinion that Liberia had not, as had been stated, a monopoly in slavery and the various forms of the slave trade, and, further, that in many other parts of the world these evils existed in far greater proportions.

M. Loudon (Netherlands) proposed a *via media* between the British suggestion that the old Slavery Committee should be revived and the views of the Portuguese delegate, who considered that the existing system should continue. A small committee of, say, three people—colonial experts—might be set up to make suggestions as to the best means effectively to combat slavery. It would be difficult to reconstitute the old Committee, and there would be the further disadvantage of the expenditure involved. He hoped that this proposal would meet with the support of those who were in favour of the British proposal, and suggested that it should be discussed by a sub-committee.

Diwan Abdul Hamid (India) supported the British proposal, particularly as the cost involved was to be as low as possible. He saw no fundamental difference between Lord Lytton's proposal and that of M. Loudon, apart from the small matter of the number of members.

There was no slavery in India. It had formerly existed in the so-called non-administered areas of Burma ; but, in the last five years, the Government of India had sent expeditions to those areas, and slavery and human sacrifice no longer existed there. He suggested that one of the members of the committee proposed by Lord Lytton should be a representative of Oriental countries. He supported Count Apponyi's suggestion that the Emperor of Abyssinia should be congratulated on his action against slavery. As a Moslem, and particularly as it had been stated that slavery existed in Arabia, he wished to say that his religion afforded no protection to this practice, and the liberation of slaves was stated in their Holy Books to be a meritorious action.

M. Loudon (Netherlands) emphasised that the chief object of his proposal was to save expense.

M. Dekien Tung (China) wished to correct a statement made by the British delegation that slavery still existed in China. The rights of man had been recognised in his country long before the French Revolution, and the principles of Confucianism and of family morality in China made it impossible for the institution of slavery to exist.

With regard to the traffic in women and children referred to in a letter from the Anti-Slavery Society of June 11th, 1931, that practice was a breach of the law and a crime which, unfortunately, went on in all parts of the world, including Europe. There were numerous laws in the Chinese Criminal Code against this practice, and a law was in preparation to abolish prostitution altogether. Traffic in children did not exist in China—in fact, could not co-exist with the Chinese traditions of filial piety and the well-known readiness of Chinese mothers to adopt other children in cases of disaster.

As regards the reference in the Secretary-General's report to police-court cases, it was recognised that Hong-Kong was a centre of crime, and this, he considered, was largely due to the existence of treaties under which an unequal regime had been established. Although not directly concerned in this matter, his Government was considering ratifying the Convention for the abolition of slavery.

Mr. Pienaar (Union of South Africa) stated that his delegation had voted against the British proposal last year on the ground that several delegations had asked for a further year's experience of the present system. The year had passed, and he did not consider that the position had sufficiently improved to warrant further delay. As the British delegation's proposal this year was in a milder form, he hoped that the delegations with whom he had voted last year would be prepared to agree to it. It was desirable that the League should stand forward as definitely opposed to slavery and as being anxious to do all that could be done to bring it to an end. Slavery was, in fact, a deeper form of degradation than war, which had been declared a crime by the League.

M. Aubert (France) said that France had had no difficulty in ratifying the Slavery Convention, which was in entire harmony with her national legislation and colonial policy. This ratification had not involved any legislation.

He would be glad to support the proposed temporary committee if the Sixth Committee considered it desirable, provided that its temporary character was emphasised and that it contained members with colonial experience and confined itself to the examination of information voluntarily supplied by the countries concerned and by associations acting with the approval of those countries. The committee might well consider other matters, such as serfdom ; but it should be clearly understood that there were constitutional questions which were beyond its scope and which involved the relation of the League of Nations to colonial Powers, a matter with which the Committee would clearly not be competent to deal.

M. GORGÉ (Switzerland) was of the opinion that the existing measures were not adequate, and warmly supported the British proposal. He would, indeed, have supported the fuller proposal for the establishment of a Permanent Bureau if that had been put forward again by the British delegation. As regards the economic objections put forward by the Portuguese delegate, he pointed out that, if the Committee turned out to be superfluous, the expenditure involved would be small ; whereas, if it produced valuable results, no one would regret having voted the credits. He did not consider the fact that the ratifications of the Slavery Convention had been considerably increased in number during the past year was evidence of the success of the existing system. Many of the acceding countries had no slavery problems in their territories, and their accession was rather the expression of the desire that something more should be done than evidence that the existing state of affairs was satisfactory.

Lord LYTTON (British Empire) pointed out that no serious opposition had been made to the British proposal, which contained nothing inconsistent with any speeches subsequently made. As regards finance, he was anxious that the setting up of the committee should not involve any increase in the League's budget. The views expressed by the French and Liberian delegates were satisfactorily met by the proposal he had put forward. He therefore suggested that it might be possible to settle the question without reference to a sub-committee.

With regard to the remarks of the Chinese delegate, Lord Lytton pointed out that his statement was based upon a paragraph contained in document A.29 to the effect that, according to Reuter's agency, "about 400,000 persons have been sold into slavery during the last few years in the province of Shensi, according to the Government Special Commissioner who was sent to the province recently to investigate famine conditions". It was far from his desire to be unfair to any country, and he only quoted the statement as it was apparently authorised by the Chinese Government.

M. DEKIEN TUNG (China) stated that news agency reports were not necessarily reliable, and he wished emphatically to deny the statement in question.

Sir Thomas WILFORD (New Zealand) said he could not add anything to Lord Lytton's remarks, which had perfectly expressed his views.

The CHAIRMAN regretted that he could not see his way to doing without a sub-committee, as various differences of opinion had come to light, which would require to be reconciled.

After discussion, *it was agreed that a sub-committee should be formed, including representatives of the following countries :* Abyssinia, Belgium, Denmark, France, Great Britain, India, Italy, Liberia, The Netherlands, Portugal, Spain.

12. Mandates.

M. LANGE (Norway) said that, although at the beginning there had been some imperfections in the working of the mandates system, which had been an innovation, these mistakes had been rectified largely owing to the valuable work of the Permanent Mandates Commission. Various important questions were under consideration. In the first place, there was the question of the conditions under which a mandate could be brought to an end. This had arisen in the case of Iraq, Great Britain having stated that she would support a request from that country for admission to the League. A State seeking independence should be able to point to certain *de facto* conditions —for example, that it was able to maintain order in the country and to assure an effective administrative system. The interests of foreigners in such countries had also to be borne in mind, and he was glad to see that, in the case of Iraq, it was proposed to deal with this problem, not by the revival of capitulations, but by a special judicial agreement subject to the approval of the League.

As regards the guaranteeing of minority rights, about which some apprehension was already being felt in Iraq, there were in that country half a million Kurds, and also two religious minority groups (40,000 devil-worshippers, and an equal number of Assyrian Christians) whose rights must be protected. The present form of protection would end with the mandate, and guarantees must be required from any country anxious to obtain its independence. This matter was one which might be arranged between the Council and the mandatory Power concerned.

Amongst other questions of interest was that of public health, concerning which recommendations had been put forward by the Permanent Mandates Commission. It was important that the Government of a country under mandate should be provided with the necessary resources and should have a medical corps capable of performing the work required of it. Doubtless

it could obtain some help from experts sent, for example, by the Health Organisation of the League If necessary, it should also call upon States Members of the League to send it young doctors. This procedure would perhaps go some little way to relieve the present difficulties felt in professional and industrial circles. He suggested that the principle of the open door should be observed in the matter, and that it might be possible for foreigners to be admitted to work in these countries.

Referring to Palestine, he expressed the opinion that, although affairs were now considerably improved, there was some doubt whether the present state of tranquillity was permanent. He quite realised the difficulties arising as between the Arabs, who regarded Palestine as their country, and the Jews, who had taken up residence there as a result of the Balfour Declaration. The existence of the Jewish National Home in Palestine had aroused amongst Israelites throughout the world a great national sentiment of personal dignity, and, in view of the fact that a large number of Jews belonged to the proletariat and lower middle classes, he considered it inadvisable, from the point of view of the present social crisis, to lessen in any way that feeling of dignity, which no doubt exercised a restraining influence on Jews throughout the world. He therefore suggested that, in its resolution, the Assembly might emphasise the fact that the present policy of the League of Nations towards the Jews should be continued in future.

(The continuation of the discussion was adjourned to the next meeting.)

13. Mandates : Intellectual Co-operation : Appointment of Rapporteurs.

On the proposal of the CHAIRMAN, M. LANGE *was elected Rapporteur for mandates questions, and* M. SATO *for intellectual co-operation.*

FIFTH MEETING.

Held on Friday, September 18th, 1931, at 10 a.m.

Chairman : M. MOTTA (Switzerland).

14. Mandates (continuation).

M. BODRERO (Italy), referring to the statements made by the Italian representative to the Council on September 4th on this subject, observed that the object of the mandates system was to provide for the eventual independence of certain peoples. The League should therefore satisfy itself, before agreeing to the termination of a mandate, that the country concerned was in a position to maintain its independence, and should examine any guarantees to be given by the country under mandate to the States Members of the League. This principle implied the maintenance of economic equality and the application of the most-favoured-nation clause, limited to a reasonable time. Reciprocity and the open door were the two fundamental bases on which the new States should establish their economic independence.

M. MUHLSTEIN (Poland) said that Poland was particularly interested in the question of Palestine, both as a Member of the League, and because of the large Jewish population of Poland. He noted with pleasure the endeavour made to develop the constitutional system in Palestine, a step which was necessary for the protection of the Jewish population. He wished to draw a distinction between the Jews in Palestine and "minorities" as the term was understood in the League. He felt that it was not a question of securing to this people the rights inherent in minorities, as the circumstances arising out of the Balfour Declaration placed the Jewish population of Palestine in a special category.

M. PETSCHE (France) observed that, at the meeting on September 4th, the French representative on the Council gave further indications of the French Government's views as to the conditions on which the termination of a mandatory system should depend. In particular, he pointed out that, both as regards the position of foreigners and the protection of minorities, the change must be accompanied by guarantees sufficient to reassure all the interests at stake. He also stated, in agreement with the Italian representative, that he regarded the maintenance, subject to reciprocity, of the most-favoured-nation clause for the benefit of Members of the League as compatible with the sovereign rights and interests of the new State and with the interests of the community of nations.

M. Petsche wished merely to mention these statements and to define the special points which had been touched upon in the discussions either in the Council or in the Sixth Committee.

In the matter of Iraq, which had, and rightly so, attracted the particular attention of the Committee—since Iraq was, so to speak, opening out the path which the other territories under A mandate might follow subsequently—he did not wish, in asserting here and now the friendly interest which France took in Iraq's development, to trespass on the sovereign right of the next Assembly to take a decision. There was, however, one condition for the admission of new States into the League which the Sixth Committee of the next Assembly would, in the ordinary course of events, have to examine in connection with Iraq, and which France, as a mandatory Power,

could, as Iraq's neighbour, assist Iraq to fulfil—he referred to the existence of a "defined territory". Since the occasion now arose, he desired to state that the French Government was, as it had already informed the British Government, prepared to settle without delay all outstanding frontier questions between Iraq and Syria.

One question concerning Syria and the Lebanon had been raised before the Council by the representative of Persia. His Excellency Mirza Hussein Khan Alâ complained that France had not yet accorded to Persian nationals the judicial regime which other foreign nationals enjoyed in these territories. In order to dispel all doubts, M. Petsche desired to state first, most categorically, that there was no discrimination in respect of Persians. Under the mandatory regime, whereby capitulations had only been suspended, the system of mixed tribunals could only apply to nationals of the capitulatory Powers. The question would naturally arise in another form under the treaty regime. The precedent of Iraq was calculated to allay the Persian delegate's anxiety on this subject.

Colonel Ali Khan RIAZI (Persia) stated that, before the institution of the mandates system, Persian nationals were in the same position as nationals belonging to other capitulatory Powers, and they asked that they should remain so, pending the introduction into the territory under mandate of a judicial system such as that in Iraq.

Mr. COLLINS (Australia), as the accredited representative of the Commonwealth of Australia, and as the representative of His Majesty's Government in connection with the administration of Nauru, wished to express his appreciation of the work done by the Permanent Mandates Commission. The difficulties involved in the administration of the archipelago of New Guinea were very great, owing to the widely scattered nature of the territory. Progress was necessarily slow, and the work was by no means easy. His Government welcomed the scrutiny of the Permanent Mandates Commission and realised that the aim of the mandatory system was to place the responsibility for the control of a backward race upon an efficient and civilised nation. Australia regarded itself as responsible for the intellectual and cultural development of the peoples entrusted to her ; the Permanent Mandates Commission's criticism had always been constructive in spirit, and was warmly welcomed.

M. CURTIUS (Germany) thanked the Norwegian delegate for enabling the question of mandates to be dealt with by the Sixth Committee. He considered that the tradition in this matter was a sound one.

He noticed that a recommendation had been made that foreign doctors should be granted admission into mandated territories ; this principle had already been adopted in respect of one large mandated area, and he hoped that the practice would extend.

With regard to the problems raised by the termination of mandates, he did not think it was possible to lay down clear and precise conditions applicable to every case. He considered that the policy taken by the Mandates Commission in this matter was satisfactory. The principles established by the Commission applied to Iraq. He welcomed the approaching end of the mandate in that country, and had no doubt that the change would be carried out in a manner satisfactory to all concerned. He looked forward also to Iraq's entry into the League.

M. SATO (Japan) summarised the work of the Japanese Government in the territories under C mandate in the Pacific. He pointed out the great material difficulties involved and mentioned that the Marianne Archipelago, the Caroline and the Marshall Islands contained about 1,400 islands scattered over an area of 800,000 square kilometres. The total area of the islands was less than 2,150 kilometres. The Japanese Government's task included education, communications, public health, the development of economic activities and the setting up of a judicial system ; it was also endeavouring to improve the conditions of a native population which was naturally inclined to indolence.

Owing to the rudimentary development of these islands, the cost of this work fell on the Japanese Treasury, which granted subsidies to natives and settlers for the development of the resources of the territories, and for public health. From 1922 to 1930, the Japanese Treasury had provided subsidies amounting to more than 50,000,000 Swiss francs. In 1925, it had established five primary schools ; in 1926, an occupational school had been organised. To-day, the primary schools numbered thirty-one, nine of which were for Japanese children, while twenty-two were for the natives. Education was free ; the children in some cases were maintained and fed by the Government. Attendance on the whole was good, varying from 95 to 22.5 per cent, according to localities. In April 1930, the number of native school-children was 3,729, of whom 346 received free board and lodging. The subjects taught in the occupational school were carpentry, agriculture, hat-making, ironwork, knitting, etc. The religious life of the natives was not neglected, Catholic, Protestant and Buddhist missions being granted Government subsidies.

Since undertaking the mandate, Japan had investigated the very serious death rate in these islands and had built eight hospitals, provided with a large staff. In remote areas, tours by doctors had been organised and depots set up for drugs and bandages. Enquiry into the question of the reduction in the population of Yap, which had been referred to by the Mandates Commission, showed that 50 per cent of the deaths in that island were due to tuberculosis. A strenuous campaign had been undertaken against leprosy, three establishments having been set up to deal with this scourge. The expense was covered by a special fund given by the Emperor of Japan.

Medical work in the Islands was much hindered by the unwillingness of the natives to have recourse to foreign medical science rather than to their own traditional remedies.

Subsidies had also been provided for the construction of drinking-water reservoirs, public baths, physical culture, etc. Agriculture was still in a very primitive stage, apart from the cultivation of the cocoanut ; but encouragement was being given to the cultivation of sugar-cane, coffee and vegetables. Steps were also being taken to further the stock-breeding and fishing industries.

A spirit of thrift had been developed in the natives, and in 1929 more than 60,000 yen had been deposited in the savings banks. Exports for 1929 reached 7,638,000 yen ; imports amounted to 7,122,000 yen.

It was the Japanese Government's firm intention to carry on this work, and he hoped that its efforts would be duly appreciated by the League.

Mr. CADOGAN (British Empire) was glad to take note of the declaration of the French delegate as to the readiness of his Government to settle frontier questions still outstanding between Syria and Iraq. The British Government would do all in its power to bring about a satisfactory solution.

Sir Thomas WILFORD (New Zealand) congratulated the Japanese delegate upon the report which he had just made ; the difficulties inherent in a task of this nature were perhaps not fully understood by all the delegates present. The Japanese Government had clearly dealt satisfactorily with the suspicion and distrust of modern methods which were, quite naturally, entertained by these people. New Zealand had a large Maori population, and, after the signature of the Treaty of 1840, there had been some difficulty and misunderstanding between the two races ; but understanding and forbearance had resulted in the fact that the Maori people and the Europeans to-day were living in perfect harmony and accord. The people in Samoa were related to the Maoris and had much in common with them.

Sir Thomas Wilford had been much struck with the statement of the Japanese delegate regarding the sums deposited in the savings banks. The teaching of thrift was one of the most difficult problems in dealing with these people. He also appreciated its success in dealing with the prejudice that obtained against modern medical methods.

In New Zealand, the mandate for Samoa was regarded as a sacred trust, and it was hoped that, under wise and considerate administration, the wish of the Permanent Mandates Commission —that those for whom the mandatory Power acted as guardian and trustees might in the near future be able to stand alone—might be accomplished. The New Zealand Government desired to congratulate the members of the Permanent Mandates Commission for their untiring vigilance in the interests of mandated territories, and the ability with which they had handled the multifarious duties imposed upon them.

M. SATO (Japan) thanked Sir Thomas Wilford for his remarks.

The CHAIRMAN pronounced the discussion closed.

15. Slavery (continuation) : **Report of the Sub-Committee.**

M. LOUDON (Netherlands) read the report of the Sub-Committee (Annex 4). It would be noticed that Count Apponyi's draft resolution congratulating the Emperor of Abyssinia had not been included in the report. The Sub-Committee had considered that, in view of the tributes which had been paid to the Emperor of Abyssinia, both in the Committee and in the documents, a special resolution was not necessary. The Liberian delegate had agreed to this procedure so far as the tribute to his own Government was concerned.

The CHAIRMAN suggested that, provided the Sub-Committee's report were approved by the Fourth Committee, any remarks of a congratulatory nature should be included by the Rapporteur in his report to the Assembly.

Count DE PENHA GARCIA (Portugal) said that it gave him great satisfaction to be able to approve, to a certain extent, the proposal made by the British delegation, to which he had at first objected. During the discussion in the Sub-Committee, the British delegation had accepted the amendments he had suggested. The Portuguese delegation could not agree to the revival of the former Slavery Commission which had concluded its mission ; nor could it countenance any Commission that was not in conformity with the Covenant or with the legal situation created by the Slavery Convention. The legal reasons which had prevented the Portuguese delegation from assenting to the British proposal for three years still obtained, and it would adhere to them. Subject, however, to these reservations, it was glad to support the resolution adopted by the Sub-Committee.

Financial considerations came within the jurisdiction of the Fourth Committee, and the Portuguese delegation reserved its right to examine them in connection with the question of the urgency of taking action on the Sub-Committee's resolution.

M. LOUWERS (Belgium) said that the Sub-Committee had taken care to give the resolution a legal basis. It must be borne in mind that the States represented at the Assembly could take no resolution that would be binding on them except to the extent to which such resolutions were in accordance with the Covenant or the Conventions in force.

For instance, the Assembly could not pass a simple resolution and so create, in the matter of slavery, institutions implying supervision, of whatever kind, over the action of the countries

concerned, since neither the Covenant nor the 1926 Convention made provision for supervision. The votes and the discussions that had taken place during the framing of the Convention even ruled out supervision categorically.

The same remark might be made of any institution implying, in this subject, any kind of intervention by the League in the life of the States concerned. If such supervision or intervention were necessary or expedient—and he would pass no judgment on that point at the moment—they must be set up in due and regular form. The Sub-Committee had considered, and M. Louwers still held this view, that no objection could be taken to the resolution from this point of view. Nevertheless, certain highly qualified persons had expressed to him certain apprehension regarding it. As time was short, M. Louwers would not ask that the text should be examined by a qualified Committee of jurists—the First Committee, for example—but he thought it useful for the Sixth Committee to take note of the reservation he had made, so that the resolution might not constitute a precedent.

M. GORGÉ (Switzerland) asked that his country might be included amongst those which had unreservedly supported the British proposal.

On the motion of the CHAIRMAN, *New Zealand was also added to this list.*

It was further decided that the Rapporteur, when mentioning the countries supporting the motion, should make it clear that, in doing so, they were merely voicing the general attitude of the whole Committee.

Mlle. VACARESCO (Roumania) wished to thank the Chairman for remembering that silent States were also consenting States.

Mr. CADOGAN (British Empire) said he was sure Lord Lytton would wish him to express his satisfaction at the agreement which had been reached.

The Committee adopted the report and draft resolution submitted by the Sub-Committee.

16. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.

M. Max HUBER (President of the Nansen International Office for Refugees), reminded the Committee that the Assembly last year had set up a Nansen International Office for Refugees, which was to submit an annual report, and a plan for winding up its activities (document A.27).

The Office had endeavoured to follow the principle laid down by the League that its budget should be decreased by 10 per cent annually. It had not been possible to keep to this rate of reduction as regards the budget for 1932, but the plan prepared would reduce the life of the Office from ten to nine years, and thus wind it up definitely in 1938. The absence of any considerable reference in its report to actual work done would be understood when it was remembered that the report had had to be prepared only two months after the Office had started operations.. The resources of the Office, and in consequence its work, had been considerably hampered by the economic depression, which had much reduced subscriptions. The widespread unemployment, moreover, made it more difficult to provide for the settlement of refugees.

M. Huber was glad to say that there was a prospect of reviving the Erivan scheme, which Dr. Nansen had, to his great regret, felt bound to abandon. Though he had no official information from the Erivan Government, M. Huber had been informed by the various Armenian Refugee Associations that the Erivan Republic was prepared to take 6,000 refugees at once, and hoped to take 4,000 more towards the end of the present year. The only condition was that the cost of the transport of the refugees to Batum should not be a charge on the State of Erivan. M. Huber had applied to the Greek Government in this matter, and M. Venizelos had very generously agreed on behalf of the Greek Government, to be responsible for the cost of transport of 10,000 Armenians, from Greece to Batum. He was sure the Committee would agree with him in thanking Greece for the assistance, which would involve an expenditure on her part greater than the annual budget of the Office. It was expected that 1,000 Armenians would be sent from Bulgaria, and the Bulgarian Government had also undertaken to consider favourably the payment for the transport of these refugees. He hoped that the Council and the Assembly would support this scheme, and that some assistance might be given to the Erivan Government in this matter, either in monetary payments or in kind.

The French Government had requested the continuance of the work of the Office in Syria, and a plan was being prepared for dealing with the refugees still there. Financial difficulties were considerable, but he was hoping much from the generosity of the Armenians themselves, with whose help it might be possible to complete the settlement within two years.

A further matter to be dealt with by the Office was that of Russians in Manchuria and China. The difficulties in this case arose largely from the vast distances concerned, and it was only owing to lack of funds that it was impossible to contemplate the transfer of some of the refugees to South America. There was, further, the cost of the maintenance of the refugees themselves. He referred particularly to the difficulties of the Russian refugees of German origin, whose lot was a very hard one.

The work of the Office could be extended greatly if the Nansen stamp system were widely applied. In the case of 70 per cent of the refugees it was not applied at all or only on a voluntary basis. In this connection, he referred to the appeal which had been made by a number of statesmen on the anniversary of Dr. Nansen's death, and wished to thank them for what they had done. Some result had already been obtained from this appeal: £4,000 had been subscribed by Denmark, and a similar amount by the Armenian (Lord Mayor's) Fund and the "Save the Children" Fund in England. While M. Huber was very grateful for these contributions, he pointed out the vast

extent of the work to be done. He appealed to the Assembly to give the Office all the assistance in its power to enable the work to be continued.

M. VON MUTIUS (Germany) wished to associate himself with M. Huber's remarks regarding the hard lot of the Russian refugees of German origin.

The CHAIRMAN expressed the thanks of the Committee for the work done by M. Huber, to whom he wished to pay a personal tribute. He did not think that the Fourth Committee would raise difficulties about contributions, as this was a question of life and death for the Office.

Mlle. FORCHHAMMER (Denmark) was very glad to hear that the Erivan scheme was being revived. She was sure that this would have given great pleasure to Dr. Nansen.

With regard to the contributions of Denmark to the funds of the Office, she paid a tribute to the Chairman of the Committee—Count Moltke. It was largely due to his personal efforts that Denmark had been able to make what was a not unimportant contribution for so small a country. She wished to support M. Huber's appeal to the various nations for constructive assistance in this great work.

M. FIERLINGER (Czechoslovakia), agreeing with the remarks of previous speakers, hoped that private charity would respond to the appeal made on behalf of the Nansen Fund.

As regards the question of juridical protection for refugees, he stated that the Czechoslovak Government would treat all passport questions with the greatest possible liberality, and, as regards entry and transit, would put the refugees on an equality with other nationals. He hoped that other countries would follow the same policy.

M. LANGE (Norway) was glad to see that his great compatriot, Dr. Nansen, had found so worthy a successor in M. Huber. He felt that the humanitarian work for refugees which the League performed through the Office did it great credit. The position of the refugees would be serious when the Office was wound up. In this connection, M. Lange referred to the statement of the Inter-Governmental Commission found on page 38 of the Supplementary Report on the Work of the League (document A.6 (1)). He realised that, at the end of this period, the League would remain responsible for watching over the juridical and political position of the refugees, but he hoped that the Office, and more particularly the Inter-Governmental Commission, would succeed in ensuring that, at the conclusion of their activities, the refugees were not in a worse position.

M. Lange had read with interest the report of the Office on its work during the past year, and he fully approved its Statute and Regulations. He felt, however, that it would be wise to insert in future reports information with regard, not only to the administrative work of the Office, but also to its actual efforts on behalf of the refugees. That was essential if a favourable response were to be obtained to the appeal issued by certain statesmen on behalf of the creation of a fund for refugees.

Mlle. VACARESCO (Roumania) felt that Dr. Nansen was present in spirit with the Committee. She herself had constantly been concerned with refugees in her own country, and the various Governments in Roumania had, without exception, given close attention to this question. They were faced by the spectre of lack of funds and the spectre of economy, but these spectres were now so familiar that she suggested that an endeavour might perhaps be made to hustle them somewhat.

In conclusion, she advocated more strenuous propaganda in support of this work.

M. RAPHAEL (Greece) said that his Government entirely approved of the report, and had followed the work of the Office with great interest. He hoped that the Assembly would not refuse the contribution requested, which represented but a small expenditure from each of the Member States.

M. DEKIEN TUNG (China) thanked the President of the Office for his report, and paid a tribute to the work of the late Dr. Nansen. He called the attention of the Office to the situation of more than 100,000 Russian refugees in China, and particularly to that of more than 1,500 of German origin in Harbin.

M. HUBER (President of the Nansen International Office for Refugees), in thanking the Committee for their remarks, wished to add that he had been greatly assisted by members of the Secretariat and by the various refugee organisations. He was also greatly indebted to Major Johnson, who was familiar with the details of the work carried out by Dr. Nansen, and had been of inestimable assistance to him in the work which he had so recently undertaken.

The CHAIRMAN, on behalf of the Committee, endorsed M. Huber's remarks.

17. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees (continuation) : **Appointment of a Rapporteur.**

On the proposal of the Chairman, M. FOTITCH *was appointed Rapporteur.*

SIXTH MEETING.

Held on Saturday, September 19th, 1931, at 10 a.m.

Chairman: M. MOTTA (Switzerland).

18. Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees (continuation : Examination of the Draft Report to the Assembly.

M. FOTITCH (Yugoslavia), Rapporteur, read his report (Annex 5).

He stated that he had reason to believe that the Supervisory Commission would propose a reduction of 10 per cent in the budget of the Office. He considered that it would be for the President of the Office to consider to what extent this step might affect the liquidation proposals and the working of the Office in 1932, and to discuss the matter with the Governing Body of the Office.

The CHAIRMAN pointed out that it would be premature to discuss the question until the report of the Fourth Committee on this matter had been received, in order to see whether a reduction in the budget of the Office was, in fact, proposed.

M. LANGE (Norway) regretted that no mention had been made in the report of a matter on which he had laid emphasis on the previous day, and which he considered of great importance—namely, the necessity that the reports should contain, in future, information regarding the work carried out by the Office. It was not possible to appeal for funds on the basis of a purely administrative and legal report, and it was important that the public should be informed of the work done. He asked that this point should be mentioned, if not in the resolution, at least in the body of the report.

M. FOTITCH (Yugoslavia), Rapporteur, was ready to accede to the request of M. Lange. He explained that the Nansen Office had only been in existence three months, and its President had expressed the opinion that a fair idea of the practical work of the Office could not be obtained in so short a time. It was, moreover, understood that future reports would certainly contain this information.

M. FIERLINGER (Czechoslovakia) was of the opinion that a resolution of the Assembly could not fail to be of assistance to the Nansen Office.

Mlle. FORCHHAMMER (Denmark) wondered whether, without waiting for the next session of the Assembly or the Council, it would be possible, when launching an appeal for funds, to publish some sort of interim report, giving details of the work done by the organisations dealing with refugees.

She noted that reference was made in the report to the Armenian refugees of the "Armenian Republic", whereas, previously, the term "Republic of Erivan" had been employed. She thought some confusion might arise in the minds of the public which did not know of the change that had been made.

Major JOHNSON (Secretary-General of the Office) stated that the Governing Body intended to give full information in its reports on the work done by the Office, and was about to publish a very complete handbook to accompany the appeal for funds. This handbook would give a clear idea of the work done by the High Commission and the Office up to the present time, and information regarding its future programme. The Governing Body, during the first three months of its existence dealt with in the report, had been compelled to follow the very clear instructions of the last Assembly, and to concentrate its attention on drawing up a liquidation scheme ; that was the main reason why only brief mention was made in the report of refugee work undertaken by the Office. This information would certainly be given in future reports.

The CHAIRMAN thought that this explanation would satisfy Mlle. Forchhammer and M. Lange. The second remark of Mlle. Forchhammer might be met by inserting the word "Erivan" in parentheses after the word "Armenia".

M. FOTITCH (Yugoslavia), Rapporteur, stated that the Inter-Governmental Advisory Commission for Refugees had expressed the wish that its members should include a representative of the Belgian Government ; he had only that morning received information that the Belgian Government agreed to be represented on the Commission, and he asked permission to mention this fact in his report and in the resolution.

This proposal was adopted.

The draft report and resolution were adopted.

M. FOTITCH *was appointed Rapporteur to the Assembly.*

19. Work of the Organisation for Intellectual Co-operation.

The CHAIRMAN welcomed the attendance of M. de Reynold, Member of the International Committee on Intellectual Co-operation ; M. Dufour-Feronce, Under-Secretary-General ; M. de Montenach, Secretary of the Intellectual Co-operation Organisation at the Secretariat ; and M. Bonnet, Director of the Institute of Intellectual Co-operation.

The report of M. Sato (Japan), Rapporteur (document A.VI/7.1931), was read.

M. DE REYNOLD (International Committee on Intellectual Co-operation) made the following statement :

(1) The machinery of the Organisation was in working order and was giving results, largely owing to the reforms of the previous years. The Assembly might therefore now be asked to complete this reform by taking up again, in the sense indicated in the report of the Committee on Intellectual Co-operation, its resolution of September 24th, 1926, in which the Organisation of Intellectual Co-operation was approved.

(2) The work of international co-operation in intellectual life was being rapidly developed. It already existed as between national institutions concerned with intellectual rights, international associations of students, directors of national university offices, institutes for the scientific study of international relations and in relation to museums and popular art. It was in course of completion as regards libraries and archives, and, in the field of primary education, for educational museums and exchanges of material ; preparations were being made for co-operation between institutes for the history of art ; attention was also being paid to co-operation in the matter of translations and that of the natural and exact sciences. It was gratifying to note that the Committee was now being approached for assistance in such matters and in the establishment of international co-operation in general.

(3) The development of science, art and letters was gaining much from the Organisation of Intellectual Co-operation, and that in two ways—in the first place, thanks to its organisation and procedure, and, above all, the system of expert committees, which was much more flexible and less clumsy than the previous method of congresses. The conclusions of these committees were rapidly brought before the Council or the Assembly through the Committee, and were finally transmitted to the bodies concerned, in the first place to the Governments. Secondly, this development was fostered by the work of the Organisation of Intellectual Co-operation itself ; evidence of this could be seen in the field of museums and of popular art.

(4) By means of intellectual co-operation, the work of the scientist, the writer and the artist was receiving material assistance in the more rapid supply of information, in meetings between workers in different countries, and in defending intellectual rights.

(5) The tendency of the work was to become still more universal, and, in particular, as was mentioned by M. Sato, contact was being established between European and Asiatic civilisations. This was shown by the recent proposals of the Chinese Government and by the despatch of two missions to China. A further proof was to be seen in the interest taken in the subject in Latin America where the Ibero-American collection had been published.

(6) Intellectual co-operation was also of assistance in bringing the nations together.

(7) Intellectual co-operation also assisted the cause of the League by making it more widely known, by spreading abroad its ideas and principles and by associating with its work an ever-increasing number of intellectuals.

The development of national committees and the increasing importance of their work deserved special mention. They were becoming more and more the basis of intellectual co-operation, to which they were constantly giving most valuable assistance. The recent successful reorganisation was largely due to the efforts of these bodies. It was therefore essential that they should meet at regular intervals, in order that they might be acquainted with the results of the reforms.

Finally, he wished to draw attention to the desire expressed by the Committee on Intellectual Co-operation that the Assembly might show itself in future as generous as possible in the free distribution of documents concerning the League.

M. PETSCHE (France) regarded the work of intellectual co-operation as a sign of the vitality of the League, and considered that the results of last year's reforms promised well for the future.

He reviewed the work done in France in this field and mentioned, in particular, the new school of peace set up in 1930 on the initiative of Mlle. Louise Weiss ; the propaganda carried out on behalf of intellectual co-operation ; M. Roger Lévy's remarkable book, *Intellectuels, unissez-vous*.

M. Petsche read the following extract from the Minutes of the sixth meeting of the International Committee on Intellectual Co-operation, on July 23rd, 1931 :

> "M. Oprescu and M. de Reynold pointed out, in this connection, that, in accordance with a recommendation by the Committee of Enquiry, it was no longer necessary for the Committee to invite the representatives of the various associations, confederations, etc., with which it was in touch to attend its meetings."

He thought it would be a pity to exclude the Confederation of Intellectual Workers from the meetings of the Committee, and hoped that the Confederation would be given satisfaction in this matter.

The International Institute had considered the educational value of broadcasting. It was sure that broadcasting, like cinematography, and, in the future, television, undoubtedly raised educational problems ; but they also raised intellectual problems of a much wider scope than those of mere education. The results of this invention might be very good, but they might also be very

dangerous, and the League should keep a watchful eye upon the effect of these new methods for the diffusion of knowledge upon the human mind. He suggested that a resolution should be passed authorising the International Institute and the International Committee to consider the problem of broadcasting in all its aspects.

M. CASARES (Spain) referred, in the first place, to the resolution by the International Committee on Intellectual Co-operation regarding the official recognition of the Intellectual Co-operation Organisation and suggested that the Sixth Committee should address a recommendation to the Assembly on this subject.

He pointed out that the new Organisation had not yet had time to make good, but that a considerable improvement in the Institute was already noticeable, and that there was every reason to hope that results would finally be achieved.

As regards the instruction of youth, a question which had always keenly interested the Spanish delegation, no one could deny that the work of moral disarmament in the elementary schools and the education of the rising generation in the spirit of international co-operation and cordiality constituted a specific part of the League's work. For that reason, he had conducted a strong campaign in order that the question of instruction should be placed on the Committee's programme, in spite of the opposition of all his colleagues in the Committee of Enquiry. Since that time, he had had the satisfaction of seeing his point of view adopted by other members of the Committee, including M. Painlevé. It had also been adopted by M. Briand, who had made an urgent appeal to teachers at the last Assembly.

M. Casares was very glad to see the consolidation of the educational information centre.

Turning to the revision of school text-books, he noted that the resolution adopted in 1925 by the Assembly included machinery for making corrections. The system had already shown good results and could be still more useful if it were better known and more frequently utilised. This resolution was, in fact, insufficient at present, and should be supplemented by more direct and effective measures. M. Casares, in agreement with M. Munch, had therefore, in 1930, submitted to the Sub-Committee of Experts for the Instruction of Youth a resolution with a view to organising an enquiry regarding school text-books used for instruction in history and geography, civics and morals. This enquiry was summarised in a report which M. Casares thought should be given the greatest possible publicity.

In order to draw the conclusions from the enquiry, it was proposed to form a Committee of Experts composed of representatives of the Commission on History Teaching of the International Committee for Historical Sciences, pedagogical circles, institutes for the scientific study of international relations and the Sub-Committee of Experts for the Instruction of Youth in the Aims of the League of Nations. M. Casares suggested that a representative of the International Bureau of Education of Geneva should also be included among the members of this Committee of Experts.

The Spanish Government was greatly interested in the studies undertaken with a view to reaching a universal agreement on the basis of the Berne and Havana Conventions.

In conclusion M. Casares personally drew attention to a resolution adopted by the Committee on Intellectual Co-operation regarding the universal adoption of Roman characters. The support of the League of Nations would be very useful to this movement.

M. COSTA DU RELS (Bolivia) concluded from the documents placed at the Committee's disposal that last year had been particularly fertile. He praised the systematic efforts of the Committee on Intellectual Co-operation and the Institute, the new management of which had given proof of intelligence and firmness. He did not overlook the International Museums Office, and he paid a tribute to the men who had devoted their learning and faith to this work.

With regard to the programme drawn up by the Committee on Intellectual Co-operation, he noted with satisfaction the efforts to form a collection of Ibero-American works. Thanks to the Committee on Intellectual Co-operation and to the Institute, the countries of Latin America would henceforward have a means of direct co-operation in the sphere of thought.

In South America, national centres of intellectual co-operation had been created. He referred, in particular, to the centre at La Paz.

Intellectual co-operation helped to bring about closer relations between the nations by means of the cinematograph, broadcasting, and all methods of disseminating thought. He was, however, particularly interested in the question of instruction in the history of art. He pointed out in this connection that, thanks to the collection of engraving plates and casts, by which the American youth were enabled to study the works of European museums, this instruction would no longer be so uninteresting as it had formerly been in Latin America.

He noted the great progress made in educational matters by the exchange of pupils, professors and school material.

Lastly, M. Costa du Rels was glad that, henceforward, the treasures of European culture and the marvels of the museums and libraries could be shared by all nations.

M. LANGE (Norway) assured the Committee that Norway attached great importance to the work of intellectual co-operation and asked, in the interest of the work itself, that the greatest care should be taken to preclude any overlapping. He was not convinced that this had been completely avoided. In this connection, M. Lange referred to the creation of an educational information centre. If this institution was intended to give instruction in the works and aims of the League of Nations, its title was likely to lead the public astray, since it created the impression that it was

an institution dealing with education in general ; there was already an International Bureau of Education, with which the centre in question would overlap.

He would like to say a few words regarding private action taken last year at Geneva by a Scandinavian group. A Folk High School had been created at Geneva, by means of funds collected in the Scandinavian countries, where instruction was given in the three Scandinavian languages on the work of the League of Nations, etc. This instruction was given in two stages. First, an important place was given to the history, literature and social conditions of the Scandinavian countries themselves. The students were thus made aware, within a limited sphere with which they were familiar, of the possibilities and means of co-operation between nations. In the second place, the school dealt with political and economic problems of international importance, and the manner in which the Geneva institutions endeavoured to solve them.

This was an example which might well be followed. M. Lange thought he was not too bold in imagining that one day a sort of university city would arise at Geneva, where would be assembled students of various national groups, following the courses of a popular university at Geneva, organised in accordance with this model and giving teaching in the languages of the students, who would be able at the same time to study the working of the Geneva institutions on the spot. The Scandinavian school in question proposed to organise, on the eve of the Disarmament Conference, a special course for Scandinavian journalists, with a view to their better comprehension of the technical problems of disarmament.

M. Gorgé (Switzerland) congratulated the Committee on Intellectual Co-operation, its secretariat, its executive committee, the Institute, its collaborators and, in the first place, its distinguished Director, M. Bonnet, on the rapidity with which the Intellectual Co-operation Organisation had overcome the growing pains from which it had suffered in the previous year. He regretted that time did not permit of his dwelling on the various resolutions adopted by the Committee on Intellectual Co-operation at its last session. He would confine himself to calling attention to the following resolution adopted by that Committee :

> "The International Committee on Intellectual Co-operation feels that it should call the particular notice of the Assembly of the League of Nations to the Exhibition of Popular Arts which it is proposed to hold at Berne in 1934, and begs it to urge the Governments of States Members of the League to undertake to associate themselves with this great international manifestation, either by appointing delegates to the Grand Committee of the Exhibition or by sending exhibits. Small credits might be provided from now onwards in the budgets for 1932, 1933 and 1934."

The French representative on the Council had strongly supported the project when it was brought before the Council. It was not surprising that the Committee and the French representative were supporting the Exhibition, seeing that the idea was French rather than Swiss. It was nevertheless a French idea which had developed and taken shape within the League of Nations itself.

M. Gorgé then reviewed the various stages in connection with this proposal—M. Henri Focillon's initiative in favour of organising a Congress and Exhibition of Popular Art, the decision, in the first place, merely to convene a congress to express an opinion on the organisation of the Exhibition, and the step taken in 1927 by the city of Berne in soliciting the honour of being the seat of the future Exhibition.

M. Gorgé then recalled the resolutions passed by the Council and the Assembly on this subject, the meeting of the First Congress at Prague, the creation of an International Committee on Popular Arts, which had formed a bureau under the direction of M. Lehmann, the Director of the Altona Museum, and, lastly, the acceptance by the Prague Congress of the offer made by the city of Berne.

M. Gorgé stated that, in 1929, the city of Berne had created the provisional organs of the Exhibition. Those organs had decided, in agreement with the Bureau of the International Committee on Popular Arts, that the Exhibition should include all æsthetic products emanating from the people and intended for popular use—that was to say, useful products to which the artisan's traditional work had added an element of grace, art and beauty.

The International Committee, at its Rome session in 1929, entirely approved the steps taken by the city of Berne. In 1930, the city of Berne prepared a provisional plan of the Exhibition, providing for an expenditure of about 14 million Swiss francs, of which 4 millions would be supplied by the city of Berne, the canton of Berne and the Confederation. The Second Congress on Popular Arts was held at Antwerp, Liège and Brussels during the same year and unreservedly approved the measures taken by the city of Berne.

In 1931, the Swiss Federal Council issued invitations to all Members of the League of Nations and to fourteen States non-members. In the meantime, the provisional organs of the Exhibition were replaced by definitive organs and the Exhibition was given a well-defined juridical status in accordance with the Swiss Civil Code. A Committee known as the "Grand Committee" had also been formed, including not only representatives of the city of Berne and the Swiss cantons, but also of all the States which had decided to take part in the Exhibition. The Secretariat of the League of Nations was represented, as was also the International Committee on Intellectual Co-operation and the Institute. In this connection, M. Gorgé referred to the very important part which M. de Reynold had played in this Committee as representative of the International Committee on Intellectual Co-operation.

The success of the Exhibition obviously depended on the co-operation of the States. In calling the attention of the members of the Sixth Committee to the urgency of the question, M. Gorgé ventured, as representative of the Swiss delegation, to express the hope that the Governments would examine the question of their possible participation as early as possible.

Count DE PENHA GARCIA (Portugal) said that when, two years ago, the Committee and Institute had endeavoured to solve the problem of intellectual co-operation, he had had some uneasiness as to the scope of the reform contemplated. Since the reform had been introduced, the results had convinced him that the new method was full of promise. In the first place, the principle had been laid down that, if effective work were to be done, the best elements should be chosen as collaborators from that select group which formed the intellectuals. On the other hand, a certain reorganisation had taken place with a view to making the office administration more effective. Lastly, a careful choice had been made of the questions to be studied.

Nevertheless, the human mind was so vast and its field of action so extensive that it could not be expected that organisations, however powerful they might be, would obtain very great results in the space of a few years.

The report before the Committee showed that the work of intellectual co-operation, as in the previous year, was directed towards education; but that on this occasion it had a wider view. Education was evidently the most important instrument, since it made it possible to influence the rising generations, in whose hands the future lay. Work among the young should be pursued with insistence and intelligence, so that future generations might be better prepared to receive the instruction of the League of Nations and, above all, to support its work.

Count de Penha Garcia urged the necessity of taking the greatest possible advantage of the journeys of young men to foreign countries.

The question of extending the work of intellectual co-ordination was very important. A large number of associations, international and national, were studying or cultivating the sciences, literature and the arts. To bring them together and co-ordinate their efforts was of great importance to the future of the nations. The Committee on Arts and Letters had a fine piece of work before it.

Count de Penha Garcia also approved the idea of publishing a collection of Ibero-American classics. He recommended that a fairly large section should be reserved for Portuguese classics. Portuguese literature, very abundant and powerful, was one of the earliest literatures in Europe, and it had also taken root in Brazil.

Count de Penha Garcia welcomed the step taken by the Athens Conference, which should study problems connected with the conservation of historic monuments, and thought the Governments should follow that Conference's work.

With regard to the remarks made by the Swiss delegate on the Berne Exhibition, the Portuguese delegate made several observations about the importance of the popular arts, and stated that he would urge his Government to accept the invitation received from the city of Berne. The popular art of Portugal was full of grace and spontaneity, and he would be delighted to see it represented at Berne.

M. FIERLINGER (Czechoslovakia) wished to make remarks on two points in the report. The first referred to the co-operation of institutes devoted to scientific research in political, economic and social questions. According to the report, it had been decided that these institutions should hold a study conference each year for the purpose of comparing their work.

In M. Fierlinger's opinion, this conference should be organised on the model of those held by the Institute of Pacific Relations at Honolulu and elsewhere, in which discussions took place, without votes or resolutions, on the American round-table system ; this method had given excellent results. The Czechoslovak Government hoped this conference would be carefully prepared and would bring together as large a number as possible of institutions for political science.

The second point referred to the International Exhibition of Popular Arts at Berne. M. Fierlinger thought that as large a number as possible of States Members of the League of Nations should give a favourable reply to the Swiss Government's invitation. In this connection, he submitted the following draft resolution :

"The Assembly,

"Recalling its resolution of September 22nd, 1927, concerning the Popular Arts Exhibition and concerning the assistance to be rendered by League organs towards the success of this undertaking ;

"Endorsing the proposals contained in the resolution of the Committee on Intellectual Co-operation and bearing in mind the recommendation made by the Council in its resolution of September 4th, 1931 :

"Draws the attention of States Members of the League of Nations to the initiative taken by the city of Berne and to the invitation sent by the Federal Government requesting States Members of the League to take part in this Exhibition ;

"Would ask States Members to associate themselves with this great international demonstration and to take suitable measures to that end."

(The continuation of the discussion was adjourned to the next meeting.)

SEVENTH MEETING.

Held on Saturday, September 19th, 1931, at 9.30 p.m.

Chairman : M. MOTTA (Switzerland), then M. COSTA DU RELS (Bolivia).

20. Work of the Organisation for Intellectual Co-operation (Continuation).

Count APPONYI (Hungary) wished to draw attention to slight difficulties which had arisen owing to the refusal of certain neighbouring countries to permit the import of Hungarian printed matter—not merely newspapers, but scientific works as well. Such action was clearly opposed to the idea of intellectual co-operation, and he hoped that it would be possible to settle the question amicably. If, however, this should not be the case, he wished to reserve the right of Hungary to return to the matter later.

Mlle. VACARESCO (Roumania) gave an account of the work done by the Permanent Committee on Arts and Letters, particularly in connection with the cinema. She had raised that question herself four years previously, and the fact that there were at the present time 650,000 cinema halls in the world, holding something like 100 million persons, emphasised the importance of the question. The Permanent Committee had been working in co-operation with the International Educational Cinematographic Institute at Rome and had been pleased to learn that an annual prize for the best scenario dealing with peace and international friendship had been instituted. Referring to broadcasting, gramophones, etc., she emphasised the importance of using such machinery as a tool and not allowing it to dominate humanity. The real task of the Committee was to contribute towards setting up new standards of ethics and to make men not merely perfect but happy. She hoped the Committee would emphasise the importance of publicity for its work, both by the Press and by the League.

(The Chair was taken by M. Costa du Rels, Vice-Chairman.)

Mr. BURRELL (Canada) noted that the International Committee on Intellectual Co-operation had now so consolidated its position as to have gained recognition as an integral and highly important part of the League's organised activities. Congratulating those who had last year successfully worked out the best methods of securing success in the attainment of their ideals, he remarked that the remoteness of his country, and the fact that its constitutional arrangements divided federal from provincial activities, had, perhaps, hitherto prevented that close association with the practical programmes of the Committee which might otherwise have been the case. But it should be remembered that Canada, as a Member of the League from its inception, had never failed in its financial obligations, and had for many years been able, alone on the North American continent, to raise an authoritative voice on the general aims and ideals of the League. Into the details of the reorganised programme of the Committee on Intellectual Co-operation he would not enter. His country approved such matters as exchange professorships, encouragement of travelling students, the use of that powerful modern agency, the cinematograph, and especially the widespread efforts for the education of the young. Canada had already released educational films from the burden of a Customs duty, and had in various ways helped to disseminate a wider knowledge of the League's aims and activities.

He would be remiss in the discharge of his duty if he did not register his satisfaction with the Committee's expressed wish that progress should be made in the plans for disarmament and the promotion of international peace. The children of to-day would soon be bearing the responsibilities which now rest so heavily on older shoulders. It was upon the young, and upon the women of the world, that the long agony and bitterness of modern war must chiefly fall, and how was the present generation to meet the challenge of those accusing and questioning eyes if it failed in its great task ? In every way possible the flow of those intellectual activities which fertilise and enrich all that they touch must be strengthened. If ignorance were banished, half the miseries of the world would disappear. It was the crass stupidity of war as a settlement of disputes which was so astonishing and appalling. It was only by the co-operation of intellect and heart that there could be an effective control of those disordered passions which from time to time gained ascendancy over, and swayed the actions of, nations and men.

The League was not a vast and elaborate piece of machinery, creaking at times for lack of oil, its wheels revolving, now fast, now slowly, at the will of individual men, or groups of men, but rather was it a living thing, containing within it the power of growth—that power which differentiates the living from the dead. If it failed to reach its objectives as fast and as fully as some would wish, let them firmly believe that attainment would come, and that, in the end, an enduring peace among the nations of the world, and a greater happiness for all the peoples in its far-flung Member-States, would amply justify the existence of this great institution.

M. BODRERO (Italy) called attention to the dangers which should be avoided in what he might call the convalescent period of the Committee on Intellectual Co-operation. In the first place,

intellectual co-operation should be officially recognised by the League ; secondly, it should be realised that there were certain forms of intellectual work which were unsuitable for co-operative treatment, since they essentially demanded solitude for their execution. Thirdly, funds were necessary, and M. Bodrero did not think the sums requested should be diminished by a single franc.

He agreed that broadcasting was a matter which should be carefully watched by the Committee. He expressed on behalf of M. Rocco and M. de Feo their regret at their inability to be present at the meeting.

M. PUSTA (Estonia) noted that several delegations had called the attention of the Committees and the Assembly to the importance of broadcasting and the cinema in developing an international outlook and making known the work of the League. The Estonian delegation, for instance, had put a proposal of this kind before the Commission of Enquiry for European Union, and the Polish delegation, in a recent memorandum to the Secretariat of the League, had also emphasised the value of the cinema in connection with moral disarmament.

He desired to support M. Lange's proposal that the efforts of those organisations which were following the same aims should be co-ordinated. In this connection, he pointed out, with regard to the educational cinema, that there was a private organisation in Paris—the International Committee for the Diffusion of Artistic and Literary Works by the Cinematograph—a voluntary committee composed of diplomats and scholars, which was doing work similar to that of the Rome Institute. That Committee, as Mlle. Vacaresco had pointed out, had instituted at its own expense a prize of 150,000 French francs for the best scenario of a film calculated to bring the nations together. He thought it would be useful to co-ordinate this measure with the work of the Rome Cinematographic Institute.

With this in mind, he proposed that the Committee should make the following recommendation to the Committee on Intellectual Co-operation :

> "The Sixth Committee invites the International Committee on Intellectual Co-operation to bear in mind the steps taken by the International Committee for the Diffusion of Artistic and Literary Works by the Cinematograph in connection with educational cinematography.
>
> "The International Committee on Intellectual Co-operation is also requested to give its secretariat the necessary instructions to include this Committee in its consultations relating to the production and financing of educational films on the work of the League of Nations."

Dame Edith LYTTELTON (British Empire) mentioned that she was a member of the National Committee on Intellectual Co-operation in her own country, which had already been able to do useful work. She desired to draw attention to the broadcasting experiments now being made in a number of countries. She would submit a resolution on the matter later. She understood that there were 100 million people in the world who were able to listen every day to the radio ; of these, 50 million were in Europe ; in England over three million homes had wireless sets.

Dame Edith Lyttelton had had an opportunity of listening to the broadcasting to America of a daily report on the work of the League, and emphasised the important effect of wireless in this particular case. In England, instructional talks were broadcast and were listened to by some five thousand schools without payment. These talks interested children very much, particularly those which told them what was going on in the world ; these she had read herself and found extremely interesting. There were also in England thousands of wireless study groups of about fifty members which debated the talks given over the wireless. It was important to avoid commercialising broadcasting, and this was a matter which particularly concerned the Committee. She regarded the present time as one of very rapid evolution, and it was important that mankind should be prepared for the changed conditions of the near future.

Mirza Hussein Khan ALÂ (Persia) referred to the recent foundation in Paris of a society for the study of Iranian studies and Persian art which was open to orientalists and scholars of all countries. All the Persian students in Europe, most of whom were studying in France, were members of this society, which was seeking to advance the ideals of peace and co-operation of the League. It was, perhaps, not too much to say that the collection of objects of art sent by his Government to London, by awakening a strong interest in the artistic achievements of Persia in the course of 5,000 years, had assisted intellectual co-operation.

(M. Motta (Switzerland) took the Chair.)

Mlle. PÜNDER (Germany) was pleased to recognise the successful reorganisation of the Committee. In view of the great amount of unemployment now prevailing, her delegation thought it highly important that the Committee on Intellectual Co-operation should co-operate with the International Labour Office to secure that workers should use their spare time in more intellectual pursuits. Her country sympathised with the efforts made to instil into the young the true spirit of international understanding, and was glad that one of its best experts had been sent to China to assist in the reorganisation of Chinese education.

In Germany, much importance was attached to the deletion of objectionable passages from school text-books and to the teaching of history, geography and languages in such a way as to help international understanding. Mlle. Pünder suggested that an international conference of school-teachers should be held on the subject as soon as possible, and her delegation hoped that the Committee would endorse this proposal.

Dr. CHODZKO (Poland) congratulated all concerned on the successful reorganisation of the Committee. He was glad to see that an enquiry had been made regarding methods of international exchange of secondary-school children. This subject had first been submitted to the 1928 Assembly as the result of the Polish proopsal.

He had been asked to present the following resolution passed by the Fifteenth Plenary Congress of the International Federation of League of Nations Societies, concerning the convening of a world conference on training in world citizenship.

> "The Fifteenth Plenary Congress requests the League of Nations :
>
> "*(a)* To summon at the earliest opportunity a world conference on training in world citizenship ;
>
> "*(b)* To invite to that conference administrators and teachers as well as representatives of voluntary educational organisations (including the League of Nations Associations), such administrators and representatives to be nominated by, but not representatives of, their respective Governments ;
>
> "*(c)* To ask the conference to consider how best :
>
> "(1) By administrative action ;
>
> "(2) Through the courses of instruction in history, geography and other subjects ;
>
> "(3) With the assistance of voluntary organisations,
>
> to give further effect in the training colleges and schools to the recommendations of the League's Sub-Committee of Experts upon how to make the League of Nations known and to develop the spirit of international co-operation."

It was proposed that this conference should include administrators and teachers, as well as representatives of voluntary educational organisations, to be nominated by, but not representatives of, their respective Governments. He handed in the text of this resolution, which he hoped would be adopted by the Sixth Committee, since no expenditure was involved.

In a report submitted to the Assembly in 1930 by M. Fierlinger, it was proposed that an enquiry into the methods of teaching in secondary schools should be undertaken as part of a wider enquiry into intellectual life. At the meeting of the Second Committee on September 24th, 1930, the Polish delegate had asked for an enquiry on the methods of teaching in secondary schools in various countries in relation to higher education. The report of the Director of the Institute, while drawing attention to the Educational Information Centre, apparently proposed to exceed the limits of the work already being undertaken by the International Bureau of Education, and he hoped that there would be no overlapping between the two bodies. He drew attention to the great value of the work of the Committee of Scientific Advisers, and stressed the importance of the question of intellectual and technical relations. Every effort must be made to avert the threatened mechanisation of humanity. Gina Lombroso had pointed out that the resistance of the French peasant to these methods had considerably assisted France in the present economic crisis.

The Polish Government had raised the question of the League of Nations literary prize offered by the Congress of P.E.N. Clubs, and in more favourable circumstances it would be happy to make its contribution. Poland had been pleased to be able to send M. Falski, Director of Primaty Education, to take an active part in the great work of the modernisation of China.

He suggested that the reports from the Committee and from the Institute would be more valuable if they were accompanied by an analytical table showing : (1) resolutions passed by the Committee, Assembly or the Council ; (2) action taken by the Institute on these resolutions ; (3) any results (if possible).

Dame Edith LYTTELTON (British Empire) wished to support the draft resolution regarding the World Conference for Education.

Dr. HYDER (India), speaking, not as a delegate representing a Government, but as a representative of the people to whom he belonged, said that his country took a very great interest in intellectual co-operation ; intellectual co-operation was in consonance with the whole philosophy of India. It was, indeed, the essential element of the League, and he was anxious that it should not be obscured by the necessary work of organisation and by preoccupation with practical problems. These practical problems could not be solved if the spirit of co-operation were absent. He therefore proposed that a systematic effort should be made to educate the masses in the aims of the League, and, in order to avoid any tendency to sentimentalism, these efforts should be accompanied by written or oral examination at various stages.

It was true that there was no national committee in India, but there were national organisations, inter-university boards, and boards for secondary and primary education. A university, the name of which he could give if desired, was prepared to publish gratis a translation of the League publication, "Aims and Organisation of the League", and other Indian universities would be found willing and anxious to assist the League in its work. Free interchange of ideas and free intercourse between East and West would be wholeheartedly supported by the people of India.

M. GARAY (Panama) mentioned that he had first heard of the proposed Berne Exhibition of Popular Arts when he was in Paris in 1929 in connection with a work he was undertaking on the

subject of the folklore of his country. He had since done his best to persuade his Government to participate in this Exhibition and he hoped that he would shortly be able to inform the Assembly that his efforts had been successful.

Count MENSDORFF (Austria) referred to the remarks in M. Sato's report on the subject of National Committees. The Austrian National Committee had been instituted seven years previously on the same lines as the Committee on Intellectual Co-operation at Geneva. Since that time the Austrian Committee had endeavoured to get into touch with the Austrian organisations and institutes dealing with questions of intellectual co-operation. That collaboration had given very satisfactory results, and he therefore ventured to suggest that the Rapporteur should, if he thought fit, mention in the Committee's report the value of active collaboration between the National Committees on intellectual co-operation and the organisations and institutes in the various countries dealing with questions relating to the organisation of intellectual co-operation. He had in mind associations for the exchange of professors and students, for propagating the ideas and aims of the League of Nations, etc.

M. VALDÉS-MENDEVILLE (Chile) referred to the progress which had been made since the days when the Committee had been chiefly occupied with the crisis threatening intellectual workers. The work of intellectual co-operation was free from the reproach that it was becoming regional in character, as was sometimes alleged in connection with other activities of the League. He welcomed the Ibero-American publications, and hoped that his Government would be able to participate in the Berne Exhibition. He endorsed what had already been said regarding the importance of avoiding overlapping.

The CHAIRMAN, on behalf of his country, desired to thank those speakers who had referred so kindly to the Exhibition of Popular Arts to be held at Berne in 1934.

M. DE REYNOLD (Member of the Committee on Intellectual Co-operation), referring to points which had been raised in previous speeches, said, in reply to the remarks of M. Petsche, that the Committee had no intention or desire to separate itself from other international bodies, but hoped to increase its co-operation with them in the future. The International Federation of Intellectual Workers would be welcomed at the meetings of the Committee, as would also all international intellectual bodies which might be created in future.

There was some slight misunderstanding on the subject of the Educational Information Centre, for which its title was perhaps responsible. This body had branches both in Geneva and Paris, whose respective spheres of work had been carefully defined. The Geneva body would deal with the preparation and execution of work connected with the instruction of youth in the aims of the League, and the Paris body would deal with general pedagogical questions, or matters specifically concerning educational methods. Every effort would be made to avoid overlapping, competition or trespassing on the special territory of education.

Owing to the limited means at the disposal of the Committee, very careful consideration was necessary before taking up fresh subjects. The Committee had already decided to enquire into the question of broadcasting, and he was glad to receive the support of the British and French delegations on this matter. The Committee was also studying the proposal of the International Federation of League of Nations Societies, to which reference had been made. The question of the influence of the cinema was now under consideration by the Committee, which would meet next July. Meanwhile, the International Institute at Rome was working on the subject.

In reply to the delegate of India, he mentioned that negotiations were being carried on for the translation of the League text-book into the five principal languages of India. He would be glad if the remarks of Count Mensdorff might be incorporated in the report of M. Sato. He thanked the Committee for the interest and support it had shown.

M. BONNET (Director of the Institute of Intellectual Co-operation) wished to remove any misapprehensions which might exist on the subject of overlapping. Work was often undertaken by the International Institute in response to a request from a Government department or inter-governmental body, and was always submitted to the Committee on Intellectual Co-operation. The work was entrusted to the officials concerned, who submitted the result of their researches to the various committees of experts and organs of the League of Nations. There were no doubt other bodies well able to assist in such matters, and he could assure the Committee that every possible use would be made of them in the future, as had been done in the past. In this connection, he referred particularly to enquiries such as that on the exchange of school-children and the use of broadcasting. The result of these various enquiries would subsequently be submitted to the Council and the Committee, and there was therefore no real danger of any overlapping. It would be a simple matter to study the suggestions of the British and French delegations regarding broadcasting at the same time as other matters of the same kind which were already under consideration by the Committee on Intellectual Co-operation.

M. SATO (Japan), Rapporteur, wished to thank the members of the Committee for the welcome they had given to his report. He would endeavour to draw up a summary of the very interesting observations which had been made in the course of the discussion, and would prepare a draft resolution for submission to the Assembly.

EIGHTH MEETING.

Held on Monday, September 21st, 1931, at 9.30 a.m.

Chairman: M. MOTTA (Switzerland).

21. Mandates (continuation) : **Examination of the Draft Report to the Assembly.**

M. LANGE (Norway), Rapporteur, read his report (Annex 6).

Mirza Hussein Khan ALÂ (Persia) expressed his regret that he had been prevented by indisposition from attending the meeting on September 18th. In reading the Minutes of that meeting he had been surprised to note that the French delegate, when referring to the declarations of the Persian representative on the Council on the subject of the grant of guarantees to Persian subjects in Syria and Lebanon in judicial matters, had spoken of a "misunderstanding", and had made a formal declaration that no discrimination to the detriment of Persian subjects was made in countries under French mandate.

He felt bound to remove this further misunderstanding, and he repeated respectfully but definitely the statements he had made to the Council on September 4th. He did not wish to deal with economic matters, although on that subject the Persian Government had good ground for complaint, as Persian products were subject to heavy, he might almost say prohibitive, duties and taxes in Syria. Confining himself to the legal question, he stated that Persian subjects in Syria and Lebanon were compelled to have recourse to native courts, whereas nationals of other States Members of the League could apply to the mixed tribunals.

It was not unreasonable of Persia to demand that all Members of the League should be treated on a footing of absolute equality. Persia was, at the present moment, the only Member of the League whose subjects were placed in an inferior position in Syria and the Lebanon, and this in spite of the fact that, before the war, Persian nationals resident in Ottoman territory enjoyed the privilege of consular jurisdiction, receiving in that respect "most-favoured-nation" treatment.

After the war, and following on the exercise by France, on behalf of the League, of the mandate over Syria and the Lebanon, these consular jurisdictions were replaced by mixed tribunals, which were intended to provide foreigners with guarantees of justice equal to those which had been given by the consular jurisdictions. In requesting that its nationals should have access to these mixed tribunals, the Persian Government did not claim that its position as an ex-capitulatory Power gave it any further rights than those which its nationals had enjoyed under the Ottoman regime. The Persian Government merely asked that its nationals should, like those of all other ex-capitulatory Powers (and several others), continue to enjoy the legal guarantees which had previously been provided by the capitulatory system and which, under the mandates system, took the form of mixed tribunals.

Mirza Hussein Khan Alâ quoted Articles 5 and 6 of the Mandate for Syria and the Lebanon, dated July 24th, 1922. He stated that, with the object of providing a fresh legal system which should give foreigners guarantees equal to those under the capitulatory system, the mandatory Power had drawn up in 1921 various plans which had finally taken the form of the Decrees of July 7th, 1923. These Decrees set up a kind of mixed tribunal for matters in which one of the parties was of foreign nationality, no discrimination being made between foreigners. They also gave to natives the power to lay a matter before the mixed tribunal, even when neither of the parties was of foreign nationality. This system had been modified in Syria by a Decree of the High Commissioner dated February 17th, 1928, and in the Lebanon by a law of the same date. These Decrees introduced distinctions between foreigners and set up classes of foreigners who were entitled to apply to the mixed tribunals for matters in which foreigners were concerned. The result was that the mixed tribunal, which until then had been open to all foreigners without exception, and without any stipulation for reciprocity, was limited to the classes of foreigners mentioned in the Decree and the Law (Article 8). Persia did not appear in any of these lists, and thus without her consent had been deprived in 1928 of the benefits of a legal system which, when first set up (1921), had been intended to take the place of the old capitulatory system, during such time as might be necessary for a thorough reorganisation of the national jurisdiction, which reform had not yet been completed.

The Mandates Commission, when laying down the general conditions to be fulfilled at the time of the termination of the mandatory system in any given country, had recommended the conclusion of preliminary agreements between the mandatory Power and the country under mandate, in order that all the Members of the League might be placed upon a footing of perfect legal equality, as had been done in the Anglo-Iraqi Agreement. This procedure would entail a possible delay of some years, but a continuation of the present state of affairs could not be regarded as satisfactory, as it might lead to friction and to the impairment of good relations between the two countries.

On several occasions, therefore, particularly at the Council meeting of September 4th, he had begged the French Government to put an end as soon as possible to the system which discriminated unfairly between his compatriots and the nationals of other States Members of the League. Her renewed that request to-day. The object in view might be attained by a special Convention, for which provision was made in Article 8 of the Lebanon Law of February 17th, 1928, and in the Decree No. 1820 of the High Commissioner of Syria of the same date.

Mr. TE WATER (Union of South Africa) stated that his Government, in its position as the mandatory Power for South West Africa, was directly interested in the conditions to be laid down for the termination of existing mandates, and wished to draw attention to the fourth paragraph of the draft report as follows :

> "The Sixth Committee has approved the rules laid down in the Council's resolution of September 4th, 1931, with regard to the general conditions to be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. Like the Mandates Commission and the Council, it considered that the emancipation of the territories covered by Article 22 of the Covenant should be made dependent on the fulfilment of certain *de facto* conditions and on the existence of certain guarantees stipulated in the interests both of the territories concerned and of the international community."

Major Pienaar, who had represented South Africa at the meeting of the Council held on September 4th, 1931, had made some reservations regarding the Council resolutions on this point. After reading the declarations of Major Pienaar at the second meeting (September 4th) of the sixty-fourth session of the Council, Mr. te Water reiterated that his Government could not accept the report presented that day to the Committee without making the same reservations. The delegation of the Union of South Africa did not regard the rules referred to in the fourth paragraph of the draft report as applicable to the case of C mandate, and reserved its right to demand modifications for mandates of this class. In order to avoid delay, he merely asked that his reservations should be mentioned in the Minutes. In the name of his Government, he supported the views expressed in the third paragraph of M. Lange's report.

M. PETSCHE (France) approved, in the name of his delegation, the draft report.

He added that he had taken note of the declarations of the Persian delegation and would transmit them to his Government. He regretted that he was not able to make any further remarks at present and was glad to state that the Persian and French Governments were now in agreement regarding the future treatment of the question.

Mirza Hussein Khan ALÂ (Persia) coud only repeat the request which he had already made that something should be done at once to meet the wishes he had expressed. It seemed the easier to meet this request in that the laws and treaties of Syria and the Lebanon provided expressly for the conclusion of special agreements with the object of giving to nationals of foreign States the right to appear before mixed tribunals. Persia asked for no special privileges. If, as the result of a general agreement, all privileges were suppressed, Persia would be the first to agree to the new state of affairs.

The draft report submitted by M. LANGE *was approved, and* M. LANGE *was appointed Rapporteur to the Assembly.*

22. Work of the Commission of Enquiry for European Union (continuation) **: Letter from the Chairman of the Second Committee to the Chairman of the Sixth Committee.**

The CHAIRMAN read a letter from the Second Committee (Annex 7), and pointed out that it was in agreement with the resolution of the Sixth Committee. It therefore only remained for him, as Rapporteur, to make any short explanations to the Assembly which might be necessary. There remained the special resolution which must be passed regarding the Pact of Economic Non-Aggression, and he proposed to submit a resolution on the following lines :

> "1. The Assembly approves the proposal of the Commission of Enquiry for European Union that a special committee should be set up by the Commission for examining the Pact of Economic Non-Aggression.
>
> "2. The Assembly decides that the following States shall be invited to take part in the work of this special committee on an equal footing with the members which the Commission of Enquiry may appoint ; Australia, China, India, Japan and Uruguay.
>
> "3. The Council of the League might also be asked to invite the United States of America to join this committee."

M. VALDÉS-MENDEVILLE (Chile) pointed out with regard to paragraph 2 of the draft that the American continent was insufficiently represented amongst the non-European States proposed as members of the special committee. It was not known whether the United States of America would accept an invitation to share in this work ; but, failing such acceptance, Uruguay would be the only representative of the American continent as against three representatives of great Asiatic Powers. He therefore proposed to add to the five countries mentioned in paragraph 2 Canada and one other American country.

The CHAIRMAN pointed out that the Commission of Enquiry was a committee of the League, and had to submit its report and conclusions to the League organs, and that it did not appear absolutely essential that a large number of States should be asked to examine the question. It was none the less true that the American continent, in view of its economic importance, might be

represented in greater strength on the special committee, and he therefore proposed to add Canada and Chile to the five countries already named.

The Chairman's proposal was adopted.

The draft resolution, as amended, was adopted.

23. Protection of Minorities (continuation) : **Examination of the Draft Report to the Assembly.**

Baron YRJÖ-KOSKINEN (Finland), Rapporteur, read his draft report (Annex 8). He had not prepared any draft resolutions, as he had merely been called upon to make as correct a summary as possible of the discussion which had taken place in the Committee.

The draft report was adopted, and Baron YRJÖ-KOSKINEN *was appointed Rapporteur to the Assembly.*

24. Work of the Organisation for Intellectual Co-operation (continuation) : **Examination of the Draft Report to the Assembly.**

M. SATO (Japan), Rapporteur, drew attention to the various additions he had incorporated in his report (Annex 9).

He declared that, when drawing up the resolution to be submitted to the Assembly after approval by the Sixth Committee, he had endeavoured to give as full an account as possible of the discussion which had taken place on the subject. He had been much struck with the number of suggestions dealing with the importance of educational matters. He might instance the remarks of Mlle. Pünder, M. Petsche, M. Casares, M. Costa du Rels, M. Lange, Mr. Burrell, Count de Penha Garcia, Dr. Chodzko and M. Hyder.

The proposals of the British delegation and M. Petsche regarding broadcasting could be suitably combined in a sentence of the resolution. The Committee on Intellectual Co-operation had already asked the International Institute to undertake an enquiry into the educational side of broadcasting. The Sixth Committee might ask it to broaden the basis of this enquiry, so that it would deal with the use of wireless for increasing good understanding between the peoples. These suggestions might later on be extended, as M. Petsche had requested, to the cinematograph and to television.

M. Sato hoped that the terms of the resolution would meet the wishes of M. Gorgé, M. Garay and M. Fierlinger as regards the Exhibition of Popular Arts at Berne, and those of Mlle. Vacaresco concerning the completion during the year of the programme drawn up by the Permanent Committee of Arts and Letters. A further paragraph would pay a tribute to the activity of the International Educational Cinematographic Institute.

He had borne in mind, in drawing up his report, the remarks of Count Mensdorff on the part to be played by National Committees, and also those of Mlle. Pünder regarding workers' spare time. Count Apponyi had reserved the right to refer at a later date to the question of the free circulation of literary and scientific works.

The suggestion of M. Petsche that the Committee on Intellectual Co-operation should keep in touch with associations of intellectual workers would no doubt be borne in mind by the Secretariat. M. Sato was sure that, in any enquiries which the International Institute and the Secretariat might carry out, they would, whenever possible, make use of the assistance of competent private bodies, as had been requested by M. Lange, M. Pusta and M. Valdés-Mendeville. An endeavour would be made next year to simplify the arrangement of the report of the Committee, as had been suggested by Dr. Chodzko.

At the suggestion of Dr. CHODZKO (Poland), the sentence relating to the suggestion for a world conference of educators should be amended to read as follows. :

> " . . . and according to which the International Committee on Intellectual Co-operation would be requested to study the suggestion of the Union of League of Nations Societies for a world conference . . . "

M. FOTITCH (Yugoslavia) noticed that M. Sato's report contained a reference to the remarks made at the meeting of September 19th by Count Apponyi to the effect that he reserved the right to refer again to the subject of the free circulation of literary works. No country was more anxious than Yugoslavia to encourage intellectual intercourse with its neighbours, as could be instanced by the exhibition of modern Hungarian art in Belgrade in the spring of 1931, which was very successful. If intellectual works of this kind were the only ones in question, M. Fotitch would be quite ready to agree with Count Apponyi, but there was, in addition, a regular crop of literature and printed works of another kind the dissemination of which the Yugoslav Government had been compelled to control. There were Press articles, periodicals and books in which his country and its institutions were held up to ridicule and in which the most absurd and tendentious news was published daily, and there was also a violent propaganda among the youth in favour of the revision of the treaties. Such writings could not fairly be described as intellectual works, and the Yugoslav Government considered it its duty to take steps to stop their circulation.

M. BARANYAI (Hungary), in order to avoid any misunderstanding, emphasised the fact that Count Apponyi, no less than the previous Hungarian speakers, was concerned simply with the free

circulation of intellectual and technical literature. Until M. Fotitch was able to prove that the *Review of Classical Philology*, the *Review of Higher Mathematics*, or the *Review of the Hungarian Shoemakers' Association*, periodicals published in Budapest which were not permitted to enter Roumania, Yugoslavia and Czechoslovakia, endangered the safety or public order of the State, the Hungarian delegation would be forced to continue to raise the question.

M. LANGE (Norway) regretted that the draft report made no reference to the observation which he had made at the previous meeting on the necessity of avoiding overlapping. He would like, for instance, to see inserted at the end of the paragraph closing with the words "well planned and well equipped organisation", a phrase to the following effect :

> "The Committee desires to emphasise the fact that the International Committee is essentially a co-ordinating body, and that it will doubtless avoid any overlapping by making use of existing associations and spreading the knowledge of their work."

M. DE REYNOLD (Member of the Committee on Intellectual Co-operation) said, in reply, that it must in any case be clearly understood (1) that the whole reform of the Intellectual Co-operation Organisation had been carried out with the main object of avoiding overlapping ; (2) that any fresh passage inserted in the report would merely emphasise this intention. He was anxious that the proposed addition should be drawn up in such terms as to make it clear that there was no question of censuring the Committee on Intellectual Co-operation.

M. LANGE (Norway) said that a sentence of this kind would meet his wishes entirely.

M. de Reynold's suggestion was approved.

M. SATO (Japan), Rapporteur, turning to the resolution, stated that the Australian delegation had suggested an addition to the section dealing with broadcasting.

After remarks by M. BODRERO (Italy) and M. PETSCHE (France), *it was decided*, on the suggestion of M. BONNET (Director of the International Institute of Intellectual Co-operation), *that the additional phrase should be worded as follows :*

> "Requests the Institute to get into touch for that purpose with the principal national and international broadcasting organisations."

M. PETSCHE (France) referred to the previous remarks of the French delegation concerning the various international problems arising out of broadcasting. He thought that these remarks had received the support of the British delegation and proposed to replace the third paragraph of the resolution in question by the following :

> "Recommends that this enquiry should cover all international questions raised by broadcasting and, in particular, in regard to the possibility of its use as a means for establishing good international relations."

This proposal was accepted in principle, and it was understood that M. Petsche should agree with M. Sato on a final form of words.

M. GORGÉ (Switzerland) thought that the last section of the draft resolution, which dealt with the Berne Exhibition of Popular Arts in 1934, was perhaps somewhat too compressed, and he suggested the insertion between the two paragraphs in question of the following paragraph :

> "Having regard to the Council's resolution of September 2nd, 1927, and the Assembly's resolution of the 22nd of the same month . . . . "

M. SATO (Japan), Rapporteur, accepted this addition.

M. FIERLINGER (Czechoslovakia) supported the proposal of M. Gorgé.

M. Gorgé's proposal was adopted.

M. VALDÉS-MENDEVILLE (Chile) suggested (1) that, in paragraph 4 of the first section of the draft resolution, the following words should be added after the words "among the young" : "and a spirit of cordiality among the peoples" ; (2) that the paragraphs of the draft resolution should be numbered for convenience of reference.

These two proposals were accepted, subject to a modification as regards (1) on the suggestion of the Chairman, as follows : replace the words "spirit of cordiality" by the words "mutual understanding".

Mlle. PÜNDER (Germany) enquired, in view of the intention of her country to summon an international conference of teachers, whether the paragraph under discussion referred to the proposal of Dr. Chodzko, the Polish delegate.

M. SATO (Japan), Rapporteur, stated that the resolution in question referred to the past. The Polish proposal, which referred to the future, was mentioned in the report. There had been considerable difficulty in reaching agreement on this point, and he hoped that Mlle. Pünder would agree to let the present wording stand.

Dr. CHODZKO (Poland) did not know what would be the fate of Mlle. Pünder's proposal, but he was anxious to express his thanks to her for having raised the question.

The CHAIRMAN, in view of the slight misunderstanding which had arisen recently on this point, said that the Minutes of the Sixth Committee would no doubt be carefully considered by the International Committee on Intellectual Co-operation, which would also take account of the suggestions of the Federation of League of Nations Societies. The Committee had not taken up a definite position owing to the great difficulty of reaching an agreement. He therefore suggested to the German and Polish delegates that things should be left as they were.

Dame Edith LYTTELTON (British Empire) was in agreement with the German delegate, and thought that the passage concerned was rather vague, and would be improved by the addition of the words "for a world conference" after the words "that a plan".

The CHAIRMAN agreed that the present wording was vague, but the vagueness was intentional. It would be difficult to reach an agreement on the proposal itself, and for that reason the report merely mentioned the Polish suggestion. If the Committee made the resolution less vague, it would no longer be in agreement with the report, which had avoided a definite statement.

M. DE REYNOLD (Member of the Committee on Intellectual Co-operation) said that the International Committee had been dealing with problems of this kind for years and had been compelled to reject several similar requests last year. The Committee would none the less examine very carefully any suggestions which might be put before it. The International Committee had not at the present time the funds necessary for such large congresses, for which it had substituted a less costly, speedier and more reliable method.

The CHAIRMAN, summing up the discussion, stated that the Committee on Intellectual Co-operation would examine carefully the suggestions of the Polish delegate, which had been supported by Dame Edith Lyttelton and Mlle. Pünder, and would see whether it was possible to take action upon them. Nevertheless, in view of the difficulty of the question, the seriousness of the present financial situation and the doubts of the Committee on Intellectual Co-operation, it was not possible for the Sixth Committee to take an immediate decision.

Dame Edith LYTTELTON (British Empire) withdrew her suggestion, but remarked that they had been asked not to insist on their point of view because the question could not be discussed, but it had apparently been settled in a negative sense.

The CHAIRMAN thanked Dame Edith Lyttelton for withdrawing her suggestion, but stated that the matter was not settled. It remained a completely open one and might be taken up at a later session, on due notice being given by the International Committee after consideration of the subject.

Dame Edith LYTTELTON (British Empire) requested that the Chairman's remarks might be inserted in the Minutes.

The draft report and resolution were approved.

M. SATO (Japan) was *appointed Rapporteur to the Assembly.*

The CHAIRMAN pronounced the session closed.

ANNEXES

ANNEX 1.

A.VI/4.1931.

WORK OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION.

DRAFT LETTER FROM THE CHAIRMAN OF THE SIXTH COMMITTEE TO THE CHAIRMAN OF THE SECOND COMMITTEE, SUBMITTED BY THE DRAFTING COMMITTEE.

The Sixth Committee, at its meeting on September 16th, decided to refer for study to the Second Committee the technical questions—particularly economic and financial questions, as well as questions of transit and communications—dealt with in the reports of the Commission of Enquiry for European Union to the Assembly. The Sixth Committee assumes that the Second Committee, in presenting its reports, will take into consideration the material furnished by the work of the Commission of Enquiry.

The Sixth Committee reserves the right to submit to the Assembly proposals as to the constitution, organisation and methods of work of the Commission of Enquiry. In this connection, it may be observed that, in the course of the past year, the Commission of Enquiry has had to create several special committees for the study of certain economic questions whose urgency appeared to require this mode of procedure.

The report of the Organisation Sub-Committee set up by the Commission of Enquiry and now submitted for the consideration of the Sixth Committee, indicates the conditions under which the Commission of Enquiry may have recourse to the co-operation of the technical organs and advisory committees of the League of Nations (see document A.17, page 18, Section 2, paragraph 2), a right of which it has already availed itself with the authorisation of the Council of the League.

The Sixth Committee, being aware of the desire of the Commission of Enquiry to limit as far as possible the setting up of special committees and to utilise as a general rule the existing organs of the League, would be grateful to the Second Committee if this latter would give it an assurance that the permanent organs of the League will be in a position to satisfy, with the flexibility and promptitude which may be necessary, any demands the Commission of Enquiry may make.

ANNEX 2.

A.VI/5.1931.

SLAVERY.

LETTER FROM THE FIRST DELEGATE OF NEW ZEALAND TO THE CHAIRMAN OF THE SIXTH COMMITTEE, TRANSMITTING A LETTER, DATED MAY 20TH, 1931, FROM THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY TO THE EMPEROR OF ABYSSINIA, AND THE REPLY, DATED JULY 12TH, 1931, FROM THE EMPEROR OF ABYSSINIA.

Geneva, September 14th, 1931.

You may recall that, when I spoke in the Assembly, I stated I desired to bring under the notice of the Sixth Committee a letter regarding slavery from His Majesty the Emperor of Abyssinia, and the letter from the Anti-Slavery and Aborigines Protection Society which evoked it.

I now have the honour to transmit to you two copies of each letter, with a view of their being circulated to the members of the Committee.

(Signed) Thomas M. WILFORD.

A LETTER FROM THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY TO THE EMPEROR OF ABYSSINIA, DATED 20TH MAY, 1931.

Our Committee has received, through Sir Sidney Barton, Great Britain's Minister, accredited to your Imperial Majesty, the welcome intimation of your resolute intention to attempt the great task of the abolition of slavery throughout your dominions.

We desire to thank you for your intimation, and we are confident that, in expressing our appreciation of your decision, we voice the views of the whole British people, who desire only the

peace and prosperity of your country and the establishment of complete goodwill between the British and Abyssinian peoples.

Sir Sidney Barton has emphasised to our Committee the immensity of the task before your Imperial Majesty and the need for wisdom on your part and patience on the part of others. We are glad to have this further evidence of your belief in the words of your great traditional ancestor, King Solomon, that "it is righteousness that exalteth a nation", and we trust that to you may be given the full measure of wisdom of that great ruler, which has become common currency in the language of all nations.

We understand from Sir Sidney Barton that you would like to be informed of action taken on the part of our Committee with other Governments, and of what help British people can give you in the great task you have undertaken.

In the first place, we would point out that our society is composed of people drawn from all sections of British public life. It includes members of all political parties, of all religious denominations, and leading men unattached either to any political body or any religious denomination. We are entirely disinterested as a body in any commercial development of overseas territories, and are dominated by a single objective—namely, that of the abolition of slavery in all its forms and of assisting backward races in their striving after progress. The assistance we are able to render must necessarily take different forms according to the peculiar features possessed by any subject which comes before us.

We can best illustrate the society's work by submitting for your consideration a few of the questions in which we have been concerned during the hundred years' efforts of the society. The first two of these illustrations concern your own country of Abyssinia.

Abyssinia, 1875.

In 1875, Abyssinia and Egypt were in conflict. Our Committee did not enter into the merits of this conflict, but they were concerned deeply that there should be no alienation of Abyssinian territory. They decided in these circumstances to send an important deputation to Lord Derby, the British Foreign Minister. This deputation, of which we can forward you, if desired, a full account, waited upon Lord Derby on December 3rd, 1875, and set forth reasons why the British Government should take some action if there was any danger of the annexation of Abyssinian territory. The British Minister, replying to our deputation, gave eminently satisfactory assurances, which included the following declaration :

> "I do not at all hesitate to say that, if there were any intention to conquer and annex the country, I think it would be an unwise proceeding on the part of the ruler of Egypt . . . "
>
> "I should be quite prepared to advise the abandonment of any scheme for the annexation of Abyssinia, if I had reason to believe that any such scheme were in prospect."

In 1879, our society received the following letter, dated December 14th, 1878, from the Emperor Menelik, who was then King of Shoa. This letter was received in July 1879.

> "May this writing of Menelik, King of Shoa, safely reach my friends of the Anti-Slavery Society in London. With the greatest respect I ask you how it goes with you. I, my people, and my army are well. God be praised therefor.
>
> "Dear Friends,—You formerly wrote to me and advised me that, for a Christian King, the institution of the slave-trade in his kindgom was an inconsistency. Herewith I send you the joyful message, as answer, that I have abolished the slave-trade, in my whole kingdom and in its borders, for I am a Christian. Therefore, consider me, henceforth, with all goodwill, as your friend.
>
> "My country is far distant from your country. My road to the coast, to Zeyla, Tajura, and Aden is at present closed to me by the Mussulmans—to wit, the Egyptian Government. They prevent my receiving into my country either provisions, arms, agricultural implements, artisans, or even messengers of the Gospel. Will you kindly raise your powerful voice in order that I may have this way opened to me, for I desire to inaugurate in my kingdom European civilisation, intelligence and art."

The Committee, under the signatures of Joseph Cooper and Edmund Sturge, at once forwarded a memorandum to the Marquis of Salisbury, a full copy of which we could, if desired, send to you, in which the Committee urged the British Foreign Minister "most earnestly" to "move at once", in order to secure the removal of the restrictions to which the King of Shoa referred. The society received in September of the same year a most satisfactory reply from the Marquis of Salisbury, in the course of which he stated that :

> "I am, in reply, to request that you will state to the Committee of the British and Foreign Anti-Slavery Society that negotiations are at present going on between King John of Abyssinia and the Egyptian Government with the view to arrive at an arrangement satisfactory to both parties in regard to the trade to be carried on between Abyssinia and the outer world. Her Majesty's agent and Consul-General in Egypt has been authorised to address a communication to King John, tendering the good offices of

Her Majesty's Government with a view to a settlement of his differences with Egypt, and Lord Salisbury is not without hope that the negotiations now pending may result satisfactorily."

Egypt.

In 1888, Mr. Charles Allen, the secretary of the society, and Mr. Joseph Allen, treasurer of the society, visited Egypt and were received by the Khedive and Sir E. Baring (later Lord Cromer), with whom they discussed the question of the slave-trade and a home for freed slave women in Cairo. This home, through which several hundreds of slaves were passed each year, trained the free slaves in suitable occupations, and was ultimately established under the joint patronage of Her Majesty Queen Victoria and His Highness the Khedive. The President was Lord Cromer and the Treasurer Sir Colin Scott Moncrieff, with a London Committee composed of the principal members of the Committee of our society, the duty of the London Committee being to publish information with regard to the emancipation work being done by the Khedive and Lord Cromer, and the collecting of funds in Great Britain for the purpose of maintaining the home.

Morocco.

During the years 1840 to 1890, the society made considerable efforts to secure the abolition of slavery in Morocco ; but, owing to various difficulties, it was impossible to approach the Sultan of Morocco until the year 1887. In that year, the society was fortunate to secure the help of Mr. Donald Mackenzie, who undertook to convey to His Shereefian Majesty an appeal from the society. On April 27th, 1887, the society's envoy secured an interview with the Vizier of the Sultan, to whom he presented the appeal of the society, and discussed with the Vizier the abolition of slavery in Morocco. At a later date, the members of the society were able to co-operate in the creation of a home for freed slaves in that country.

Liberia.

From the inception of the Liberian State, the Aborigines Protection Society, now united with this society, published impartial information received, and, so long as it was possible, defended in the Press and in its organ the Liberian Government and people. In some cases, the society was able to say that the charges made were exaggerated ; but, as the years went by, it became impossible to ignore any longer the fact that the statements of maladministration were so unanimous and serious that the society had no alternative but to make every effort to secure reforms.

Portugal.

In November 1910, the society sent six of its members to Lisbon in order to confer with the Portuguese Government with regard to certain conditions in the Portuguese colonies. The deputation was received by Senhor Bernardino Machado, Minister for Foreign Affairs, who assured the deputation that the new Government would deal adequately with the question.

Nepal.

In 1926, His Highness the late Maharaja of Nepal announced his intention to abolish slavery throughout his Kingdom of Nepal. At the time of the decision, there were 52,000 slaves and 15,000 slave-owners. We have asked Sir Sidney Barton if he would kindly convey to you a copy of the speech of His Highness the Maharaja of Nepal. It will be observed from this speech how carefully the ground had been prepared over many years for the great act of abolition, one of the principal features being the creation of an anti-slavery office at Katmandu. It is interesting to note that the Maharaja, who had thought it might cost £500,000, found that the estimate was far too high, as it only cost £275,250 in order to set the whole of the slaves free within two years. His Highness the Maharaja of Nepal came into touch with the society at an early date, and the only co-operation we were called upon to render was that of making known to Europe periodically the result of the steps taken by the Maharaja of Nepal. We still act as distributors in Europe of the speech of which we are transmitting you a copy.

China.

We have every reason to fear that the system of Mui Tsai is as widely spread in China as the system of slavery in Abyssinia, whilst it is probable that the difficulties attendant upon its abolition are no less serious than those which confront Your Imperial Majesty. This society is doing all it can to make the facts known and to secure sympathetic support for any steps which the Chinese Government may take in the work of abolition. Within recent months a joint Committee of Chinese and Europeans has been established in one of the provinces for the purpose of maintaining a home for released Mui Tsai. The society issued an appeal for funds and has already been able to send a few hundred pounds for this purpose.

British Territories.

A large part of the society's activities concern British colonial territories. We enclose for the perusal of Your Imperial Majesty our last annual report and certain copies of the society's journal,

from which you will observe that we approach our own Government by means of deputations and memoranda upon the treatment of backward races within the British Empire.

The Society and Abyssinia.

The Society, as we have already pointed out, warmly welcomes the step which Your Imperial Majesty has taken in getting into touch with us through Sir Sidney Barton, thus following the valuable precedent set by the Emperor Menelik and King John. We readily assure you of our active co-operation in any direction which may be open to us with a view to providing any assistance we may be able to render.

The society, having learnt from Mr. Bentinck in 1926 of the proposed establishment of a school for freed slaves in Addis Abeba, has under consideration an appeal for funds in aid of such a school, provided mutually satisfactory arrangements could be made. We are still prepared to offer such assistance to the extent of a sum of £250 in cash and £100 annually, if the British Minister for the time being, or his nominee, could be allowed to occupy a position on the Committee of the school.

It may be that Your Imperial Majesty would like to meet a small deputation from the society. If so, we think we could prevail upon two or three persons with knowledge and experience to visit you in Addis Abeba in order that they might confer with you, laying before you more fully their experience, and ascertain from you some of the difficulties involved in the work of abolition, and discuss with Your Majesty what assistance British public opinion could render. This deputation would then be in a position to place before the society some fuller details than it has at its disposal at the present.

(Signed) Charles ROBERTS,
President.

(Signed) Travers BUXTON,
Hon. Secretary.

(Signed) John H. HARRIS,
Parliamentary Secretary.

REPLY FROM THE EMPEROR OF ABYSSINIA TO THE ANTI-SLAVERY AND ABORIGINES PROTECTION SOCIETY, DATED JULY 12TH, 1931.

We have received your letter in reply to Our verbal communication which We sent you through the intermediary of Sir Sidney Barton, His Britannic Majesty's Minister at Our Court in Addis Abeba.

After reading your letter, We are pleased to find that We agree on principles. We confirm to you that We are definitely decided to improve progressively the regulations concerning the status of slavery and to suppress slavery altogether. We say We are definitely decided with reference to the task We have undertaken for freeing the slaves still owned by the public, and not with reference to traffic in slaves which We have already prohibited by decree. In some of the worst cases We have even gone so far as to inflict the death penalty.

Ever since We communicated with you candidly through Sir Sidney Barton, We have decided to decree a new law to supplement that of the Year of Grace 1916 (1924 European calendar), which We hope will give better scope for the increase of freed slaves. We will send you a copy immediately.

We have no doubt that you realise the seriousness of Our efforts and the labour it has cost Us to obtain the preliminary results known to you, and to lay the foundations of the great emancipation work. Certain persons, forgetful of the fact that slavery was once a universal institution and probably unconscious of what We have already accomplished or are about to accomplish, exaggerate for their own private ends when referring to Abyssinia. We are confident that you, who have made it your special duty to study these problems, know better than these sensation-mongers what a delicate task it is to abolish this old custom, and how over-hasty steps may easily have unhappy consequences. History shows that time is an important factor for the liberation of slaves.

Although the status of slavery still exists in Abyssinia, it would undoubtedly be an unjust thing to put Abyssinian slavery on a par with the industrialised forms of slavery of Europe and America in former days, which the Western mind of nowadays connects with this word. The difference is, above all, that slaves in Abyssinia are not deprived of anything to hope for in life, as were their former brethren in the West. Our Christian people is not averse to seeing slaves hold posts, own property, embrace Christianity and learn trades, and in this respect it is a people that deserves praise.

We have perused in your letter the good work done by His Highness the Maharaja of Nepal for liberating slaves. No doubt, beside spending so much money, he must also have encountered difficulties. Your letter has proved to Us that money was a weighty factor, which helped for materialising his wish. We would, in this respect, draw your friendly attention to the financial reforms presently to be inaugurated by Us, in order to ameliorate the economic situation. By these means, We aim at erecting a basis for the final abolition of slavery and also, in progress of

time, for the gradual improvement of the condition of the free servants, workmen and agricultural labourers who are so much more numerous than the slaves.

As We mentioned above, Our statements in connection with the liberation of slaves are then far from being a mere talk; the school for freed slaves which We have opened in Addis Abeba, Our Capital, also proves this, and it is Our wish that the present British Minister, Sir Sydney Barton, be a member of the Committee.

We tender to you Our thanks for your good intentions in offering to help the upkeep of this school by a pecuniary contribution. It would give Us pleasure to receive a member of your society, to listen to his advice and to hear from him how far you are able to help Us, and on Our part to explain to him the particular circumstances of Our task so that on his return he will expound to you the situation.

Your work for this Christian people and Abyssinia, when the Egyptians had designs upon them, is never to be forgotten, and, as a memento of your good work, it would give Us pleasure if you would send Us details of what you did in 1875.

Given at Addis Abeba on the 4th day of Hamle 1923 (the 12th day of July, 1931, according to European calendar).

(Signed) HAILE SELLASE I, *Emperor.*

Certified true and sincere translation.

ANNEX 3.

A.VI/6.1931.

SLAVERY.

REGULATIONS CONCERNING THE LIBERATION OF SLAVES IN ABYSSINIA.

(Circulated to the Sixth Committee at the Request of the Hungarian Delegation.)

[*Translation.*]

[Imperial Seal.]

THE CONQUERING LION OF THE TRIBE OF JUDAH, HAILE SELLASE THE FIRST, THE ELECT ONE OF GOD, EMPEROR OF ABYSSINIA.

May this reach the President of the Anti-Slavery Society,

Peace be unto you.

By Our letter of the 4th of Hamlé (July 11th) last we informed you of Our intention to improve gradually upon Our Decree of the 23rd of Megabit of the Year of Grace 1916 (March 31st, 1924) concerning the liberation of slaves until the total abolition of the status of slavery in Our country, Abyssinia, is accomplished.

In accordance with Our above-mentioned letter, We are sending you enclosed a copy of the Decree of the 8th of Hamlé (July 15th, 1931), which forms a supplement to Our Decree of the 23rd of Megabit 1916.

The 9th day of Nehassé of the Year of Grace 1923 (August 15th, 1931).

Given at Addis Abeba.

(Signed) HAILE SELLASE, *Emperor.*

SUPPLEMENTARY REGULATION AMENDING THE "REGULATIONS CONCERNING THE LIBERATION OF SLAVES".

In conformity with Article 45 of the "Regulations concerning the Liberation of Slaves", dated 22 Megabit in the Year of Grace 1916 (March 31st, 1924) providing that the said Regulations might be amended in the future as necessity arises, the following stipulations have been added on this day 8 Hamlé in the Year of Grace 1923 (July 15th, 1931):

Article 1.

Repeals the provision of Article 7, which declares that slaves purchased before the publication of the edicts and whose liberation is not provided for in their master's will are free after a period of seven years from the date of their master's death (during the said period of seven years they must remain peacefully in their master's houses). The above-mentioned article is amended in the following sense: *Slaves in the aforesaid condition shall be free from the date of their master's death. In such cases as slaves thus liberated by their master's death are accountable to the heirs for property or work entrusted to them, they shall nevertheless remain for a year for this purpose, before going away with their certificate of liberation.*

Concerning the conditions of life of these slaves we enact as follows :

(*a*) In the case of adult slaves able to work and being in possession of their certificate of liberation, their course is to seek repatriation with the assistance of the Governors of their respective provinces and to maintain themselves by whatever work they may choose (cf. Articles 23 and 24).

(*b*) If the slaves in question are too old to work or are incapable to the extent of not knowing what to do, after receiving their certificate of liberation, they may, if they declare it is their desire, remain with the children of their former master or mistress, being engaged for wages, in order that they may not fall into trouble for lack of protection (cf. Articles 26 to 28).

(*c*) Such of these slaves who may be at the moment of liberation too young to be repatriated or to earn their living by work, if their parents are unable to support them, will be admitted to the special school founded expressly by the Government to be there brought up and trained (cf. Articles 26 to 28).

(*d*) *Finally, the record office of the tribunal entrusted with the duty of watching over the freedom of slaves shall, for the future, draw up every year a report to the Minister of the Interior showing both the number of adult slaves repatriated and the number of slaves who are minors who have been admitted to the school.*

Article 2.

To the stipulation of Article 8, worded as follows :

"Until the date when slaves purchased before the publication of the edicts are liberated, they shall serve their own masters only. To dispose of them in consideration of payment or gratuitously to relations or to a third person is expressly prohibited. Slaves who have been disposed of to other persons will be liberated",

e following provision is added :

"*If slaves purchased before the publication of the edicts are disposed of to other persons, both he who has disposed of them and he who has entered into possession of them will be subject to the same penalty as slave-hunters.*"

Article 3.

Repeals the provision of Article 15, worded as follows :

"The judges appointed *ad hoc*, in addition to the Governors of provinces, shall make a census and enter in a register the names of slaves with whom the peasants of the interior have intermarried before the publication of the edicts, and shall take steps to ensure their being maintained at their master's house. If there is a death among the slaves in question, the masters must immediately notify the judges and have the death registered. If they fail to notify the judges of such decease, they will be subject to the same penalty as slave-hunters."

The article is amended as follows :

"*In those provinces where there may be grounds to suspect the existence of the slave trade there shall be a census of all the inhabitants, men, women and children without exception, the names being entered in a register. Both the chief of the district and the headman of the village, in addition to the census officials specially entrusted with this work, shall affix their signatures to the said register, which shall then be forwarded to the Governor of the province. The Governor, having lodged a copy in the provincial secretary's office, shall send the original to the Minister of the Interior. Afterwards, a census shall be renewed every five years in order that information may be available on births and deaths which may occur in the interval, showing the same particulars as in the original register sent to the minister of the interior.*"

Article 4.

In future, the "Regulations concerning the Liberation of Slaves" will be progressively amended and improved until the time when slavery has completely disappeared.

Addis Abeba, 18 Hamlé, in the Year of Grace 1923 (July 15th, 1931).

ANNEX 4.

A.VI/8.1931.

SLAVERY.

REPORT SUBMITTED TO THE SIXTH COMMITTEE BY JONKHEER J. LOUDON, CHAIRMAN OF THE SUB-COMMITTEE ON SLAVERY.

The British delegation proposed that the Sixth Committee should recommend the Assembly to adopt a resolution to reappoint the Temporary Commission on Slavery which sat in 1924-25. This Commission would have been instructed to examine the material on slavery collected since the publication of the report of the Temporary Commission in 1925, and to recommend to the next Assembly the measures of assistance which the League of Nations could render to those countries which have agreed to abolish slavery.

This proposal having given rise to a number of objections during the plenary meetings of September 16th and 17th, the Committee referred it for examination to a Sub-Committee composed of the representatives of Abyssinia, Belgium, the British Empire, Denmark, France, India, Italy, Liberia, the Netherlands, Portugal and Spain. This Sub-Committee, which did me the honour of electing me Chairman, met once—in the afternoon of September 17th. The proposal of the British delegation received the unreserved support of the representatives of Denmark, India, Liberia and Spain. The representative of the Netherlands submitted another draft resolution, which might be described as an amendment to the British proposal. These two texts gave rise to an exchange of views. Certain doubts were expressed as to the expediency of reappointing the Temporary Commission on Slavery, as to its practical value, and as to its correctness from a legal point of view. After this exchange of views, the Sub-Committee unanimously agreed on the following draft resolution, which it proposes that the Sixth Committee should recommend the Assembly to adopt :

> "The Assembly requests the Council to appoint for one year a small committee of experts to examine the material upon slavery which has been supplied or transmitted by Governments since the signature of the Convention of 1926. This committee will submit to the Council suggestions with a view to recommending to the next Assembly the measures of assistance which the League of Nations could render to those countries which have agreed to abolish slavery and which request such assistance.

ANNEX 5.

A.VI/11.1931.

RUSSIAN, ARMENIAN, ASSYRIAN, ASSYRO-CHALDEAN AND TURKISH REFUGEES.

DRAFT REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. FOTITCH (Yugoslavia).

The Sixth Committee had under consideration the report of the Governing Body of the Nansen International Office for Refugees prepared in conformity with the resolution of the eleventh session of the Assembly, and the report of the Inter-Governmental Advisory Commission for Refugees on its fourth session. The Committee also had the great advantage of a detailed statement on the refugee work and on the activities of the Office made by Dr. Max Huber, the President of the Governing Body of the Office.

The Committee wishes to express its gratitude to Dr. Max Huber for having agreed to act as President of the Governing Body of the Office and for the devoted efforts he has applied to his difficult task, to the Governing Body of the Office, and to the Inter-Governmental Advisory Commission for Refugees.

The Committee was gratified to learn from the report of the Governing Body of the Office and from the supplementary statement made by Dr. Huber that, in drawing up the plan of liquidation proposed in the report of the Office, the Governing Body had endeavoured to give the maximum possible effect to the suggestion made by the Supervisory Commission that the budget of the Office should be reduced approximately by 10 per cent per annum. The Committee noted that the Governing Body of the Office had taken as a basis for its plan of liquidation the total budget which the League would have been called upon to grant in the event of the budget of the Office being reduced by annual decreases of 10 per cent up to the end of the year 1939. The plan of liquidation proposed by the Office does not exceed the sum thus contemplated ; but, to achieve that result, the Office has been obliged to propose the termination of its existence at the end of 1938 instead of on December 31st, 1939. In conformity with the recommendation made by the Inter-Governmental Advisory Commission at its first session in 1929, the Office proposes that budgetary

reductions should be accentuated during the last five years of the existence of the Office, thus enabling the Office, during the early period of its existence, to exert its maximum efforts and accelerate the liquidation of the material side of the refugee problem. Taking into consideration the precarious situation of the refugees, owing to the existing economic conditions, the Committee considers that the proposals of the Office are sound and reasonable.

The liquidation of the Office raises the question of the staff actually employed by the Office. In order to facilitate the liquidation of this staff and to save the payment of any indemnities which that liquidation might involve, the Committee ventures to recommend the Secretary-General of the League and the Director of the International Labour Office to give, as far as possible, preference to the members of the staff of the Office when vacancies occur in their respective organisations.

The President of the Governing Body of the Office reminded the Committee of the resolution adopted by the eleventh Assembly to the effect that the High Commissioner for Refugees should continue to keep in touch with the movement for the transfer of Armenian refugees to the Armenian Republic and to acquaint the Council if and when the High Commission's co-operation might appear to be opportune. The President of the Governing Body informed the Committee that he had been approached recently by representatives of responsible Armenian organisations with the request to facilitate the transfer of some thousands of refugees from Bulgaria and Greece to the Armenian Republic, where provision had been made for their settlement. The Committee feels confident that the Office will examine with the greatest attention and interest the opportunities for the settlement of such an important number of refugees, and requests it to obtain and afford all possible facilities for the transfer of those refugees if it is satisfied that such transfer is in their best interests.

The Committee learned with satisfaction of the progress made towards the liquidation of the problem of the Armenian refugees in Syria, and noted that, of the 40,000 refugees who were in the refugee camps at Aleppo, Alexandrette and Beyrut when the co-operation of the High Commission for Refugees was invited at the end of 1926, there now remain only 15,000, and that steps had been taken by the Office to effect their transfer from the refugee camps and their settlement under satisfactory conditions before the end of 1933.

* * *

Owing to the prevailing economic depression and to the re-organisation of the refugee work, the activity of the Office has naturally, during the first months of its existence, been somewhat handicapped. Nevertheless, considerable assistance has been afforded to refugees in small groups, to enable them to take up employment in various countries, and the Office, within the limits of its exiguous resources, has made grants to refugee organisations to enable them to continue their relief work in favour of the refugees. In this way, it has prevented the closing-down of certain organisations whose activities in favour of the refugees are extremely useful.

* * *

The Committee listened with interest to a statement made by the Chinese delegate concerning the very difficult situation of about 100,000 Russian refugees in China, and particularly of about 2,000 Russian refugees of German origin who are at present in Harbin. The Committee supported the request made by the Chinese delegate that the Office should examine the possibility of securing the transfer of those refugees to other countries.

* * *

The Committee noted that the funds at the disposal of the Office for its manifold activities in favour of the refugees were at present altogether inadequate. The only revenue at the disposal of the Office for its relief activities is that derived from the issue of the Nansen stamp. The revenue from that source amounts at present to a little more than 100,000 Swiss francs per annum and is derived from about 30 per cent of the total number of refugees. If the Governments of the other countries offering hospitality to the remaining 70 per cent of the refugees could find it possible to enforce the Nansen stamp system, there is every reason to believe that the revenue from that source would reach at least 300,000 Swiss francs per annum. The Committee therefore urges the interested Governments to consider the possibility of applying in their countries the Nansen stamp system.

The Committee learned with very great satisfaction of the efforts made by the signatories to the Nansen Appeal to obtain funds for the Office, of the success obtained by the national committees for the appeal formed in Denmark and Great Britain, which had both succeeded in obtaining contributions of 100,000 Swiss francs to the Nansen Memorial Fund, and of the promise of the yearly interest on the relief fund administered by Dr. Alexander Nansen on behalf of the late Dr. Nansen. The Committee ventures to recommend that the work of the Office in raising additional funds should be facilitated by the creation in other countries—especially in those which were not already incurring heavy expenditure in favour of the refugees—of national committees for the Memorial Fund similar to those in Denmark and Great Britain.

* * *

The Committee had under consideration the statement of the Inter-Governmental Advisory Commission for Refugees concerning the eventual preparation of a Convention to ensure the

protection of the refugees on the liquidation of the Office. As this question is of interest both to the Office and to the Inter-Governmental Advisory Commission, the Committee recommends that those two organisations should examine the advisability of the preparation of such a Convention.

The Committee also took note of various recommendations in the report of the Inter-Governmental Advisory Commission concerning the definition of the term "refugee", the validity of the Nansen certificate, the issue of visas, the renewal and extension of the Nansen certificate, and the expulsion and refusal of entry of refugees. The Committee feels sure that the Assembly will agree that a request should be made to the Council to communicate to the various Governments the recommendations mentioned in the report of the Inter-Governmental Advisory Commission.

The Committee ventures to submit, for the approval of the Assembly, the following resolutions:

"The Sixth Committee,

"Recognises the endeavours made by the Governing Body of the Office to comply with the request of the eleventh Assembly to prepare a plan for the liquidation of the Office before the end of 1939, and notes that it has prepared a scheme which gives effect to the spirit of the suggestions made by the Supervisory Commission that the budget of the Office should be reduced by approximately 10 per cent per annum;

"Recommends the adoption of the plan of liquidation proposed by the Governing Body and of the Rules of Procedure and Financial and Staff Regulations of the Office;

"With a view to facilitating the liquidation by the Office of its staff, invites the Secretary-General of the League and the Director of the International Labour Office to accord, as far as possible, a preference to that staff when vacancies occur in their respective organisations.

"Having noted the proposals made for the transfer to Armenia of some thousands of Armenian refugees, and bearing in mind the resolution on this subject adopted by the tenth Assembly:

"Invites the Office to examine carefully the possibility of facilitating the transfer of such of those refugees who desire to proceed to Armenia, if it is satisfied that such transfer is in the best interests of the refugees;

"Requests the Office to devote particular attention to the precarious situation of more than 100,000 Russian refugees in China, with a view to their settlement in employment in other countries;

"Urges the interested Governments which have not already done so to put into full application the Nansen stamp system;

"Invites the Governments to encourage and facilitate the creation in their territories of national committees for the Nansen Memorial Fund;

"Requests the Governing Body of the Office, in consultation with the Inter-Governmental Advisory Commission for Refugees, to consider the advisability of preparing a Convention to ensure the protection of the refugees on the liquidation of the Office:

"Requests the Council to communicate to the Governments the recommendations adopted by the Inter-Governmental Advisory Commission for Refugees at its fourth session concerning certain facilities for the refugees."

ANNEX 6.

A.VI/10.1931.

MANDATES.

DRAFT REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur: Dr. LANGE (Norway).

The annual reports of the mandatory Powers, the reports of the Permanent Mandates Commission and the Minutes of the discussions of the Council on mandates questions during the period which has elapsed since the close of the eleventh session of the Assembly have, as in previous years, been submitted to the Sixth Committee.

The Committee has noted that, thanks to the efforts of the Council, of the Permanent Mandates Commission and of the mandatory Powers the essentially humanitarian experiment instituted by Article 22 of the Covenant has, after only a short period, been crowned with indisputable success. Hence the Permanent Mandates Commission has again received the praise of several delegations for an achievement for which it is mainly responsible.

Furthermore, the delegates of the mandatory Powers have again emphasised the value of the co-operation which has been established between their Governments and the Mandates Commission, to the great advantage of the task undertaken.

The Sixth Committee has approved the rules laid down in the Council's resolution of September 4th, 1931, with regard to the general conditions to be fulfilled before the mandate regime can be brought to an end in respect of a country placed under that regime. Like the Mandates Commission

and the Council, it considered that the emancipation of the territories covered by Article 22 of the Covenant should be made dependent on the fulfilment of certain *de facto* conditions, and on the existence of certain guarantees stipulated in the interests both of the territories concerned and of the international community. The guarantees relating to the safeguarding of the rights of foreigners, the effective protection of racial, linguistic and religious minorities and the maintenance, as far as possible, of economic equality are, in the Sixth Committee's opinion, of quite special importance and deserve the Assembly's particular attention.

Another problem common to all the territories under mandate was raised in the course of the debate—that of the development of the public health services in the mandated territories, which has recently been dealt with in a Council resolution. The recommendations put forward in this connection by the Permanent Mandates Commission, which the Council has endorsed and which it has forwarded to the mandatory Powers, seem likely to contribute largely to the success of the work of civilisation undertaken in the mandated territories under the auspices of the League of Nations.

Lastly, the Sixth Committee has once again manifested the importance which it attaches to the settlement, in Palestine, of the controversies that have arisen owing to the establishment of the Jewish National Home in that territory. The Committee noted that order had not again been disturbed since the regrettable incidents of 1929, and associated itself with the hope expressed by the Mandates Commission and the Council that the efforts made by the mandatory Power to facilitate Jewish immigration without infringing the rights of the Arab population would be crowned with success.

The Sixth Committee has the honour to recommend to the Assembly the adoption of the following resolution:

"The Assembly,

"Having taken note of the work accomplished by the mandatory Powers, the Permanent Mandates Commission and the Council in regard to the execution of Article 22 of the Covenant:

"(*a*) Renews the expression of confidence in them voted by the past sessions of the Assembly and again congratulates them on what has been achieved through co-operation between them;

(*b*) Expresses its gratification at the constructive and particularly useful work which the Council has just performed with the help of the Permanent Mandates Commission in determining the criterion to be applied when it is proposed to bring to an end the mandate regime in respect of a country placed under that regime;

(*c*) Specially notes in the Council's resolution on this question the importance attached to guarantees for the effective protection of racial, linguistic and religious minorities;

(*d*) Expresses the hope, as in previous years, that, through the prosecution of the joint efforts of the mandatory Powers, the Council and the Permanent Mandates Commission, the mandatory system may continue to ensure the achievement of the ideal of civilisation proclaimed in Article 22 of the Covenant."

ANNEX 7.

A.VI/12.1931.

WORK OF THE COMMISSION OF ENQUIRY FOR EUROPEAN UNION.

LETTER FROM THE CHAIRMAN OF THE SECOND COMMITTEE TO THE CHAIRMAN OF THE SIXTH COMMITTEE.

In reply to your letter of September 16th, 1931 (Annex 1), I have the honour to inform you that the Second Committee, in preparing its reports for the Assembly, will not fail to take into consideration the material furnished by the work of the Commission of Enquiry for European Union.

The Second Committee has also considered whether the financial, economic, transit and health organs of the League would be in a position to satisfy, with the flexibility and promptitude which might be necessary, any demands the Commission of Enquiry might make.

After enquiring into the organisation and methods of work of these permanent organs, the Second Committee considers that, as a general rule—with the exception of certain special cases which may arise—these organs seem to be in a position to afford the Commission of Enquiry for European Union any assistance which it may ask of them.

The budget of the Financial Section and Economic Intelligence Service for the year 1932 does not, however, provide for any meetings beyond the three regular sessions of the Financial Committee and three meetings of special committees which will probably be required for the normal work of the Financial Committee. The preparatory work in connection with the scheme for an International Agricultural Mortgage Credit Company drawn up by the Commission of Enquiry has, during the present year, necessitated an outlay of 27,981 Swiss francs for meetings and 8,820

Swiss francs for printing expenses. The Financial Section and Economic Intelligence Service will not be able to satisfy any demands involving similar expenditure during the year 1932.

With regard to the problem of a pact of economic non-aggression, the Second Committee entirely agrees with the Sixth Committee that, in view of the special nature of this question, it would be advisable to entrust it to a special committee to be appointed by the Commission of Enquiry for European Union. It also considers that the question is of interest to the whole world, and it would therefore seem that the non-European States which the Assembly might invite to join this committee should be : Australia, China, India, Japan and Uruguay. The Council of the League of Nations might also be requested to invite the United States of America to join the committee.

(Signed) Paul Emile JANSSON,
Chairman of the Second Committee of the Twelfth Assembly.

ANNEX 8.

A.VI/9.1931.

PROTECTION OF MINORITIES.

DRAFT REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : Baron YRJÖ-KOSKINEN (Finland).

The Sixth Committee devoted its meeting on September 16th to an examination of that part of the Secretary-General's report on the work of the League since the last session of the Assembly which deals with the protection of minorities.

The German representative, who had moved that the question should be referred to the Sixth Committee, began by referring to the principles enunciated by M. Motta in the report he had submitted to the last Assembly and by Mr. Henderson in the speech he made before the Council on January 24th, 1931. He then gave a general analysis of the application of the system for the protection of minorities by the League of Nations during the past year, taking, in particular, as a basis the statistics published by the Secretariat in the *Official Journal* of August last in regard to petitions and the working of the Minorities Committees. The German representative indicated the direction in which he desired to see the present system developed. In his view, it would be advisable that Minorities Committees consisting of five Members of the Council should be constituted more frequently, that the Committees should ask the petitioners more often for information, and that means should be found for ensuring that the petitioners would be in a position to take note of the contents of the observations sent by the Governments concerned on the subject of their petitions, though that would not necessarily imply any recognition of their status as parties in a procedure in which both sides were to be heard. In this connection, the German representative emphasised the importance of securing the publicity of the result of the examination of questions by Minorities Committees in the largest possible number of cases. He pointed out, in particular, that, under the present system, it was impossible to know in which cases the non-publication of these results was due to the fact that the Committees did nothing in the matter, and in which cases the initiative of the Committees did not meet with the approval of the Government concerned. The German representative added that, in his view, further efforts would be necessary to arrive at a system for the protection of minorities which would operate without creating friction, but that he did not intend on that occasion to make definite proposals.

The Roumanian delegate pointed out, on behalf of Czechoslovakia, Greece, Poland, Roumania and Yugoslavia, that these States had an opportunity during the discussions in 1930 in the Sixth Committee to state their point of view on the question of minorities. These States have nothing to add to the declarations which were then made and which they maintain in their entirety, it being understood thereby that they are opposed to any extension of the Council resolution of June 13th, 1929.

The representatives of Hungary, Canada, the British Empire and France have also stated that they maintain the divergent and well-known views which their delegations had previously upheld. The delegate of Spain, after emphasising, in particular, the psychological side of the minorities problem, quoted the example of Spain, which is now engaged in settling the Catalan problem in accordance with the principles enunciated by the League of Nations in regard to the protection of minorities.

I would only add that I think we can express satisfaction, as our distinguished Chairman has already done, with the impartiality and moderation that have marked the discussion, and I would propose that the Committee transmit this report to the Assembly in order that it may take note of it.

ANNEX 9.

A.VI/7(1).1931.

WORK OF THE INTERNATIONAL ORGANISATION ON INTELLECTUAL CO-OPERATION.

DRAFT REPORT OF THE SIXTH COMMITTEE TO THE ASSEMBLY.

Rapporteur : M. SATO (Japan).

Last year the Assembly of the League of Nations was informed of the re-organisation plan prepared by the International Committee on Intellectual Co-operation to give a more clearly defined direction to its own activities and also to improve the methods of work of its executive organs, and, in particular, the International Institute of Intellectual Co-operation. The Assembly warmly approved the entire scheme laid before it by the Committee. This year we see the first results and are in possession of the authoritative opinion expressed by the distinguished men who met at Geneva in July under the chairmanship of Professor Gilbert Murray and M. Paul Painlevé on the value of the work accomplished.

I am glad to state that the Committee's opinion is, without exception, favourable to the new methods adopted, and that, generally speaking, it is entirely satisfied with the reforms recommended last year. I feel sure we can unreservedly endorse this verdict, and that for several reasons.

In the first place, the methods of work adopted by the Committee and its executive organs are based directly on the experience of the other technical organs of the League. These methods, skilfully adapted to the special requirements of the Intellectual Co-operation Organisation, will enable it to assume its appropriate place in the general scheme of the League's work, and to render to the several countries, and also to the community of States, the immense services we are entitled to expect. Without an intellectual rapprochement of the nations, without good mutual understanding and without concerted action to improve by mutual assistance and co-operation the conditions governing thought, scientific work and the education of the young, it is to be feared that the future of the League would be uncertain and the efforts we are elsewhere making to establish a durable peace would be largely wasted.

The feature of these new methods as applied by the International Committee on Intellectual Co-operation is to bring together, under its ægis, the best minds of the various countries to deal with education, art, literature or science. The international questions with which we have to deal in these spheres are innumerable. The Committee has made no pretence to elucidate all of these at once. It has made a judicious selection, and, when handling those which it has retained, it invariably calls upon the Institute of Intellectual Co-operation to summon a Committee of Experts consisting of the distinguished persons to whom I referred a moment ago. It thus enjoys the benefit of the best advice. It brings into intimate touch the different forms of culture, the most varied experience and the great tendencies of thought. It allows the experts to discuss direct, and without any intermediary, the questions with which they are concerned, to compare their methods and to communicate those that are most satisfactory. It thus proposes to promote and extend progress in all the various branches of intellectual activity. There is no need to add that, in many cases, it thus establishes a new international link between the national departments of education and fine arts and between the learned bodies and scientific institutions of the various countries. That is, if I am not mistaken, the supreme purpose of the League of Nations—that association of Governments and countries which we represent here.

The International Institute of Intellectual Co-operation places at the disposal of the Committees of Experts which I have just mentioned a body of officials whose work is arranged on the same lines as that of the Secretariat of the League. That number has been reduced, but the organisation has been made less rigid, so that the work as a whole does not suffer and their activities may be directed according to circumstances along the desired lines. Thus, a large proportion of the funds generously placed at the disposal of the Institute by the French Government and various other Governments—and I take this opportunity of thanking them—may be devoted to summoning the Committees of Experts. A large number of these will meet next year at the Institute of Intellectual Co-operation, which performs services of the utmost importance. Fairly large sums are also available for special investigations carried out by qualified specialists ; accordingly, the Council of the League of Nations, when dealing with international questions relating to intellectual organisation, has at its command, in the Committee on Intellectual Co-operation itself and the various bodies dependent on it, a well-planned and well-equipped organisation.

In reading the reports submitted to the Committee and the resolutions adopted by it, one is struck first of all by the important place it has given to educational questions. It is endeavouring to create direct contact between Ministries of Education both in connection with the universities and with secondary and elementary teaching. As regards universities, it has taken the opinion of the international students' associations and of the university offices, and soon their suggestions will be submitted by the Institute of Intellectual Co-operation to a committee of directors of higher education, which will have on its agenda such important problems as the equivalence of diplomas and the overcrowding of our universities.

It has undertaken an enquiry into the best methods to be employed to gain satisfactory results from the increasingly numerous journeys abroad undertaken by the young people of our secondary and elementary schools. In the course of the year, it proposes to bring our respective administrations into contact in order to ensure regular interchanges of scholastic documentation, material and methods and, in a word, to co-operate in pedagogical questions.

Special mention should be made of the work entrusted to the International Institute of Intellectual Co-operation in regard to educational broadcasting. The use of wireless in schools, and its utilisation in the teaching of adults and, more generally, for bringing about the rapprochement of nations and better mutual understanding between them, are subjects which have engaged the Committee's attention, and to which it will revert next year in the light of the information supplied to it and obtained both from the competent official department and the big international organisations, and especially from qualified experts in regard to the teaching of the young. The observations of the British and French delegations have strongly emphasised the importance of this question.

Among the fresh tasks undertaken during the year, there is one which deserves special mention. A certain number of institutes engaged in scientific research in the sphere of political, economic or social sciences have regularly sent representatives to the Paris Institute to study jointly various technical questions which interest them. It was decided this year that those institutions should henceforward hold an annual study conference, at which they would compare the results of their work during the year on one of the main international problems which call for attention from the political angle of the League of Nations. The originality of their work will consist in its being done in a purely objective spirit of scientific and disinterested research ; the results of their discussions should not take the form of recommendations or resolutions, and they should aim only at elucidating the questions submitted to them. Thus, in one of the most vital and topical domains of intellectual co-operation, that of present-day international relations and of economic and political contacts, a fresh contribution of great value will be brought to the League of Nations.

I ought also to speak of the work of the Intellectual Co-operation Organisation in the sphere of scientific co-ordination resulting from the proposals of the Committee of Advisers presided over by Mme. Curie, in arts, bibliography, etc. A general feature which characterises the various reports devoted to these questions is the practical character of the work undertaken. The Committee of Librarians and the Museums Office are concentrating their efforts on facilitating co-operation between the great national institutions. Thus, to take one example, an important conference, summoned and organised by the International Museums Office, will shortly be held at Athens, and will bring together delegations of nearly all our Fine Arts Administrations. This conference will study a question which is of great importance to numerous countries in every continent —that of the conservation of artistic and historical monuments. New technical methods have recently been introduced ; these will be compared and studied, and the best of them will be noted and generalised, and thus, in a few days, the technical administrations concerned will be able to give each other valuable assistance which will facilitate their future work and will undoubtedly save them a great deal of time and perhaps money.

In this connection, I must not forget to thank the Greek Government, which has generously helped the International Institute of Intellectual Co-operation to organise this great meeting.

The protection of intellectual rights also remains on the agenda of our Intellectual Co-operation Organisation. Valuable co-operation has been established in this respect between the institutions concerned, the Berne Bureaux, the Secretariat of the League of Nations, the Rome Institute for the Unification of Private Law and the International Labour Office, which henceforward will hold an annual meeting at the International Institute of Intellectual Co-operation to organise jointly the work to be done in this connection.

But it is not only the material rights of intellectual workers of all kinds which preoccupy our Committee. It has decided to approach the great problems which are of most direct importance to human culture and to give men of science and thought the place which is their due in national and international contemporary life. These lofty considerations belong to the sphere of the Permanent Committee of Arts and Letters, which met this year at Geneva. It drew up a programme which will be carried out in the course of the year and which will respond to the request so often made to the League of Nations to arrange for a wide interchange of thought between those who devote themselves to the sphere of intellect. Several delegations have expressed their satisfaction in the Sixth Committee at seeing the question reach the stage of practical realisation.

It remains for me to refer rapidly to two or three particular points which deserve the Assembly's attention. First of all we have instruction with regard to the League of Nations and the methods of international co-operation which it has introduced. A fresh impulse has been given this year to the work undertaken in liaison with the Ministries of Education and with the main international associations. Last year, the Assembly approved the programme drawn up by the Committee to solve the often-debated question of school handbooks. A complete documentary report has been drawn up by the International Institute of Intellectual Co-operation. It relates all the measures taken in the different countries to remove from schoolbooks passages harmful to friendly international relations. It outlines the methods employed and the results obtained. When it came before the Committee, the latter decided that a committee of historians and educational experts should study it and should draw the necessary conclusions, and that these conclusions would be submitted to us next year.

The Intellectual Co-operation Organisation has this year received two requests for assistance of which we are glad. One came from the International Labour Office, which was already so

closely associated with our work through its Committee on Intellectual Workers. At its request, the Institute of Intellectual Co-operation has undertaken an enquiry into the utilisation of libraries and popular arts for the purpose of workers' spare time. In this way, the Intellectual Co-operation Organisation will contribute to the solution of a social question which is of interest to all of us; and it will do so in a most useful way by endeavouring to open the spheres of art and culture to the working classes.

Secondly, the League of Nations has received from the Chinese Government a request with a view to a larger development of intellectual collaboration between China and the other Members of the League of Nations. This request has as its object that the League should "find advisers to assist the development of the Chinese educational system and facilitate the intercourse between the centres of intellectual activity in China and abroad."

As far as education is concerned, the request has been referred by the Council of the League of Nations to the Intellectual Co-operation Organisation, which immediately made arrangements to send four distinguished educational experts to Nanking. The eminence of the persons which it reappointed is in itself a sufficient proof of the importance attached by the League of Nations to the Chinese Government's request. I am sure that the Assembly will warmly approve of the steps already taken and will unanimously associate itself with this great enterprise.

Lastly, the Committee on Intellectual Co-operation asks us to urge Governments to take an active part in the preparation of the International Exhibition of Popular Arts which the Swiss Government is organising on a magnificent scale at Berne in 1934. Thanks to the initiative of the Intellectual Co-operation Organisation, which held a general congress of popular arts at Prague in 1928, new vigour has been infused into the study of this essential and popular form of culture. The beautiful volumes published by the International Institute of Intellectual Co-operation on the Prague Congress show the importance of these researches, which will be given full prominence by the generous initiative of the canton of Berne and the Swiss Government.

During the debates, the Polish delegate presented to the Committee a draft resolution, which is reproduced in the Minutes of the meeting, and according to which the International Committee on Intellectual Co-operation would be requested to study a scheme for a world conference of educators on international co-operation.

Owing to lack of time, the Sixth Committee was unable to discuss this suggestion. M. de Reynold, Rapporteur of the International Committee, who was present at the meeting, expressed, however, the opinion that the programme of the International Committee in regard to education was already in conformity with the aims of the Polish resolution. It should be noticed that the object of this draft resolution was to obtain the opinion of the International Committee on Intellectual Co-operation on this question. In these conditions, and as, moreover, the International Committee will give very careful attention to the records of this Committee, it would seem that the desire of the Polish delegation will be attained.

In conclusion, and referring to the observations expressed by several members of the Sixth Committee, I would draw the Assembly's attention to the universal character of all the work undertaken by the Intellectual Co-operation Organisation. It is concerned equally with all continents and all countries. Though some activities may appear at first sight to be more limited in scope, their object is to secure closer relationship between the various great cultures of the world. This applies, for example, to the publication of a collection of Latin-American classics, for which the International Institute of Intellectual Co-operation is arranging.

The common interest of all nations in this international work is, moreover, shown by the development of the National Committees on Intellectual Co-operation, whose activities are steadily expanding and whose number has again increased this year. During the Committee's discussions, attention has been drawn to the utility of the liaison work carried out by the national committees between the learned bodies and institutions dealing with intellectual work in their respective countries. A further proof of this interest is the growing tendency of the various national administrations interested in intellectual questions to establish contact with the Central Organisation of the League. There is now a regular machinery of intellectual co-operation with a centre which is international, but is connected more and more closely to the bodies representing in each country the interests of the mind and of literary, artistic or scientific culture. As a representative of an Asiatic State, I am particularly gratified by the development of these intellectual exchanges, through which the countries of the East, and particularly my own country, are united ever more firmly with the other Members of the League.

In these circumstances, the Assembly will be happy to approve the proposal submitted to it that a Conference of the National Committees on Intellectual Co-operation should be convened in 1934.

It will also be glad to accede, like the Council, to the desire of the International Committee on Intellectual Co-operation that the existence of the Intellectual Co-operation Organisation, composed of the bodies to which I have referred in the course of my statement, should be explicitly recognised. Furthermore, I would ask it to urge the various Governments to give material support to the International Institute of Intellectual Co-operation in response to the wish expressed by its Governing Body, after noting the work which the Institute had accomplished and the results secured.

Finally, we would offer our sincere thanks to the eminent members of the Committee on Intellectual Co-operation and the Committees connected therewith. The League of Nations is proud to have the assistance of such collaborators. It is happy to see these representatives of intellectualism, these unselfish workers devoting themselves to international tasks; it deeply

appreciates, for example, the resolution which they unanimously adopted in favour of the reduction of armaments. It realises that, for the success of all its enterprises, it must rely first and foremost on the support of those who direct and form public opinion and who have the noble task of training the minds of the young generations.

* * *

It is one of the pleasant duties of the Rapporteur of the Committee to give an account of the results of the work of the International Educational Cinematographic Institute at Rome. These results have been consistently encouraging, and the Governing Body of the Institute, which meets every year in October, is thus able to show in its report that the work accomplished already fulfils in a large measure the high aims which led to the creation of this Institute.

Up to the end of the year 1930, the efforts of the Institute were especially devoted to extending its relations with international organisations pursuing similar objects. For example, arrangements were made, in agreement with the Secretariat of the League of Nations, for promoting the production of educational films concerning the League.

The Institute has also undertaken enquiries in close co-operation with the International Child Welfare Committee, the Health Section of the League of Nations, the International Labour Office, the International Institute of Agriculture and the League of Red Cross Societies with a view to securing more co-ordination between the parallel efforts of theses institutions in the matter of education by the cinematograph.

The list of the results achieved by the Institute is too long for me to be able to mention them all ; they are concerned with the most various objects—hygiene, particularly social hygiene, education, etc. Comparative studies have been carried on the censorship of films in different countries, on cinematography as applied to agriculture, and on the social aspects of the cinematograph, among which may be mentioned its use for the prevention of labour accidents.

The preparatory work for a conference for the abolition of Customs barriers in respect of educational films is being continued. Thirty-eight replies, of which many are favourable, have been received from Governments. An impartial study of the opinions collected will be made by a Committee of Experts, so that any measures which the Governing Body of the Institute may finally take may be based on the wishes expressed by the Governments themselves.

One of the most notable achievements of the Educational Cinematographic Institute is the publications of its *Review*, which appears in five languages and to which contributions have been made by specialists throughout the world. This *Review* has aroused such great interest in the circles for which it was intended that the cost of its publication has been entirely covered by subscriptions and sales, which is very rarely the case with a publication of this kind. This shows that its success is most encouraging and that the monographs which are published in it reach a very wide range of readers.

I am sure the Committee will agree with me that the results realised by the Educational Cinematographic Institute are very satisfactory ; we hope and believe that they are not only a reward for efforts of the past but a promise of future achievements.

The Italian Government, to which the League of Nations is indebted for the creation of the Institute, continues to interest itself in the work and to give it support. It has once more shown its generosity this year by making the Institute an additional grant of 200,000 lire.

Draft Resolution.

The Assembly,

Having noted the reports of the International Committee on Intellectual Co-operation and of the Governing Body of the International Institute of Intellectual Co-operation (documents A.23 and A.24, 1931) ;

Noting with great satisfaction the results achieved during the year by the Intellectual Co-operation Organisation as a whole and expressing its gratification that the re-organisation effected last year has made it possible to carry on in the most effective way possible the international work of liaison and co-ordination which in the intellectual sphere appears essential to the future of the League of Nations ;

Approves the work undertaken in the different branches of intellectual activity and the programme of work drawn up for the coming year ;

Is particularly glad that special importance is being attached to education, and that a plan has been drawn up for promoting international co-operation in this respect and for spreading still further a knowledge of the League of Nations among the young ;

Expresses its satisfaction at the measures proposed to ensure regular co-operation between the official institutions dealing with the protection of intellectual rights ;

Has noted with satisfaction the new work undertaken to ensure an objective and disinterested study of the major international problems through the institutes engaged in the scientific study of international relations, and of the programme drawn up by the Committee of Arts and Letters for the League of Nations to assist, by arranging for regular intellectual exchanges in the international sphere, in defending the interests of culture and civilisation ;

Approves the steps taken by the Committee in response to the Chinese Government's request and anticipates the most happy results from this co-operation ;

Recognises the existence of the Intellectual Co-operation Organisation, comprising the International Committee on Intellectual Co-operation, which is the advisory body of the League of Nations ; the commissions and committees dependent on it ; the International Institute of Intellectual Co-operation, its executive organ, and the International Educational Cinematographic

Institute, these two institutes having been placed at the League's disposal under the conditions laid down in their respective statutes ; and the National Committees on Intellectual Co-operation, whose representatives may be called upon to meet occasionally in conference on the proposal of the International Committee on Intellectual Co-operation ;

Approves the summoning of a meeting of the National Committees on Intellectual Co-operation in 1934.

Having noted the report of the Governing Body of the International Educational Cinematographic Institute ;

Expresses its gratification at the results achieved ;

Is happy to note the progress of the preparatory work for the Conference for the abolition of Customs barriers for educational films ;

Expresses its satisfaction at the gratifying development of the *International Review of Educational Cinematography*.

Draws the attention of the States Members of the League of Nations to the experiments being made by a certain number of countries with regard to the use of broadcasting as a means of education ;

Approves the step taken by the Committee on Intellectual Co-operation in asking the Institute to undertake an enquiry, in co-operation with the other competent organisations, into the educational aspects of broadcasting ;

Recommends that this enquiry should cover all the possibilities of using broadcasting as a means for international rapprochement ;

Asks the States Members of the League to encourage the use of broadcasting to create better mutual understanding, to secure a more thorough comprehension of the international character of a large number of urgent problems and to permit of a more complete appreciation of the task of the League of Nations and of the aims which it has before it.

Drawing the attention of the States Members of the League of Nations to the initiative taken by the city of Berne and the invitation addressed to them by the Federal Government to participate n the Exhibition of Popular Arts in 1934 ;

Urges the Members of the League of Nations to associate themselves with this great international manifestation and to take suitable steps for this purpose.

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Abbreviations

Cttee. = Committee.
Govt. = Government.
Perm. = Permanent.
U. S. A. = United States of America.

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GENEVA, 1932.

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P = Plenary Meeting : C = Committee
Thus : C I = Committee No. 1
O. J. 10. 1931 = No. 10 of the *Official Journal*, 1931

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C. IV : 84 = Records of the Fourth Committee, page 84
O. J. 10. 1931 : 1904 = Number 10 of the *Official Journal* of 1931, page 1904 [1]

ABBREVIATIONS

Addit.	=	Additional
Art.	=	Article
Ass.	=	Assembly
Cl.	=	Council
Comm.	=	Commission
Cttee.	=	Committee
Conf.	=	Conference
Conv.	=	Convention
Del.	=	Delegation
Govt.	=	Government
I.L.O.	=	International Labour Office
Intell.	=	Intellectual
Int.	=	International
Memo.	=	Memorandum
Org.	=	Organisation
Para.	=	Paragraph
Perm.	=	Permanent
Resol.	=	Resolution
Rt. Hon.	=	Right Honourable
Sec. Gen.	=	Secretary-General
Suppl.	=	Supplementary
Temp.	=	Temporary
U.S.S.R.	=	Union of Soviet Socialist Republics
U.S.A.	=	United States of America

Note. = A numerical list of all documents published in the Records of the Twelfth Assembly (Ordinary) is appended to this index (see p. 60).

[1] Since the budget of the League and various financial questions appearing in No. 10 of the *Official Journal* were examined by the 4th Committee of the Assembly, it was thought desirable to index this volume in detail at the same time as the Records of the Assembly and its Committees.

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