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LEAGUE OF NATIONS

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MONTHLY SUMMARY OF THE LEAGUE OF NATIONS

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I. — Summary of the Month.

SEPTEMBER 1928

The principal meetings in September were the ninth ordinary session of the Assembly, and the fifty-first and fifty-second sessions of the Council.

* * *

The Assembly sat from September 3rd to September 26th. Delegates were accredited by the fifty following States : Abyssinia, Albania, Australia, Austria, Belgium, British Empire, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Dominican Republic, Esthonia, Finland, France, Germany, Greece, Guatemala, Haiti, Hungary, India, the Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Poland, Portugal, Roumania, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay and Venezuela. The Argentine Republic sent an observer; Bolivia, Honduras and Peru were not represented.

The heads of the delegations included the German and Austrian Chancellors, the Prime Ministers of Canada, Lithuania, Luxemburg, and Norway, the Foreign Ministers of sixteen States (Belgium, Great Britain, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Hungary, Latvia, the Netherlands, Poland, Portugal, the Kingdom of the Serbs, Croats and Slovenes, and Sweden) and the head of the Swiss Federal Political Department.

In his opening speech, the Acting President of the Council, M. Procope (Finland) welcomed Spain's decision to continue as a member of the League, expressed the hope that this example would be followed by Costa Rica, and laid especial stress upon the part played in the League's work during the year by several non-members, such as the United States, the Union of Soviet Socialist Republics, Turkey and Mexico. Reviewing the work of the past year he described as its outstanding features "the efforts made in the sphere of economics to establish cordial understanding and cooperation between nations; and the endeavour to create, by measures of an international political nature, that feeling of security without which the League's ideal cannot be attained".

Election of the President. — M. Herluf Zahle (Denmark) was elected President of the ninth Assembly, obtaining forty-four votes out of a total of fifty cast. M. Zahle, taking the Chair, said that he interpreted this act as an honour done to his country, which had always been loyally and confidently attached to the high principles of international peace and justice by which the League had been continuously inspired. He proposed that telegrams should be addressed to Sir Austen Chamberlain and Dr. Stresemann, voicing the Assembly's regret at their absence and its wishes for their prompt recovery.

Distribution of Work. — The Assembly adopted its agenda and divided its work among the six following Committees, to which each of the States represented was entitled to send one delegate :

First Committee : Legal and Constitutional Questions. — (Arbitration and Security, Progressive Codification of International Law, Questions concerning the Permanent Court of International Justice); Chairman : M. Scialoja (Italy); Vice-Chairman : M. Erich (Finland).

Second Committee : Technical Organisations. — (Alcoholism, relations between the League and bodies set up under its authority, work of the Economic and Financial Organisation and of the Transit and Health Organisations); Chairman : M. Motta (Switzerland); Vice-Chairman : M. Veverka (Czechoslovakia).

Third Committee : Reduction of Armaments. — (Arbitration, security and the reduction of armaments; establishment of a League Wireless Station; private manufacture and publicity for the manufacture of arms); Chairman : M. Carton de Wiart (Belgium); Vice-Chairman : M. Unden (Sweden).

Fourth Committee : Budget and Financial Questions. — (Allocation of expenses, audited accounts, budget, staff questions, reports of the Supervisory Commission); Chairman : M. de Vasconcellos (Portugal); Vice-Chairman : M. de Modzelewski (Poland).

Fifth Committee : Social and General Questions. — (Traffic in opium and other dangerous drugs, protection and welfare of children and young people); Chairman : M. Matos (Guatemala); Vice-Chairmen : M. Fotitch (Kingdom of the Serbs, Croats and Slovenes); Mlle. Forchhammer (Denmark).

Sixth Committee : Political Questions. — (Slavery, Intellectual Co-operation, Mandates); Chairman : M. Marinkovitch (Kingdom of the Serbs, Croats and Slovenes); Vice-Chairman : M. Valdes-Mendeville (Chile).

General Committee. — The Chairman of the Assembly Committees are *ipso facto* Vice-Presidents of the Assembly. The Assembly elected six further Vice-Presidents who, with the Chairmen of the six Committees and the Chairman of the Agenda Committee, constituted its General Committee. The Vice-Presidents elected by the Assembly were : M. Adatci (Japan), M. Briand (France), M. Muller (Germany), Lord Cushendun (Great Britain), Mr. Mackenzie King (Canada), Mgr. Seipel (Austria).

As in preceding years, the Assembly appointed an Agenda Committee to determine the procedure for the inclusion of new questions on the agenda; it was composed of M. Ramon Caballero (Paraguay), Chairman; Sir William Harrison Moore (Australia), M. Emilio de Palacios y Fau (Spain), Count Lagarde, Duke d'Entotto (Abyssinia), Count Bonin-Longare (Italy), Jonkeer Van Eysinga (Netherlands), Dr. Veverka (Czechoslovakia).

* * *

The Assembly held nineteen plenary meetings, eight of which were devoted to the general debate on the work of the Council and the Secretariat and the measures taken to execute the Assembly's decisions. Thirty speakers took part in the discussion, the principal subjects dealt with being the work of the Arbitration and Security Committee, the reduction of armaments, economic questions and the protection of minorities.

The Pact for the renunciation of war as an instrument of national policy, signed in Paris the week before the opening of the Assembly, in several cases by the same delegates as represented their countries at Geneva, was welcomed by many speakers in the general debate as an important contribution to peace; it was also referred to in Committees, e.g. in the First Committee in the course of the debate on the Codification of International Law and the extension of methods of peaceful settlement, and in the Third Committee in the debate on disarmament.

The Assembly elected Spain, Persia and Venezuela to succeed China, the Netherlands and Cuba as non-permanent members of the Council, taking decisions on two requests for re-eligibility. Voting simultaneously with the Council, it elected

Mr. Charles Evans Hughes to succeed Mr. John Bassett Moore as judge of the Permanent Court of International Justice.

The relations between the League and Latin America were dwelt upon by several speakers, who expressed the hope that the Argentine Republic and Costa Rica might shortly resume membership of the League.

* * *

As in preceding years, the Assembly reviewed the whole body of work done by the League organisations and drew up the programme for the coming year. The more important decisions bore on the League's technical activities, in particular, the work of the Economic Organisation, and also on the question of the limitation and reduction of armaments in connection with arbitration and security. On both subjects there were protracted committee and plenary debates leading up to resolutions which defined the work still to be done, as well as the methods and means of action of the competent League organisations.

Interesting discussions took place on legal and constitutional questions, such as a possible revision of the Court Statute, the conditions of the Council and Assembly vote on requests for advisory opinions, and the codification of international law. During the session, Spain and Hungary signed the optional clause relating to the compulsory jurisdiction of the Court.

In the social and humanitarian field must be mentioned the decision of the Assembly to set up a commission of three members to enquire into the consumption of prepared opium in the Far East, the inclusion in the League programme of the question of alcoholism, which was referred to the Health and Economic Committees; the reorganisation of the refugee services, and the decision that the settlement of Armenian refugees in the Republic of Erivan should be carried out under the auspices of the League.

The Assembly ratified the choice of the Ariana Park as the site for the new Assembly, Secretariat and Library buildings, and approved the budget for 1929.

* * *

The Council held its fifty-first and fifty-second sessions from August 30th to September 8th, and from September 12th to September 26th respectively — both under the presidency of M. Procope (Finland).

These sessions were mainly devoted to preparing the Assembly discussions or measures to give effect to its decisions.

In the political field must be mentioned the Council's decision to give a fresh stimulus to the direct negotiations previously recommended with a view to the settlement of the Polish-Lithuanian question and the problem of the Hungarian optants.

II. — The Permanent Court of International Justice ⁽¹⁾.

1. — DEATH OF M. WEISS, VICE-PRESIDENT ⁽²⁾

The burial of M. Weiss, whose death was announced in the last Monthly Summary, took place on Wednesday, September 5th, at Montmorency, Seine et-Oise (France). The Members of the Court were represented by M. Loder (former Presi-

(1) This chapter, with the exception of No. 7, is based on information furnished by the Registry of the Court.
(2) See *Monthly Summary*, Vol. VIII, No. 8, page 217

dent), and the Registry by M. Garnier-Coignet, Secretary to the Presidency. The League Secretariat was represented by M. Buero and M. Haas.

On September 13th, on the occasion of the first public sitting held after the death of M. Weiss, the Court paid a tribute to his memory.

2. — ELECTION OF VICE-PRESIDENT AND MEMBERS OF CHAMBERS

At a meeting held on September 12th, 1928, the Court elected as Vice-President, in the place of M. Weiss, M. Max Huber, Former President of the Court.

The vacancies in the Court's Chambers resulting from the death of M. Weiss and from the resignation of Mr. John Bassett Moore were filled as follows :

Chamber for Communications and Transit Cases :

M. Loder and M. Altamira.

M. Loder was elected President of the Chamber.

Chamber for Labour Cases :

M. Oda was appointed to succeed Mr. Moore as substitute Member of the Chamber.

The mandates thus conferred will expire at the end of 1930.

Chamber for Summary Procedure for the year 1929 :

This Chamber will be composed as follows :

M. Anzilotti, President;

M. Huber;

M. Loder.

Substitute Members :

Lord Finlay;

M. Altamira.

3. — AFFAIR OF THE CHORZOW FACTORY (INDEMNITY MERITS)

On September 13th, 1928, the Court delivered judgment in this affair. An Order of the Court bearing the same date was also issued on the subject. This case, which was brought by the German Government against the Polish Government, has already given rise to a certain number of judgments, the summaries of which have been published (1).

The facts leading up to this judgment and the Order are briefly as follows :

In 1915, the German Government concluded with the *Bayerische Stickstoffwerke* Company of Trostberg, in Upper Bavaria, a contract for, amongst other things, the construction of a nitrate factory at Chorzow (Upper Silesia). The Reich was to exercise a measure of control over the Company, which, for its part, undertook the management of the factory. On December 31th, 1919, a new company called the *Oberschlesische Stickstoffwerke* was formed to which the Chorzow factory was sold, though the management and working of the factory remained in the hands of the *Bayerische*; the *Oberschlesische* was duly entered in the land register with the *Amtsgericht* of Königshütte as owner of the landed property of the factory. On July 1st, 1922, however, the tribunal just mentioned, which had become Polish following the transfer to Poland of a part of Upper Silesia, annulled the entry in the register, declared the situation

(1) See *Monthly Summary*, (Vol. VII, No. 12, page 351; (Vol. VIII, No. 3, page 66).

existing previous to the sale of the factory by the Reich to be reestablished and transferred the rights of ownership to the name of the Polish Government in the register : it based its action, first, on Article 256 of the Treaty of Versailles and, secondly, on the Polish law of July 14th, 1920. Shortly afterwards, the Polish Government caused the factory to be taken over and assumed the management of it. The *Oberschlesische* Company then took proceedings before the German-Polish Mixed Arbitral Tribunal at Paris and before the Polish Courts. In May, 1925, while these actions were still pending, the German Government took the matter up and instituted proceedings against the Polish Government before the Court.

The Court ruled that it had jurisdiction in the case by its Judgment No. 6 (August 25th, 1925) and, by Judgment No. 7 (May 25th, 1926), decided that the attitude of the Polish Government in respect of the *Oberschlesische* and *Bayerische* Companies had not been in conformity with the terms of the German-Polish Convention of Geneva.

Following this latter judgment, direct negotiations took place between the two Governments concerned. These negotiations, however, failed, and the German Government brought a fresh suit before the Court. The Respondent thereupon filed a preliminary objection which the Court overruled by its Judgment No. 8 on July 26th, 1927.

This suit was then heard on its merits and forms the subject of the judgment and Order of September 13th. The judgment contains the decision of the Court upon the submissions of the Parties and, in particular, establishes in principle that the Respondent must pay compensation to the Applicant; the object of the Order is to fix a procedure whereby the Court may be enabled to obtain the data necessary for the determination of the amount of this compensation.

In its judgment the Court first of all determines what actually are the points which it is asked to decide. The final submission of the Applicant as formulated in the course of the written and oral proceedings asks for judgment to the effect that, by reason of its attitude in respect of the *Oberschlesische* and *Bayerische* Companies—which attitude, as has already been seen, had been declared by the Court not to have been in conformity with the Geneva Convention—the Polish Government is bound to make reparation to the said Companies as a result of this attitude; the Court is also asked to adjudge that this reparation must take the form of compensation and to fix the amount of this compensation and the method of payment.

The main submissions of the Polish Government, on the other hand, are to the effect that the claims of the Applicant Government should be dismissed. In the next place, the judgment briefly sets out the facts of the case from the time of the creation of the Chorzow factory in 1915 until the date of submission of the last Application received by it in the case. Lastly, in the section of the judgment dealing with the law, the Court considers the contentions of the Parties and gives its decisions on them.

The Court, in the first place, arrives at the conclusions that by reason of the attitude adopted by the Polish Government in respect of the *Oberschlesische* and *Bayerische* Companies, that Government is under an obligation to pay to the German Government, as reparation, compensation corresponding to the injury sustained by the two Companies; this compensation is to consist not of two separate sums payable to each of these Companies, but of a lump sum. In the next place, the Court overrules the Polish Government's submissions based on the judgment given by its municipal tribunal in regard to the *Oberschlesische's* right of ownership, and on Article 256 of the Treaty of Versailles, the aim of which objections and submissions was to establish that in the calculation of the compensation an amount corresponding to all or a part of the injury sustained by that Company should be left out of account.

The Polish Government also prayed the Court to order the handing over to it by the German Government of all the shares of the *Oberschlesische*, which shares were in the hands of the German Government under a contract concluded with that Company; in the alternative the Polish Government prayed that judgment should be suspended. The Court dismisses both these claims.

Again, the German Government besought the Court to prohibit until June 30th, 1931, any exportation of nitrated lime or nitrate of ammonia to Germany, the United States of America, France or Italy, and, in the alternative, to adjudge that the Polish Government should be obliged to cease the exploitation of the Chorzow factory. The Court dismisses these claims, which have no bearing

on the injury already sustained, but only on that which might be suffered by the *Bayerische* in the future.

The Applicant Government also prayed the Court not to authorise the Respondent to set off against the compensation for the injury caused to the two Companies certain claims which the Respondent might have against Germany. The object of this submission, according to the Applicant, was to ensure that in the present case reparation should be really effective. The Court however declines to give a decision on this point, pointing out, first, that its jurisdiction is limited to cases specially provided for in treaties and conventions in force, and, secondly, that it is not called upon to contemplate the contingency of an attempt by one party to avoid compliance with its judgment.

As has already been seen, the Court, having decided in principle that compensation is to be paid, does not fix the amount. The fixing of the amount and of the method of payment is reserved by it for a future judgment to be given when it is in possession of the data necessary for the decision of these points. With a view to obtaining such data, it has made an Order referring certain questions to experts who are called upon in their replies to indicate definite figures.

The Committee will consist of three experts appointed by the President; with these experts will sit two assessors, each of the parties being entitled to appoint one of them. The enquiry will bear upon the three following questions : 1) the value of the Chorzow factory at the date of dispossession, 2) the financial results which would probably have been given by the undertaking if it had remained in the hands of the *Oberschlesische* and *Bayerische*, and, 3) the probable value thereof at the present time on the same hypothesis. The report of the experts will contain the reasoned opinion of each of them in regard to each question. It will be communicated to the Agents of the Parties and discussed by them at a public sitting of the Court, should they so desire. Afterwards the Court will determine the sum due by the Polish Government to the German Government.

The Court's judgment is given by nine votes to three. Lord Finlay and M. Nyholm, judges, and M. Rabel and M. Ehrlich, judges *ad hoc*, have appended to the judgment their separate opinions or observations.

4. — END OF THE FOURTEENTH (ORDINARY) SESSION

On September 13th, 1928, the President declared the Fourteenth (Ordinary) Session of the Court to be closed.

5. — SIGNATURE OF THE OPTIONAL CLAUSE BY HUNGARY

On September 14th, 1928, the Hungarian Minister for Foreign Affairs signed at Geneva the Optional Clause recognising the compulsory jurisdiction of the Permanent Court of International Justice, and made the following declaration :

On behalf of the Royal Hungarian Government, and subject to ratification, I declare that I recognise as compulsory, *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court for a period of five years to be reckoned as from the deposit or the instrument of ratification.

Geneva, September 14th, 1928.

{Signed} Louis WALKO.

6. — SIGNATURE OF THE OPTIONAL CLAUSE BY SPAIN

M. Quinones de León, Ambassador of Spain at Paris, signed on September 21st, 1928, the following Declaration regarding the Optional Clause of the Statute of the Permanent Court of International Justice :

On behalf of the Government of His Majesty the King of Spain, I recognise as compulsory *ipso facto* and without special agreement, in relation to any other

Member or State accepting the same obligation, that is to say, on condition of reciprocity, the jurisdiction of the Court for a period of ten years, in any disputes arising after the signature of the present declaration with regard to situations or facts subsequent to this signature, except in cases where the parties have agreed or shall agree to have recourse to another method of pacific settlement.

Geneva, September 21st, 1928.

(signed) QUINONES DE LEÓN.

7. — ELECTION OF A SUCCESSOR TO MR. JOHN BASSETT MOORE

The Hon. Charles Evans Hughes (United States) was elected by the Assembly and the Council, voting simultaneously, to succeed Mr. John Bassett Moore as Judge of the Permanent Court of International Justice.

As enjoined in the Statute of the Court, the Assembly and the Council proceeded independently to the election.

The voting in the Assembly took place by secret ballot, the number of votes cast being 48, the absolute majority 25 and the number received by Mr. Hughes 41. The Council, sitting privately, named him unanimously.

A few days later the President of the Assembly read a telegram of acceptance and appreciation from Mr. Hughes.

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*

The Hon. Charles Evans Hughes was successively Governor of New York State, Justice of the Supreme Court of the United States, Republican candidate for the Presidency, Secretary of State, head of the American Delegation to the Conference on the Limitation of Naval Armaments in Washington in 1921, and President of the sixth Pan-American Conference at Havana.

III. — Arbitration, Security and the Reduction of Armaments (1).

The Assembly reviewed the work of the Arbitration and Security Committee and that of the Preparatory Commission for the Desarmament Conference, which has been described in various numbers of the Monthly Summary during the past year.

The debates and resolutions of the Assembly are analysed below on the basis of the reports submitted.

1. — ARBITRATION AND SECURITY

After prolonged debates the Assembly inserted in the model conventions and treaties prepared by the Arbitration and Security Committee such alterations as it considered desirable, finally adopting resolutions concerning the submission and recommendation of these drafts and regarding the good offices of the Council.

The Assembly also passed resolutions regarding the proposals of the Committee on the compulsory jurisdiction of the Permanent Court of International Justice and the model treaty for strengthening means of preventing war.

The Arbitration and Security Committee had prepared six model conventions for the pacific settlement of international disputes, namely three model general conventions (A, B and C) and three model bilateral conventions (a), (b) and (c).

1) See Assembly Resolutions, page 283 and Annexes, page 298.

In order to establish between the general conventions A, B and C the connection which seemed to be lacking, the Assembly combined them into a single General Act which, without impairing the structure of the three conventions, increases their value as regards the simplicity of the system and the elasticity of the undertakings. This General Act consists of four chapters. The first chapter provides for the solution of all disputes and corresponds to model convention C; the second contemplates judicial settlement or arbitration for disputes of a legal character and corresponds to model convention B; the third, which contemplates arbitration for non-legal disputes, corresponds to model convention A; the fourth chapter of the General Act contains the general provisions of these three conventions (reservations, protocol clauses etc.) These provisions give States the possibility of acceding to the General Act as a whole or of limiting their engagements, if desired, to chapters 1 and 2 and 4, or even to chapters 1 and 4. "The Contracting Parties may benefit by the accessions of other parties only in so far as they have themselves assumed the same obligations" (Article 38).

This General Act further preserves the essential character which the Committee on Arbitration and Security had finally given to the three conventions. Like the latter, it is not a draft which requires to be negotiated upon or to receive signatures in order to become an effective instrument. It is a document which can be converted into a convention as soon as it is accepted, in its entirety, or in part, by two States. It will remain open indefinitely for the accession of all other States.

The Assembly invited all States, whether Members of the League or not, and in so far as their existing agreements do not already achieve this end, to accept procedure for pacific settlement either by becoming parties to the General Act, or by concluding draft conventions in accordance with the model bilateral conventions or in such terms as might be deemed appropriate.

It, moreover, requested the Council.

To inform all States Members of the League that, should States feel the need of reinforcing the general security conferred by the Covenant and of contracting for this purpose undertakings concerning the pacific settlement of any disputes which may arise between them, and should negotiations in connection therewith meet with difficulties, the Council would, if requested to do so by one of the parties — after it has examined the political situation and taken account of the general interests of peace — be prepared to place at the disposal of the States concerned its good offices, which, being voluntarily accepted by them, would be calculated to bring the negotiations to a happy issue.

As regards the question of non-aggression and mutual assistance, the Committee has drawn up three model treaties, namely a model collective treaty of mutual assistance, a model collective treaty of non-aggression, and a model bilateral treaty of non-aggression.

The Assembly recommended these treaties for consideration by States Members or non-Members of the League, and expressed the hope that they might serve as a basis for States desiring to conclude treaties of this sort. It voted a resolution concerning the good offices of the Council similar to that passed in connection with the General Act.

When the resolution on the treaties of mutual assistance and non-aggression was adopted by the Assembly, the Hungarian delegate stated that he was obliged to abstain from voting this resolution because it presupposed a state of mutual confidence which did not seem to him to exist in that part of Europe in which Hungary was situated.

The Assembly further adopted :

(1) A resolution drawn up by the Arbitration and Security Committee with a view to facilitating the accession of States to the clause of the Court Statute concerning the Court's compulsory jurisdiction.

(2) A resolution on the work of the Arbitration and Security Committee concerning Articles 10, 11 and 16 of the Covenant, by which the Assembly recommends to the Council the studies in question "as a useful piece of work..... which provides valuable indications as to the possibilities offered by the different articles of the Covenant and as to the way in which they may be applied..."

(3) A resolution concerning the model treaty to strengthen the means of preventing war prepared in accordance with a proposal of the German delegation. The Assembly recommended this treaty for consideration by Governments, expressing its conviction that the adoption of this resolution by a large number of States would serve to increase the guarantees of security.

* * *

The League Secretariat having, in accordance with a Council resolution of December 12th, 1925, published a "Systematic Survey of Arbitration and Treaties of Mutual Security deposited with the League of Nations", the Assembly, recognising the importance of this documentation and of the maps and graphs which the Secretariat proposed to establish, passed a special resolution inviting the Governments to cooperate with a view to facilitating this work.

Resolutions of the Council. — Immediately after the close of the Assembly the Council, on September 26th, took the necessary steps to give effect to these resolutions.

It instructed the Secretary-General :

(1) To communicate the General Act and the three model bilateral conventions on conciliation, arbitration and judicial settlement to all the States Members of the League and to Afghanistan, Brazil, Costa Rica, The United States, Egypt, Ecuador, Mexico, the U. S. S. R. and Turkey;

(2) to inform all States Members of the League that the Council is prepared to place at the disposal of the States concerned the good offices which they may be willing to accept voluntarily under the conditions set forth by the Assembly;

(3) to communicate the Assembly resolution concerning the compulsory jurisdiction of the Court to States which have not yet acceded to this clause, requesting them to intimate their intentions in the matter and to communicate at the same time the questions of international law the elucidation of which would, in their opinion, facilitate their accession to this clause;

(4) to communicate to States, Members or non-Members of the League, the model treaties of non-aggression and mutual assistance and the introductory note prepared by the Arbitration and Security Committee, together with the report of the Third Assembly Committee and the resolution adopted by the Assembly on the proposal of that Committee;

(5) to inform all States Members that the Council is prepared to place at the disposal of the States concerned the good offices which they may be willing to accept voluntarily in the conditions set forth by the Assembly.

The Council further took note of the Assembly resolution concerning the work of the Arbitration and Security Committee on Articles 10, 11 and 16 of the Covenant and adopted the studies in questions as a useful piece of work providing

valuable indications as to the possibilities offered by the different articles of the Covenant and the way in which they may be applied.

The Council referred to the Preparatory Commission for the Disarmament Conference the Assembly's recommendation concerning the study of the other articles of the Covenant.

2. — REDUCTION OF ARMAMENTS

After noting the work of the Preparatory Commission for the Disarmament Conference during the past year the Assembly passed a resolution emphasising the necessity of accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible.

It noted the efforts of certain Governments to prepare the ground for the future work of the Commission, and expressed the hope that Governments, among which differences of opinion still subsisted, would without delay, seek solutions which would enable that work to be brought to a successful issue. Finally, it proposed that the Chairman should keep in contact with the Governments concerned so that he might be apprised of the progress of their negotiations and be able to convene the Commission at the end of the present year or, in any case, at the beginning of 1929.

This resolution marks the culmination of a thorough study of the many aspects of the problem and of a long and difficult discussion. The Third Committee had before it two draft resolutions, one submitted by the French delegation, the other by the German delegation. In the report submitted to the Assembly these resolutions are analysed as follows :

Both drafts referred to the close connection existing between international security and the reduction and limitation of armaments, and both stated that the present conditions of security were such as to allow of a first step being taken towards disarmament. In the French Delegation's proposal, however, it was considered essential that the efforts of the Governments concerned to remove the technical differences which have hitherto hampered the work of the Preparatory Commission should be pursued and completed before the Commission was summoned, so as to enable the latter to meet with the best prospects of final success. Accordingly, the Council was requested in this draft to make an earnest appeal to the Governments to seek agreed solutions which would enable the work of the Preparatory Commission to be speedily resumed and brought to a successful issue. The draft concluded by proposing that the Assembly should express the hope that these solutions might be arrived at in sufficient time to enable the Commission to meet at the end of the present year or, should this not be feasible, at the beginning of 1929.

On the other hand, the German delegation's proposal, while recognising the importance and desirability of direct negotiations between the Governments concerned, expressed the opinion that, in the event of the failure of such negotiations, the Conference for the Limitation and Reduction of Armaments should itself decide any questions which had still to be settled. According to this draft, the Assembly was therefore to request the Council to fix a date in 1929 for the meeting of the Conference, while leaving it to the President of the Preparatory Commission to convene the Commission at such time as would enable the programme of the Conference to be drawn up.

The Third Committee succeeded in reconciling the different points of view to a considerable extent. It recognised that the present situation was such as to allow of definite results being obtained in connection with the first step towards the reduction and limitation of armaments; it considered that the general political situation was continually improving and that the various difficulties which had hitherto held up the work of the Preparatory Commission were beginning to diminish. Both the Committee and the Assembly, however, did not think that a definite date should be given for the next meeting of the Prepara-

tory Commission, but they unanimously recommended that a meeting should take place at the end of this year, or in any case at the beginning of 1929.

With regard to the convening of the Conference for the Limitation and Reduction of Armaments, the general impression was that the Preparatory Commission, at the close of its next session, would certainly think it desirable to make a general report to the Council on the possibilities of the first general conference and the date on which it might be held.

The Third Committee, finally, clearly emphasised that the work of the Preparatory Commission and of the Arbitration and Security Committee would have to be systematically pursued so as to render possible at later stages the gradual limitation and reduction of armaments in proportion to the growth of security.

The German and Hungarian delegations abstained from voting on this resolution, explaining their reasons in statements to the full Assembly. The Hungarian delegate, General Tanczos, said that the resolution contained no allusion as to the convening of the first conference for the reduction and limitation of armaments and, in these circumstances, the present position of Hungary as a country unilaterally disarmed ran the risk of being indefinitely prolonged.

Count Bernstorff (Germany) also protected against the failure to fix a date for the first conference for the reduction and limitation of armaments, despite the fact that, in his opinion, the present political situation made this immediately possible. He added that the German Delegation was prepared to continue to cooperate loyally in the work of the Preparatory Commission.

* * *

In execution of the Assembly resolution, the Council on September 26th instructed the Chairman of the Preparatory Commission to keep in contact with the Governments concerned so as to be apprised of the progress of their negotiations and to be able to convene the Commission at the end of the present year or, in any case, at the beginning of 1929.

Supervision of the Private Manufacture and Publicity for the Manufacture of Arms, Ammunition and Implements of War. — At the August session of the Special Commission studying this question all its members succeeded in reaching agreement as to the principle of the extension of publicity to government manufacture. Differences of opinion, nevertheless, remained as regards the extent of such publicity.

The Assembly accordingly invited the Council to make an appeal to the Governments represented on the Special Commission to examine carefully the differences of view revealed during the last session of the Commission in order that the work might be completed as soon as possible.

The Council on September 26th appealed as requested to the Governments concerned and instructed the Chairman of the Commission to convene the Commission before the December session of the Council.

Composition of the Preparatory Commission and of the Special Commission on the Private Manufacture of Arms. — Following the elections of September 10th, the Council made certain arrangements regarding the composition of these two bodies.

It invited two of its newly elected members, Persia and Venezuela, to send representatives to the Preparatory Commission; it invited two of its retiring members, China and Colombia, to continue to take part in its work. No special decision was necessary as regards Spain and the Netherlands, who have been represented on the Preparatory Commission since the beginning.

The Council decided that its three retiring members—China, Colombia and the Netherlands—should continue to sit on the Special Commission for the Supervision of the Private Manufacture of Arms. It invited its three new members—Spain, Persia and Venezuela—to be represented on the Special Commission.

3. — FINANCIAL ASSISTANCE TO STATES VICTIMS OF AGGRESSION

The work of the Joint Committee on Financial Assistance to States Victims of Aggression had left pending certain questions of a political nature, in regard to which the Assembly gave definite instructions for future work. Thus the Assembly decided that the scheme for financial assistance should be drawn up in the juridical form of a special convention, it being understood that the future agreement would come within the framework of the League's general programme for the limitation and reduction of armaments.

Apart from certain reservations made concerning the possible exclusion of the case of a mere threat of war, the Assembly agreed that, in the text of the convention to be prepared by the Committee, financial assistance should be provided for, not only in the case of war in violation of the provisions of the Covenant as mentioned in Article 16, but also in the case of war or threat of war referred to in Article II.

The Assembly finally agreed with the Financial Committee that the question of intervention should be decided solely by the Council without the collaboration of the other signatories of the Convention not represented on the Council. As for the right under Article 4, paragraph 5, of the Covenant, of every Member of the League not represented on the Council to "send a representative to sit as a Member in meetings of the Council during the consideration of matters specially affecting that Member of the League", the Assembly thought that there would be no objection to drafting the proposed convention in such a manner that the signatories would, by the mere fact of their accession, or even explicitly, renounce this right.

The Financial Committee will be invited to continue the preparation of this scheme in the form of a draft convention for submission to next year's Assembly.

4. — PRESIDENCY OF THE INVESTIGATION COMMISSION ON HUNGARIAN ARMAMENTS

The Council appointed Major General B. R. Kirwan, C. B., C. M. G., to replace Major General Clive, C. B., C. M. G., D. S. O., as President of the Investigation Commission on Hungarian armaments.

This appointment is made for the remainder of General Clive's original term of office, i.e. until the end of 1928.

IV. — Legal and Constitutional Questions.

1. — COSTA RICA AND THE LEAGUE (1)

In reply to the communication addressed to it by the Council on September 1st, the Costa Rican Government forwarded the thanks of its Council of Ministers and informed the Council that it had decided to submit to its constitutional Congress the invitation to resume membership of the League, requesting that body to vote the necessary funds for the payment of Costa Rica's contribution.

(1) See *Monthly Summary*, Vol. VIII, No. 8, p. 223.

This reply was communicated to the Council on September 8th. The President, M. Procope (Finland), speaking in the name of the Council, expressed his satisfaction at news which enabled the Council to hope that Costa Rica would, in the near future, resume her place among the Members of the League.

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

On September 10th the Assembly elected Spain (46 votes), Persia (40), and Venezuela (35) to succeed China, Colombia and the Netherlands as non-permanent Members of the Council.

On the proposal of its General Committee the Assembly had already passed a resolution pursuant to a request of the British, French and German Governments to the effect that the temporary provisions of 1926 should, exceptionally, remain in force this year, thus authorising a State Member to make a request for re-eligibility immediately after being elected to the Council.

The Swedish and Norwegian delegates voted against this proposal and made statements to the effect that, for reasons of principle, their Governments could not support the request of the British, French and German Governments.

The proposal was adopted, receiving 44 out of the 49 votes cast. Following this decision, Spain, on September 10th, submitted immediately after her election to the Council a preliminary request for re-eligibility. This request secured 37 votes, *i.e.*, more than two-thirds of the 47 votes cast. Spain, accordingly, is authorised to stand for election in 1931, at the end of her present term of office.

A request for re-eligibility presented by China, whose mandate has expired, secured 27 votes, *i.e.* fewer than two-thirds (34) of the total cast. Under the rules adopted in 1926 for the election of non-permanent members, a decision in favour of the immediate re-eligibility of a retiring member must be taken by a two-thirds majority.

3. — REDUCTION OF THE NUMBER OF COUNCIL SESSIONS

On September 21st, the Council, after an exchange of views between its members and the Secretary-General, decided to postpone this question till December.

4. — PROGRESSIVE CODIFICATION OF INTERNATIONAL LAW ^a (1)

The Assembly took certain decisions regarding the preparation of the First Codification Conference, the work of the Committee of Experts for the progressive codification of international law and the establishment of a general plan of codification.

The Assembly once more called attention to the fundamental importance, for the satisfactory operation of arbitral and judicial procedure, of the codification of international law, and emphasised the urgency which attached to the work to be done in this field in view of the remarkable extension which had been assured by a very large number of international conventions on pacific methods for settling disputes.

For reasons of economy, the Assembly decided that the First Codification Conference should not meet before the beginning of 1930, unless the Disarmament Conference was not held in 1929. In the latter case, the Codification Conference would meet in 1929. The choice of The Hague as meeting place was confirmed, the Netherlands Government having offered, subject to approval by Parliament to bear a part of the expenses not exceeding 128,500 francs.

(1) See Assembly Resolution, page 289.

As the question of nationality, which is on the agenda of the Conference, is of special interest to women, the Assembly expressed the hope that the Members of the League, when invited to the Conference, would consider the desirability of including women in their delegations.

The Assembly decided to reserve, with a view to subsequent conferences, two new questions which appeared to the Committee of Experts to be sufficiently ripe for international regulation, namely the legal position and functions of consuls and the competence of the Courts in regard to foreign States.

It recommended that the Committee of Experts should, when it next met, examine whether it would be possible and desirable to endeavour by the procedure of codification to formulate a declaration of the fundamental rights and duties of States.

The Assembly recognised that there would be advantages in indicating the full extent of the subjects which, without prejudging the order to be followed, it was proposed to cover by the work of codification. It accordingly requested the Council that the establishment of a systematic survey might be entrusted to a committee of three jurists to be chosen preferably from the members of the Committee of Experts.

It suggested that it would be desirable at the same time to distinguish, if possible, the subjects which should be reserved for the League technical organisations or international conferences already initiated by certain Governments, and the subjects which appeared capable of being dealt with by conferences of jurists.

The Assembly, moreover, emphasised the great immediate practical value of assembling together in the form of a code according to a methodical classification the various international conventions *i.e.*, those which are open to acceptance by States in general. It accordingly asked the Council to cause a study to be made by the above-mentioned committee of three jurists of the question of publishing as an accompaniment to the Treaty Series and in the form of a code—of which new editions would from time to time be produced—those general conventions which had the above-mentioned character.

5. — RATIFICATION OF AGREEMENTS CONCLUDED UNDER THE AUSPICES OF THE LEAGUE

The half-yearly report of the Secretary-General on the position as regards the ratification of agreements and conventions concluded under the auspices of the League was noted by the Council on September 1st.

A new feature of this report is that it now indicates the reservations made by the contracting parties when signing the agreements in question.

V. — The Technical Organisations.

1. — THE HEALTH ORGANISATION (1)

During the past year the Health Organisation arranged numerous conferences, sessions of commissions, study tours, courses and enquiries. In addition to the meetings of the Health Committee there was a serological conference at Frankfort on the Main, a conference of health experts on infant welfare in London, a general conference on the prevention of malaria in Geneva, a laboratory conference on the sero diagnosis of syphilis, and meetings of the Cancer Commission, the Smallpox and Vaccination Commission, the Malaria Commission, and many others. These meetings were by no means instances of isolated activity; they represented successive

1) See Assembly Resolution, page 290.

stages in the solution of international health problems the preliminary steps in connection with which had been taken earlier.

The collaboration with Latin-American countries was actively pursued, an important investigation on infant mortality carried on in seven European countries being conducted on similar lines by experts nominated by the health administrations in the Argentine, Brazil, Chile and Uruguay. The investigation in Europe is now completed and in a year or so the results of the enquiry in the Latin-American countries will be available. It will then be possible to utilise the experience acquired and compare the results of the measures employed to cope with infant mortality in various rural and urban districts in two widely separated parts of the world.

The work of the Eastern Bureau at Singapore developed satisfactorily, thanks to the support received from health administrations of Governments in that area.

In recent years the Health Organisation has extended its efforts and investigations to questions of social and rural hygiene. Groups of public health officers have studied hygiene and preventive medicine in Belgium, France, Germany, Hungary, India, the Netherlands and the Kingdom of the Serbs, Croats and Slovenes. An interchange will shortly take place in Italy. Two important results are attained by these interchanges: first the promotion of collaboration between the various health administrations themselves, as well as between them and the Health Organisation and, second, the dissemination of information concerning public health principles and practice.

This year was organised the first interchange on rural hygiene. Typical rural areas in six countries of Central and Western Europe were visited by a group of twenty-two health officers and sanitary engineers from different countries. In each area a complete study was made of the system of public health organisation and administration and, in addition, opportunity was given to examine the work of all other organisations, whether governmental or private, which exerted any influence on public health. Questions of public instruction were studied in the public schools, the activities of cooperative organisations were reviewed, schools of agriculture were visited, problems of medical education and assistance discussed, so that every participant was afforded an opportunity of studying rural hygiene as a whole. A detailed and comparative study was made of rural housing, water and milk supplies, sewage and its disposal etc. At the final conference held in Geneva nearly all the participants declared their intention of applying in their own districts some of the practices or methods studied in other countries.

The Assembly noted the reports on the work of the Health Organisation, expressed its appreciation to the health administrations of the various Governments who had collaborated with the Organisation in the different branches of its work and congratulated the Organisation on the development of its activity in non-European countries.

2. — THE ECONOMIC AND FINANCIAL ORGANISATION

a) *Work of the Economic Organisation* (1).

The League Economic Organisation, as reorganised by the Council according to the suggestions made by the Assembly in 1927, endeavoured during the past year to give effect to the recommendations of the Economic Conference (commercial agreements, customs tariffs, industrial agreements, coal and sugar industries, abolition of export and import prohibitions and restrictions etc.); at the same time it continued its enquiries concerning the treatment of foreign nationals and enterprises, the unification of legislation on bills of exchange, promissory notes, and cheques, the execution of foreign arbitral awards, etc.

(1) See Assembly Resolution, page 290

The Assembly expressed its confidence that the Economic Organisation would successfully carry out the important tasks still assigned to it, dealing with them if necessary in an order corresponding to their respective importance and urgency and the possibility of reaching practical results, with due regard to the manifold and occasionally divergent interests involved.

The Assembly then set forth the points upon which the Economic Organisation should bring its main efforts to bear. It recommended that the Economic Committee should pursue its work with a view to framing a doctrine in regard to commercial policy and preparing collective agreements to facilitate by a milder customs regime the movement of certain products which are of special importance or which lend themselves more particularly to treatment of this kind.

It also recommended that the investigations undertaken in regard to veterinary measures should be continued. In the opinion of the Assembly, the completion of these studies is essential in order to enable regulations to be cleared from a suspicion of veiled protectionism, and to promote the greater freedom of trade advocated by the Economic Conference.

The Assembly expressed the hope that the preparatory work for the establishment of a simplified uniform customs nomenclature would soon be successfully concluded, in order to facilitate tariff agreements and increase the efficacy of the most-favoured-nation clause.

In regard to the problem of coal and sugar, which figure on the agenda of the Economic Committee, the Assembly expressed the hope that this work would be carried through with all desirable energy, while not neglecting any of the interests involved, whether of producers or consumers — countries or persons — or workers.

The Assembly confirmed its interest in certain aspects of the problem of international industrial understandings, in particular the status of such understandings, their juridical forms, the legislation controlling them and the publicity concerning them.

The Assembly finally stated its opinion that the successful attainment of the objects contemplated by the Economic Conference would generally depend upon the measure in which it would prove possible to harmonise the interests of agriculture and industry, account being taken *inter alia* of the particular position of countries which are mainly agricultural or in the early stages of industrial development.

b) *Work of the Financial Committee* (1).

The work of the Financial Committee was considered by the Council and the Assembly.

Three of the principal financial questions on which the League has been active, namely refugee settlement and stabilisation in Greece and Bulgaria, and financial assistance in case of war or threat of war are dealt with in special chapters. Other questions, which are developing regularly or are still in the initial stage, include that of the settlement of financial obligations arising from Greco-Bulgarian emigration, the Austrian and Hungarian loan balances, an enquiry into the problem of the undue fluctuations in the purchasing power of gold, the currency and banking reform in Estonia, and the Danzig Municipal Loans.

c) *Bulgarian Refugee Settlement and Stabilisation Loan* (2).

Questions connected with the Bulgarian stabilisation scheme and the refugee settlement work were considered by the Financial Committee, the Council and the Assembly, which expressed the hope that the issue of the loan of £5,000,000 sterling necessary for the execution of the scheme might meet with success.

(1) See Assembly Resolution, page 292.

(2) See Assembly Resolution, page 292.

The Bulgarian refugee settlement scheme has now been in operation for two years. The initial difficulties in procuring land for refugees are gradually being overcome and, in the opinion of the League Commissioner in Sofia, approximately 30,000 refugee families will have been furnished with land by the end of the year. The remaining three to four thousand families—the original settlement plan specified 33,000 as the total number—will be established on land reclaimed for cultivation by marsh drainage and flood protection works.

More than two thousand houses have been built and large quantities of equipment and draft animals have been distributed.

Considerable progress has been made in eradicating malaria. The League Health Organisation and the Rockefeller Institution have given valuable assistance and certain villages are fighting the scourge at their own expense.

It is interesting to note that in the case of Bulgaria, as in the case of Greece, the Government, having sought the help of a League organisation in attacking a special problem such as that of refugees, has gone on from this to seek further collaboration for a wider scheme of financial reconstruction and currency stabilisation. This has resulted in the preparation of the Bulgarian stabilisation scheme, in connection with which a loan of £5,000,000 sterling will shortly be issued.

The Assembly expressed its satisfaction at the progress of the refugee work and congratulated the Financial Committee and the Bulgarian Government for having made a further valuable contribution to the economic and financial stabilisation of Europe.

* * *

The Council appointed M. René Charron, League Commissioner for refugees, as technical adviser to the Bulgarian National Bank.

d) *Greek Refugee Settlement and Greek Stabilisation Loan* (1).

The progress of the Greek refugee settlement work and the general financial position of Greece were examined by the Financial Committee, the Council and the Assembly, all these organisations expressing their satisfaction at the results obtained.

The regular quarterly reports of the Greek Minister of Finance and the Chairman of the Settlement Commission, were supplemented by a general survey prepared by the latter giving the results achieved by the Commission from the beginning up to the present time.

On agricultural and urban settlement, the Commission has spent altogether £9,000,000 sterling — nearly £8,000,000 on agricultural settlement and rather more than £1,000,000 on urban settlement. It has settled more than 143,000 families on the land and 28,000 in urban districts. Over 8,000,000 stremmas of land have been apportioned, 76,000 houses have been built and 7,000 are under construction. Special emphasis is laid on the impetus which this work has given to the general prosperity of Greece. Since 1923 the area under cultivation has been almost doubled; the total wheat crop rose from 600,000 tons in 1922/1924 to over 900,000 tons in the last two harvests. The output of tobacco has been doubled. Half the crop is produced by refugees.

The Commission draws attention to the fact that, although the bulk of the settlement work is finished, much remains to be done for the urban and the rural population whose equipment could, in many cases, be improved.

As regards stabilisation, the Assembly expressed its great satisfaction at the results achieved, which are comparable to those in Austria, Hungary and other countries. The scheme of stabilisation was embodied in a Protocol which came before the last Assembly and provided for a loan of £9,000,000 of which one-third was

(1) See Assembly Resolution, page 292.

for refugees, one-third for budget arrears, and one-third for the new bank of issue. Actually the loan was issued for £6,500,000 as the Greek Government had concluded an arrangement with the State and Treasury Department of the United States for a loan of \$12,167,000, which comes before Congress for ratification in the December session. The League loan, however, was issued in January in London and New-York, at the very favourable rate of 91 and 6 % interest. The new bank of issue was opened in May; the drachma was stabilised at 375 to the pound; the budget balances, though at a high figure.

e) *Suppression of the Offence of Counterfeiting Currency.*

The opinion of the Committee for the Progressive Codification of International Law on certain recommendations of the Mixed Committee on counterfeiting currency was noted by the Council on August 30th.

The Committee's examination of these recommendations led it to declare that in the case of the suppression of counterfeiting currency there were specially strong reasons in favour of the international regulation of extradition.

The Council instructed the Secretary-General to bring this opinion to the attention of Governments.

3. — COMMUNICATIONS AND TRANSIT

a) *Work of the Organisation (1).*

The Assembly noted and approved the work of the Organisation for Communications and Transit during the past twelve months.

In the sphere of maritime navigation, the study of the unification of tonnage measurement and the unification of buoyage and lighting of coasts is being pursued with the help of a large number of technical experts. As regards air navigation, the Organisation is endeavouring to ensure wider coordination of international activities in order to promote the cooperation of the greatest possible number of countries throughout the world.

As regards inland navigation, the Organisation drew up a convention on the tonnage measurement of vessels used in inland navigation. In connection with the question of road traffic it dealt with the unification of road signals and international conditions of commercial motor transport.

The Committee on Communications and Transit also dealt with the more general problem of the coordination of different modes of transport and the unification of transport statistics. It drew up a procedure for the study of obstacles which might hamper freedom of transit, began its examination of the question of the reestablishment of communications when the latter are affected by grave events of a general character and studied the problems of League communications in times of emergency.

It continued its work in regard to the execution of certain resolutions adopted by the Press Experts' Conference of last year.

No review of the Transit Organisation's work during the past year would be complete without a reference to progress achieved as the result of past activities such as the question of the reform of the calendar. A proposal of the Transit Committee that national committees should be formed to study the question of the general reform of the calendar, independently of the fixing of Easter, has been acted upon since the eighth session of the Assembly. A strong current of opinion has made itself felt in certain countries in favour of a study of this question, more particularly in commercial and industrial circles.

Touching on difficulties in connection with broadcasting, of which the Committee had been informed, the Assembly thought that it would be desirable that the

(1) See Assembly Resolution, page 202.

Committee should try to discover some means of establishing international agreements to ensure an equitable distribution of wireless wave-lengths among the various countries in order to diminish the probability of disturbances in broadcasting.

b) *Question of a League wireless station* (1).

The question of a League wireless station, to be created with a view to providing the League with independent communications in times of emergency, was examined by the Assembly, which finally agreed not to take an immediate decision on the subject.

Two proposals were laid before the Assembly, one for a station belonging permanently to the League, and the other for a station consisting of a short wave-length post, able to reach non-European countries, and a medium wave-length post, to be equipped and operated in ordinary times by the Swiss administration and to be handed over to the exclusive control of the League in times of emergency.

The Assembly considered that supplementary studies might with advantage be undertaken to determine, in the case of each proposal, the cost of installing the short wave post, the amount of revenue to be anticipated, and the communications which would regularly be established with other stations.

Before taking a decision whether it was necessary for the League to have, in times of emergency, a short wave-length post at its disposal, the Assembly thought that it would be desirable to obtain more definite information as to the facilities and guarantees which Governments might offer for the re-transmission of communications emitted by a minimum wave-length post.

The Assembly noted that, pending a final settlement of the question, the Swiss Government proposed to establish near Geneva the medium wave-length post, contemplated in its offer.

The Swiss Government did not, however, see its way to applying to its medium wave-length post, which it intended to set up in any case, the terms of its offer relating both to the medium length post and the short length post, the costs and profits of which were to be taken over by the League.

The Swiss delegation to the Assembly nevertheless declared that it would recommend the Federal Council to conclude with the League a *modus vivendi* which would effectively ensure the full freedom of the League's communications both in peace and in war.

c) *Communication from the International Air Navigation Commission.*

On the report of M. Zaleski (Poland), the Council took note of international regulations concerning the employment of symbols and terms used in aeronautical technology communicated to it by the International Air Navigation Commission.

This body, which is under the authority of the League, had, when forwarding these regulations to the Council, requested the latter, in the interests of uniformity, to recommend them to the States Members of the League.

The Council accordingly drew the attention of States Members to the work, accomplished by the International Commission with a view to the unification of these terms and symbols.

d) *Applications submitted under Articles 320 of the Treaty of Saint Germain and 304 of the Treaty of Trianon.*

Applications from railway companies whose lines as a result of the Peace Treaties are situated in the territory of several States, were examined by the Council on September 8th and 26th.

(1) See Assembly Resolution, page 292

Sopron-Kőszeg Railway Company. — The first application dealt with was from the Sopron-Kőszeg Railway Company, whose lines are situated in Austrian and Hungarian territory.

This Company had been unable to reach an agreement with the Austrian Government on the administrative and technical reorganisation of the line and it accordingly asked the Council to appoint arbitrators, in accordance with Article 320 of the Treaty of St. Germain (1).

The Transit Committee, to which the question was referred by the Council, expressed the opinion that the parties should be given time to come to terms. No friendly agreement having been reached, the Committee informed the Council that the aforesaid Treaty provisions applied to the case in point and that the Council should proceed to appoint the arbitrators requested by the Company.

At the Council meeting, the Austrian representative, M. Pflügl, said that, while maintaining its legal point of view, his Government associated itself with the request of the Company.

The Council, accordingly, at a later meeting, on September 26th, appointed M. Guerrero (Salvador), M. Kalff (Netherlands) and M. Mayer (France) to settle the dispute which stood in the way of agreement between the Company and the States concerned.

Boldva Valley Railway Company. — The second request was from the Boldva Valley Local Railway Company, whose lines are in Czechoslovak and Hungarian territory. This Company also asked the Council to appoint arbitrators as it had not been possible to reach an agreement concerning the reorganisation of the line.

From information forwarded to the Council by the Transit Committee, it nevertheless appeared that negotiations were proceeding between the Czechoslovak Government and the Company. The Council, therefore, in order to give the parties a further opportunity of reaching a friendly agreement, decided to postpone the appointment of arbitrators to its next session, on the understanding that the Chairman of the Transit Committee would give the parties all possible assistance in their negotiations.

4. — INTELLECTUAL COOPERATION (2)

a) *Work of the Committee and the Institute.*

The work of the Organisation on Intellectual Cooperation during the past year was characterised by important progress in the various fields with which it deals, intellectual rights, university relations, artistic and literary relations, science and bibliography, the education of the young in the aims of the League, etc., and by the development of its local means of action through the formation of national Committees on Intellectual Cooperation in Germany, Spain and Great Britain and the almost entire reorganisation of the Italian and other Committees.

The work of the Sub-Committee on Intellectual Rights marked a considerable step forward with the recognition of the moral right of the author over his work, one of the most important results of the Rome Conference on Copyright. In this connection the Assembly requested the Council to make arrangements for investigations concerning the desirability of a general agreement with a view to the unification

(1) Article 320 of the Treaty of St. Germain contained the following provisions :

“ With the object of ensuring regular utilisation of the railroads of the former Austro-Hungarian Monarchy owned by private companies which, as a result of the stipulations of the present Treaty, will be situated in the territory of several States, the administrative and technical reorganisation of the said lines shall be regulated in each instance by an agreement between the owning company and the States territorially concerned.

“ Any differences on which agreement is not reached, including questions relating to the interpretation of contracts concerning the expropriation of the lines, shall be submitted to arbitrators designated by the Council of the League of Nations. ”

The same provisions occur in Article 304 of the Treaty of Trianon.

(2) See Assembly Resolution, page 292.

of all laws and measures for the protection of intellectual property. The work of the Institute on Intellectual Cooperation in the matter of intellectual statistics was given a decisive impetus by the Congress of Statisticians at Cairo.

The Sub-Committee on University Relations pursued its work in connection with the organisation of holiday courses and study tours and considered the possibility of extending these advantages to secondary schools.

In the field of artistic relations, special mention must be made of the work of the International Museums Office and the contemplated extension of this work in favour of scientific museums and similar establishments. Careful preparation was made for a Popular Arts Congress to be held at Prague.

The literary work of the Organisation included a special study of the question of translations. In this respect an agreement has been brought about between the Institute and the Federation of P. E. N. Clubs.

In regard to the cinematograph, the Sub-Committee on Arts and Letters, bearing in mind the profound artistic and educational possibilities of this medium, emphasised the danger of cinematographic performances characterised by a spirit at variance with that of the League, an observation which the Assembly endorsed by a special resolution on the subject.

In the domain of science and bibliography, the Organisation is still confronted with problems which do not readily lend themselves to any immediately successful solution. Committees of Experts convened by the Paris Institute have prepared the material concerning the coordination of the work of libraries and scientific museums, preservation of prints and manuscripts, the question of dying languages and the unification of bibliographies and the various sciences. The Organisation's programme has now been extended to include the science of languages.

The work of the Committee on Intellectual Cooperation as regards the education of young people in the aims of the League is developing normally. An educational information centre has been established. The Assembly emphasised the paramount importance of the training of teachers for such teaching and also made recommendations concerning the systematic organisation of the international exchange of school children.

The Assembly expressed its satisfaction at the work of the Committee and Institute of Intellectual Cooperation. It noted that its recommendations in regard to subsidies to the budget of the Institute had been acted upon, so that the funds at the disposal of the Institute for 1929 now amount to roughly three million French francs. The French Government has increased its contribution by 500,000 French francs.

The Assembly drew the special attention of Governments to the resolutions of the Committee on Intellectual Cooperation, requesting them to give the greatest possible effect to those concerning the creation in national and central libraries of information bureaux, the preservation of prints and manuscripts, the suppression of customs duties on prints sent to libraries and recognised institutes, the adoption of measures for the preservation of primitive languages which are dying out etc.

b) *International Educational Cinematographic Institute.*

The draft statutes of the International Educational Cinematographic Institute were approved by the Council on August 30th, after having been submitted to various organisations for their observations (The Committee on Intellectual Cooperation, the Child Welfare Committee, and the International Labour Office).

On September 26th the Council appointed the Governing Body of the Institute.

Statutes. — The Institute will work under the direction of the Council advised by the Committee on Intellectual Cooperation. The Governing Body will be composed of an Italian Chairman and of fourteen members, as far as possible

of different nationalities, appointed by the Council of the League. The Secretary-General of the League, the Director of the International Institute of Intellectual Cooperation, the Director of the International Labour Office, and the President of the International Institute of Agriculture may be represented at the meetings of the Governing Body in an advisory capacity.

A Standing Executive Committee composed of the Chairman of the Governing Body and five other members of different nationalities will supervise the working of the Institute. The Director will be appointed by the Governing Body.

The statutes further contain indications regarding the work of the Institute and its financial and administrative regulations. This work will consist mainly in the constitution of an international collection of films and cinematographic material and of a general catalogue of instructive films. The financial and administrative regulations will be drawn up by the Governing Body and submitted to the Council for approval.

The conditions in which the International Labour Office would be represented on the Governing Body gave rise to an exchange of views between the Director of the International Labour Office, the French representative and the Rapporteur, M. Scialoja, following which it was agreed that the Director of the International Labour Office might take part in the meetings of the Governing Body in the same conditions as the Secretary-General of the League.

The Council appointed the following persons to sit on the Governing Body of the Institute :

Professor Alfredo Rocco (Italian), President of the Governing Body, Member of the Committee on Intellectual Cooperation.

Professor Gilbert Murray (British), Chairman of the Committee on Intellectual Cooperation.

Professor Gonzague de Reynold (Swiss), Member of the Committee on Intellectual Cooperation.

Professor Ragnar Knoph (Norwegian), Member of the Sub-Committee on Intellectual Rights.

Dr. Vernon Kellog (American), Secretary-General of the National Research Council of the United States, Member of the Sub-Committee on University Relations.

Dr. Hugo Krüss (German), Director of the Prussian State Library, Member of the Sub-Committee on Science and Bibliography.

Professor Henri Focillon (French), Member of the Sub-Committee on Arts and Letters.

Don Pedro Sangro y Ros de Olano (Spanish), Member of the Child Welfare Committee.

Professor Inaze Nitobé (Japanese), former Under-Secretary-General of the League of Nations, Member of the Japanese Imperial Academy.

Dr. R. P. Paranjpye (Indian), former Minister of Education at Bombay, Member of the Council of the Secretary of State for India in London.

Mlle. Gabriela Mistral (Chilian), former director of a secondary school for girls, writer.

M. Scialoja having pointed out that certain specialists on the educational cinematograph might usefully take part in the work of the Governing Body, the Council decided to make these appointments at a later session.

c) Relations between the League and Bodies set up under its Authority (1).

The Assembly approved the rules adopted by the Council on June 7th for the application of the general principles to be followed in placing international bureaux

(1) See Assembly Resolution, page 294.

under the direction of the League (Article 24 of the Covenant) as well as the general rules which might in future govern the acceptance of such institutes by the League.

On the first point the Assembly endorsed the views of the Council concerning the application of Article 24 of the Covenant, It considered that, while retaining their constitutional autonomy, the international bureaux in question would function more or less as extensions of the League itself within limited specialised fields. It would be for the League to see that these organisations preserved their international character, carried on their work efficiently and did not overlap the work of other institutions. If conceived and carried through on these lines, the placing of an international bureau under the direction of the League could, the Assembly considered, do nothing but good to both parties.

As regards the second point, the Assembly also approved the general rules proposed by the Council which were based of the fundamental principle that the object of such institutes must come within the sphere of activity of the League, the institute serving as a working instrument.

The Assembly was particularly anxious that any institute thus established should be attached to an advisory technical League organisation.

The Assembly, moreover, expressed the desire that when an institute of this kind was created its financial statutes should also be examined with a view to ascertaining whether it possessed sufficient funds to allow of the effective fulfilment of its duties.

The Assembly emphasised that the nomination of members both to the governing body and the senior staff of such institutes should be made without distinction of sex and with due regard to the international character of the institute.

VI. — Administrative Questions.

1. — DANZIG

The Danzig-Polish Agreements. — The agreements concluded on August 4th between Danzig and Poland concerning the utilisation of the Westerplatte and the access to and anchorage in the port of Danzig for Polish war vessels were noted by the Council on September 8th.

The Council congratulated the parties on the conclusion of these and other agreements reported by the High Commissioner and expressed the hope that the negotiations regarding other questions still pending between Danzig and Poland would be brought to a successful conclusion.

Appointment of the League High Commissioner at Danzig. — The Council appointed Count Manfredi Gravina (Italian) League High Commissioner at Danzig. The appointment is for three years, from June 22nd, 1929.

The present High Commissioner, Dr. van Hamel, whose mandate expires on February 21st next, will continue in office until June 21st, 1929. The Council thanked Dr. van Hamel for the services he had rendered the League during his period of office.

2. — MANDATES

The work of the Permanent Mandates Commission at its thirteenth session was examined by the Council.

The Assembly reviewed the whole body of the work accomplished by the Commission during the past year.

I. RESOLUTIONS OF THE COUNCIL.

On September 1st the Council decided to transmit to the mandatory powers the suggestions and recommendations of the Mandates Commission. The statements made at the Council meeting, together with the principal resolutions on general questions arising from the application of the mandates which are being studied by the Commission, and reports examined at its thirteenth session are summarised below.

1. *General Questions.* — The Council requested the Permanent Mandates Commission to institute a general enquiry into the whole question of the treatment in countries Members of the League of persons belonging to mandated territories and of produce and goods from these territories. On this occasion the Council drew attention to its resolution of September 15th, 1925, concerning the extension to mandated territories of special international conventions. This resolution concerned a special aspect of the application of the principle of economic equality as defined in Article 22 of the Covenant.

The Rapporteur, M. Beelaerts van Blokland, furnished the following explanations on the subject :

Mandates A and B lay down the principle of economic equality for all nationals of States Members of the League and for goods coming from these countries. These nationals and goods therefore benefit *ipso facto* in A and B mandated territories by a clause which is practically equivalent to the granting of most-favoured-nation treatment.

On the other hand, the authors of the Covenant, who clearly desired to secure for mandated territories and their inhabitants, if not a privileged position, at least as favourable an economic regime as possible, did not insert in Article 22, which deals with the mandate system, any clause on behalf of these territories to the effect that States Members of the League were bound to ensure what may be termed reciprocity as regards the principle of economic equality. There can, however, be no doubt as to the intention of the Covenant in this respect.

In this connection the Council had already adopted in 1925 a resolution inviting the mandatory powers and all States, Members or not of the League, which had concluded special treaties or Conventions with the mandatory powers to agree to extend the benefits of such treaties or conventions to mandated territories, if circumstances rendered such extension possible and expedient, and if the provisions of these international agreements were consistent with the stipulations of the Covenant and the mandate.

One of the circumstances which led the Mandates Commission to revert to this question was a communication by the French Government of an exchange of notes between France and Liberia. In these notes the French Government, which as mandatory for Syria ensures the protection of Syrian nationals abroad, protested against a decree concerning Syrian and Lebanese merchants residing in Liberia. It requested that Syrians and Lebanese resident in Liberia should be subject to the same regime as Liberians resident in Syrian and Lebanese territories.

In these circumstances the Council renewed its recommendation of 1925 and instructed the Mandates Commission to proceed to a study of the general question involved.

The Liberian representative, Baron Lehmann, who attended this meeting of the Council, expressed the hope that the negotiations pending between his Government and the French Government, or the interpretation that might finally be given, would confirm the principle of good relations between States.

The French representative, M. Paul-Boncour, thanked the Liberian representative for this statement, adding that the resolution adopted by the Council gave full satisfaction to the aim of the French Government in addressing this communication to the Mandates Commission.

* * *

As regards the liquor traffic, the Council decided to communicate to the mandatory powers the conclusions of the Mandates Commission. It asked the Powers to inform it to which parts of the territory under their mandate they had already applied Article 4, paragraph 2, of the St. Germain Convention on liquor traffic in Africa. The Council, finally, requested Powers entrusted with A and B mandates to furnish the information desired by the Commission on regulations adopted or generally followed as regards the purchase of material and supplies by the authorities of the mandated territories.

2. *Observations on Mandated Territories.* — The Council requested the Secretary-General to communicate the observations of the Commission to the Governments of the mandatory Powers concerned and to ask them to take the necessary action. The adoption of these observations gave rise to a discussion which may be summarised as follows :

(a) *Transjordan.* — The Commission had requested the Council to consider whether its formal assent was necessary before the recently concluded Agreement between the United Kingdom and the Emir of Transjordan could be put into force. The British representative, Lord Cushendun, made a statement to the effect that the British Government considered itself responsible to the Council for the application of the mandate in Transjordan. In these circumstances the Council stated that the Agreement was in conformity with the principles of the mandate, which remains fully in force.

(b) *Syria and Lebanon.* — The French representative, M. Paul-Boncour, made a statement replying to the recommendation of the Commission that the mandatory should continue to preserve, until the time when countries under its mandate should be capable of self-government, all the authority necessary to guide and control their development and to meet its responsibilities to the League. "We are agreed", M. Paul-Boncour said, "that the final aim was the emancipation of the peoples under administration when they have shown themselves capable of carrying out their own administration. We agree that, subject to the reservations in connection with which Lord Cushendun has just given the Council such an interesting basis for discussion, this final aim, which releases a Mandatory from the mandate it has accepted, can only be attained in full agreement with the League. Thirdly, we recognise that, until this desire, which is the aim laid down in Article 22 of the Covenant, has been realised, the mandatory power has definite responsibilities towards the League, which, like all responsibilities, imply the powers by which they are assumed."

(c) *Samoa.* — The Council endorsed the observations of the Mandates Commission with regard to the events which occurred in Western Samoa in 1926 and 1927 and instructed the Secretary-General to forward them to the mandatory power concerned.

On behalf of Sir James Parr, High Commissioner for New Zealand, who was unable to arrive in time for the Council meeting, the British representative thanked the Rapporteur for the passages of his report regarding Samoa, adding that the New Zealand Government would, doubtless, give them the widest possible publicity.

3. *Petitions.* — The Council requested the Secretary-General to bring the

conclusions of the Mandates Commission to the notice of the mandatory powers and of the petitioner concerned in each case.

II. RESOLUTIONS OF THE ASSEMBLY (1)

The Assembly paid a tribute to the work of the mandatory powers, the Council, and the Mandates Commission during the past year. It noted that, thanks to the judgment of the Mandates Commission and the wisdom of the Council, many of the difficulties presented by the application of the mandate system had been removed. It expressed its appreciation of the spirit of co-operation which inspired the activities of the various agents of the mandate system.

The Assembly laid special stress on the application of the principle of economic equality in mandated territories and of Article 4, paragraph 2 of St. Germain Convention on liquor traffic in Africa. As regards the systematic and scientific organisation of the work of the Mandates Commission, it noted that great progress had already been achieved, and recommended that the Commission should pursue its efforts in this direction.

VII. — Protection of Minorities.

In the course of the general Assembly debate on the work of the Council, several delegates dwelt upon the minorities question—in particular, the procedure followed by the League in dealing with such matters—the Netherlands delegate suggesting that a permanent minorities commission might be constituted. As, however, no formal proposal was submitted, the matter was not referred to an Assembly Committee for discussion.

The Council dealt with a series of questions concerning minorities in Upper Silesia on September 6th and 8th. It postponed others, to give the Polish Government time to present its observations.

On this occasion, the Council defined certain points of the procedure relating to the application of the provisions of the Upper Silesian Convention. It took note of the opinion of the Committee of Jurists appointed last June to examine questions of procedure raised by the Lithuanian representative with regard to the receivability of minority petitions. It also dealt with the question of the treatment of persons of Lithuanian race or language in the Vilna district.

These questions and the resolutions adopted by the Council may be summarised as follows :

Minorities in Upper Silesia. — On September 8th, the Council adopted rules specifying the conditions and, above all, the time-limit in which appeals may be forwarded, or petitions addressed to it direct, under certain provisions of the Upper Silesian Convention. Both for appeals and petitions, a period of two months, which may be extended by not more than one month, will henceforth be allowed for the submission of observations.

As regards the conditions of public security in Polish Upper Silesia dealt with in a petition from the *Deutscher Volksbund* of May 10th, 1928, concerning the situation of members of the German minority, the Council, on September 8th, took note of the Polish Government's observations, expressing its confidence that suitable measures would be taken against the guilty persons, should the enquiries now proceeding show such measures to be necessary.

The German representative, Dr. von Schubert, said that he firmly believed that the hope expressed by the Council would be fulfilled in such a way as to afford the minority a greater feeling of security.

(1) See Assembly Resolution, page 294.

As regards a petition concerning the closing of certain minority schools, the Council decided, after a protracted discussion in which the principal speakers were the rapporteur, M. Adatci, and the Polish and German representatives, to adjourn this question to its next session, so as to enable the rapporteur to make a thorough study of the matter, with the assistance of two or three jurists.

The Council further expressed the desire that the President of the Upper Silesian Mixed Commission should proceed as soon as possible to examine petitions on the same subject which had been deposited at the Polish Minorities Office.

Receivability of Minorities Petitions. — On September 8th, the Council noted the opinion of a Committee of Jurists which it had consulted on certain points of procedure raised last June by the Lithuanian representative as regards the receivability of petitions.

The opinion of the jurists reads as follows :

In judging of the receivability of a petition which requests the League of Nations for protection against the Government of a State bound by the special obligations of a minorities treaty, it is not the truth or falsehood of the allegations contained in the petitions which should be examined, but only the manner of their presentation and their pertinence in the light of the conditions laid down in the resolution of September 5th, 1923.

In the case of the petition which was the subject of the Council's decision of June 6th and 9th, 1928, it does not appear that, from the point of view of receivability, the objections raised by the Lithuanian Government, including those concerning the truth of the allegations, were such as to require that this petition should not be received.

Treatment of Persons of Lithuanian Race or Language in the Vilna District. — The Council took note on September 8th of the final report of the Committee of Three (the Chinese, Colombian and Netherlands representatives) appointed to study this question. Since the report had been drawn up, the Lithuanian Government had forwarded observations replying to those made by Poland. The Committee, after examining the reply, had not felt called upon to make any amendment in its report.

The Chairman of the Committee, M. Wang-King-Ky (China), added nevertheless that " if the observations made by the Polish Government could be interpreted to mean that the application of the principle of reciprocity in the equitable treatment of minorities by the Governments concerned might constitute an important moral factor, and might sometimes appear as one of the indispensable elements for a just appreciation of minorities questions, the Committee would desire to express the view that the object of the system of minorities protection and of the regulations established with that object by the treaties and by the Council in its resolutions ought to exclude any tendency to deal with concrete cases coming within the scope of the treaties by taking into consideration the mutual position of minorities in two interested States."

After an exchange of views in which M. Voldemaras and M. Zaleski took part, the Council noted the report of its Committee together with the statement of the Chinese representative.

Interpretation of the Greco-Turkish Agreement on the Exchange of Greek and Turkish Populations. — On the report of the Japanese representative the Council, including representatives of Greece and Turkey, took note of the advisory opinion of the Permanent Court of International Justice as to the interpretation of Article 4 of the final Protocol of the Greco-Turkish Agreement of December 1st, 1926, on the exchange of Greek and Turkish populations (1).

(1) See *Monthly Summary*, Vol. VIII, No. 8, page 214.

The text of the opinion will be officially communicated to the President of the Mixed Commission for the Exchange of Greek and Turkish populations.

VIII. — Political Questions.

1. — STATE OF THE NEGOTIATIONS BETWEEN POLAND AND LITHUANIA

The position as regards the negotiations between Poland and Lithuania was examined by the Council at two meetings — on September 6th and September 8th. It heard representatives of the parties and unanimously adopted a report submitted by the Netherlands representative, M. Beelaerts van Blokland.

* * *

The first meeting was devoted to statements by the rapporteur and the representatives of the parties.

In his report the Netherlands representative gave a brief summary, based on the documents distributed to the Council, of the work accomplished by the Polish-Lithuanian Committees set up at the Conference of Königsberg. He noted that the date and place of meeting of the plenary Conference had not yet been fixed, and expressed his disappointment "that the negotiations had not led to such results as might reasonably have been hoped for".

The representatives of the parties were then invited to amplify these statements by any information that might give the Council a clear idea not merely of the action so far taken by the parties, but also of the future prospects of the negotiations.

The Polish representative merely stated that his Government had done all in its power to carry out the recommendations of the Council of December 10th, 1927.

The Lithuanian representative recognised that the results hitherto obtained could not be considered as very satisfactory; but he nevertheless drew the attention of the Council to the fact that the negotiations were not terminated, since the plenary session of the Conference had not yet met. He then gave a summary of the negotiations, emphasising the difficulties met with and rejecting responsibility for the slowness of the proceedings. His Government, he said, was ready to make concessions and had always considered that account should be taken not only of its national interests, but also of international interests. To conclude, he expressed the opinion that, although agreement had not so far been reached, negotiations had nevertheless cleared the ground for further progress.

* * *

Following this statement, M. Beelaerts van Blokland submitted a further report on September 8th.

In it he recalled that, in December, 1927, the parties had formally undertaken to establish by direct negotiations and, if necessary, through the good offices of the League, a *modus vivendi* compatible with a state of peace.

Up to the present they had not succeeded in concluding any agreement that the Council might consider as a proof that good understanding had been effectively restored between them. The Rapporteur then gave the following explanations with regard to the final paragraph of the Council resolution of December 10th, 1927 :

One of the obstacles frequently invoked is the interpretation to be placed on the last paragraph of the resolution of December 10th, 1927. The Council

will remember that at the end of a report which I had the honour to submit to it on June 6th last, I observed that, when the Council was careful to state in December 1927 that "the present resolution in no way affects questions on which the two Governments had differences of opinion," its intention was obviously not to complicate these negotiations which were already sufficiently delicate, but rather to ensure their ultimate success. It had foreseen to a certain extent that the inclusion of questions on which the two Governments held different views would prove an impediment to negotiations and, with the object of setting the two parties at ease it declared that these views would not be affected by the direct negotiations on such practical matters as local traffic, transit, postal communications, etc.

He invited the Council to give a fresh impetus to the negotiations which were still proceeding :

It should be borne in mind that the object of the resolution of December 10th, 1927, was to re-establish relations of good understanding between the two countries, and also to safeguard the general interests which peace should ensure.... As guardian of the general interest, however, the Council can hardly be content passively to await the issue of events. If these negotiations make no appreciable progress, the Council would be failing in one of its essential duties if it allowed to continue indefinitely an abnormal state of affairs which might react most unfavourably, not only on the interests of the parties concerned, but also, and above all, on those of third parties.

In such a case, the Council might order a very careful enquiry to be made into the difficulties which, in consequence of the Polish-Lithuanian dispute, injure the rights of third parties. This enquiry would be entrusted to experts, who would endeavour, if necessary by making investigations on the spot, and duly observant of the international agreements in force, to discover what practical steps could be taken within the bounds of present circumstances.

These experts would submit their report to the Council, which would communicate it immediately to the parties concerned.

The Polish representative raised no objection to the report.

The Lithuanian representative stated that, whilst agreeing in principle to the investigations proposed, he did not consider them opportune so long as direct negotiations were proceeding. He made, moreover, a formal reservation as regards the recognition, expressly mentioned in the report, of the Council's right to safeguard the interests of third parties — a right which, in M. Voldemaras' opinion, was not conferred upon the Council by the Covenant.

In reply to these observations, M. Beelaerts van Blokland said that his report merely contemplated the possibility of expert investigation, should the negotiations fail, and that it would then be for the Council to take the necessary decisions. He considered that the right of the Council to safeguard the interests of third parties was indisputable. He need only refer to Article 4, paragraph 4, of the Covenant — under which the Council might deal with any matter within the sphere of action of the League or affecting the peace of the world — or Article 23, which declared that, subject to and in accordance with the provisions of international conventions existing or hereafter to be concluded, the Members of the League would make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League, the special needs of the regions devastated during the war of 1914-1918 being borne in mind.

The French representative, M. Briand, noted that M. Voldemaras had not submitted any fundamental objection to the report. M. Voldemaras had himself at an earlier meeting stated that the direct negotiations had served to clear the ground. The report of M. Beelaerts von Blokland encouraged the parties to continue these negotiations, but the Council — which represented the general interests of all Members of the League — was bound to contemplate the possibility of the parties failing to reach an agreement and of placing at their disposal technical means of overcoming their difficulties. He appealed to M. Voldemaras' spirit of cooperation.

On the proposal of the President, the Council unanimously agreed to take note of the report. The mandate of the Netherlands as a non-permanent Member of the Council having expired, the Council, on September 12th, appointed M. Quinones de León (Spain), to succeed M. Beelaerts van Blokland as rapporteur on this question.

2. — THE HUNGARIAN OPTANTS (1)

On August 25th the Hungarian Government sent the Council a request based on Article 239 of the Treaty of Trianon and on Article 13, paragraph 4, and Article 14 of the Covenant, accompanied by an application to place the matter on the agenda and to deal with it at one of the first meetings of its fifty-first session.

The Hungarian Government asked, among other things, that the Council should appoint two deputy judges to the Mixed Roumanian and Hungarian Arbitral Tribunal, and that it should, if necessary, take steps with a view to arbitration by the Permanent Court of International Justice on the question whether the Tribunal had exceeded its powers, and that, should the Council hold that it was not bound under Article 239 of the Treaty of Trianon to provide for the future functioning of the Tribunal, it should seek the advisory opinion of the Court on this subject.

The Hungarian Government also asked that certain questions should be examined by the Financial Committee.

The Council decided on September 1st to place the question on its agenda and to examine it at its fifty-second session, which was to open on September 11th.

It subsequently received the notes exchanged by the Roumanian and Hungarian Governments between the 29th August and the 10th September. As these documents showed that there was some possibility of arriving at an amicable settlement and, in the first place, of concluding an agreement in regard to the preliminary conditions for the opening of negotiations, the Council once more decided to make efforts in this direction.

On the proposal of its President, it adopted, on September 21st, the following resolution :

The Council,

Recommends that the two Governments, while reserving their points of view in regard to the principles involved and the legal situation—which points of view have already been stated before the Council—should take steps to enable their plenipotentiaries to meet as soon as possible, and to be furnished with the necessary powers to come to a practical settlement of the question,

Trusts that the negotiations which it recommends will lead to a satisfactory and final settlement, and

Decides to adjourn the question, in the stage it has now reached before the Council, to its next session.

IX. — Social and Humanitarian Questions.

1. — TRAFFIC IN OPIUM (2)

Questions relating to the work of the Advisory Committee on Traffic in Opium and Other Dangerous Drugs were considered by the Assembly and the Council.

An important new feature in the anti-drug campaign is the coming into force on September 25th of the Geneva Opium Convention of 1925, which has now been ratified by twenty-nine states. The Assembly thought that this Convention, if strictly applied, should prove a useful instrument in the suppression of the traffic.

(1) See *Monthly Summary*, Vol. VIII, No. 6, p. 184.

(2) See *Assembly Resolution*, page 294.

One of its immediate results is to render possible the appointment of the Permanent Central Opium Board mentioned in Article 19 of the Convention ⁽¹⁾, the procedure for which was laid down by the Council as follows : The States Members of the Council, the signatories of the Convention and the United States will each be invited to submit to the Secretary-General the names of not more than two persons. These nominations should reach the Secretary-General before the fifty-third session of the Council beginning December 10th. From the list thus submitted a Sub-Committee of the Council composed of the Rapporteur, representatives of two other Members of the Council and a representative of the United States—should such a representative be appointed—will select sixteen names. Once this has been done, the Council, assisted by the representative of the United States, in the event of such a person being appointed, will appoint the eight members of the Permanent Central Board.

Another feature of the work of the Advisory Committee in 1927/1928 was the drawing up of a model Code for the administrative control of the drug traffic. This Code was based on the work of a Sub-Committee, which was instructed by the Advisory Committee to make a general investigation of the question of the administrative control of drugs, and to select from the proposals incorporated in a memorandum by M. Cavazzoni, and from the regulations already enforced by certain countries which have a good system of control, those provisions which are regarded as genuinely valuable, in order to establish a Code which could be submitted to Governments for their opinions.

As regards the limitation of manufacture, the Assembly was informed that Spain had passed a law constituting a drug monopoly, and that a further scheme for the limitation of drug manufacture had been communicated by the United States through the Netherlands Government. The general position, nevertheless, remains serious. The Assembly noted that the manufacture of pernicious drugs continued to be greatly in excess of medicinal requirements, and that new methods of manufacture, consisting mainly in the substitution for pure morphine of combinations of morphine with an organic acid, rendered supervision increasingly difficult. It expressed the conviction that the efforts of some of the signatories to the Geneva Convention were wanting in vigour, intermittent and not sufficiently drastic to meet the present situation. It accordingly urged the delegates to impress upon their Governments the necessity for dealing with the situation immediately.

Opium Smoking in the Far East. — The Assembly and the Council considered a proposal of the British Government that the League should send a small commission to the Far East to study the problem of the control of the practice of opium smoking under the conditions existent at the present time. The proposal was put forward in view of the provision of the Geneva Opium Agreement of 1925 for a further conference of the powers concerned in the Agreement, to take place not

(1) Article 19 reads :

The Central Board shall consist of eight persons who, by their technical competence, impartiality and disinterestedness, will command general confidence.

The members of the Central Board shall be appointed by the Council of the League of Nations.

The United States of America and Germany shall be invited each to nominate one person to participate in these appointments.

In making the appointments, consideration shall be given to the importance of including on the Central Board, in equitable proportion, persons possessing a knowledge of the drug situation, both in the producing and manufacturing countries on the one hand and in the consuming countries on the other hand, and connected with such countries.

The members of the Central Board shall not hold any office which puts them in a position of direct dependence on their Governments.

The members shall be appointed for a term of five years, and they will be eligible for re-appointment.

later than 1929, and has arisen out of the difficulties with which the British Government finds itself confronted in the attempt to apply the measures contemplated in the Hague Opium Convention for the gradual and effective suppression of the use of prepared opium. These difficulties already existed in 1924-1925, when the Geneva Conference was held. Since that Conference they have not diminished, but have actually increased. They exist principally in Hongkong and Malaya, and it would appear that other Governments experience similar difficulties. In view of the many controversies in the past which have surrounded this subject, the British Government suggested that it was most desirable that an unbiased statement of the position by an independent League Commission should be laid before the world. The British Government's request had reference, primarily, to the situation in British possessions, but the principle of such an enquiry has been accepted by other Governments which are parties to the Hague Convention and the Geneva Agreement of 1925.

A suggestion was made in the course of the discussion that the enquiry should be extended to the opium situation in China, but this proposal was only assented to by the Chinese representative on the condition that the enquiry should embrace all countries manufacturing dangerous drugs or producing the raw material for such manufacture.

The Assembly Committee studying the question felt that it would be impossible to propose such an extension of the enquiry, in the first place, on account of the necessity of making arrangements of a different character from those originally contemplated, and, in the second, in view of the coming into force of the Geneva Opium Convention. It seemed desirable to await the results of these new provisions before pursuing further the question of an extension of the enquiry. The Assembly, accordingly, recommended the Council to appoint a commission of three to enquire into the situation in Far Eastern countries as regards the use of opium prepared for smoking. The enquiry will also bear on the measures taken by Governments to give effect to the Hague Convention of 1912 and the Geneva Agreement of 1925, the nature and extent of the illicit traffic in the Far East, the difficulties which it causes in the fulfilment of international obligations and possible remedies. The Assembly expressed the hope that the American Government would permit the Commission to visit the Philippines and inform itself of the results of the system of prohibition in operation there.

The expenses of the enquiry were estimated at 250,000 francs. It was decided that 100,000 francs should be included in the League budget, and that the British Government should negotiate with the other Governments concerned as to further arrangements and prepare a report for submission to the Council at its fifty-third session.

2. — TRAFFIC IN WOMEN AND CHILDREN (1)

The Assembly took note of the report of the Traffic in Women and Children Committee on its seventh session and of the second part of the report of the Special Body of Experts enquiring into the traffic.

Expressing its appreciation of the work of the experts, the Assembly endorsed the view of the Committee that their investigations should be extended to countries where no enquiry had hitherto been made. It drew the attention of Governments to the advisability of an investigation of the system of licensed houses in the light of the experts' report, and to the great importance of the employment of women police as a preventive measure.

(1) See Assembly Resolution, page 294.

3. — CHILD WELFARE (1)

The work of the Child Welfare Committee was considered by the Assembly, which requested that it should proceed on the lines indicated in the latest report.

Special importance was attached to the preparation of draft conventions for the repatriation and relief of minors and for the execution of judgments relating to the maintenance of children by persons responsible for them and living abroad, as also to the enquiry into the relation of the cinematograph and child welfare. The Assembly invited the Committee to keep in contact with the Educational Cinematographic Institute in Rome.

Other questions dealt with by the Committee during the past twelve months include family allowances, alcoholism and feeble minded children. A report on legislation in connection with illegitimate children is now being prepared.

Enquiry into the Problem of Children whose Environment exposes them to Moral and Social Dangers. — On the recommendation of the Child Welfare Committee and on the proposal of the Canadian representative, the Council appointed Mlle. Chaptal (French), of the Central Public Relief Council, to conduct a preliminary enquiry into the problem of the child whose environment exposes it to moral and social dangers.

It was suggested that, if funds permitted, the enquiry might take place in Canada, Czechoslovakia, Denmark, France, Germany, Great Britain, Italy and the United States of America. The gift of £5,000 which the American Social Hygiene Association placed at the disposal of the Child Welfare Committee in 1925 will be used for this study.

Representation of the International Federation of Catholic Womens' Associations. — An application from the International Federation of Catholic Women's Associations to be represented by an assessor on the Traffic in Women and Children and Child Welfare Committees was postponed by the Council to its December session.

4. — TRAFFIC IN OBSCENE PUBLICATIONS

In accordance with the request of the British Government, the Council instructed the Secretary-General to communicate to the Iraq Government the Convention for the Suppression of the Traffic in Obscene Publications (Geneva, September 12th, 1923), with a view to that Government's accession.

5. — SLAVERY (2)

The Assembly took note of the information communicated to the League during the year by the British, Indian, Italian and Sudan Governments on the gradual abolition of slavery and analogous conditions in territories governed by these countries. This information was forwarded in response to the Assembly resolution of September 25th, 1926.

In the course of the discussion in the Assembly Committee dealing with the subject, the Abyssinian delegation deposited with the Secretariat a list of persons freed from slavery and of persons convicted under the slavery laws of Abyssinia.

Apart from the communication of laws and regulations enacted to cope with slavery and similar conditions, the transmission of information to the League is not obligatory for the signatories of the 1926 Convention. The Assembly, never-

(1) See Assembly Resolution, page 295.

(2) See Assembly Resolution, page 295.

theless, considered that Governments should spare no effort to furnish on this subject such general information as would enable other States to benefit by their experience.

Since last year twelve States—Belgium, Canada, San Domingo, Ecuador, Egypt, Finland, Italy, Monaco, the Netherlands, Norway, Sweden and Nicaragua have ratified or acceded to the Convention.

The total number of ratifications or accessions is now twenty-six.

The Assembly expressed the hope that all countries affected by this question would ratify or accede to the Convention in the immediate future.

6. — QUESTION OF ALCOHOLISM ⁽¹⁾

The Assembly decided to include certain aspects of the question of alcoholism in the League's programme.

A proposal to this effect from the Finnish, Polish and Swedish delegations was laid before the Assembly of 1926. The complexity of the problem led the Assembly to postpone to the following year consideration of this proposal. In 1927 it was again adjourned as a detailed proposal then submitted was not accepted in its entirety by all Governments. This year unanimous agreement was reached as a result of negotiations between the delegations most directly concerned in the question—negotiations in which all aspects of the problem and the moral and material interests involved were thoroughly examined.

Following this agreement the Assembly asked the Council to request the Health Organisation to collect full statistical information on the subject, giving prominence to the deleterious effects of the bad qualities of the alcohols consumed. While considering that it was for Governments to take measures as regards contraband trade, the Assembly thought that it might be useful to examine the terms in which conventions or agreements might be drawn up for the prevention of smuggling in general, and that of alcohol in particular. It was decided to entrust this investigation to the Economic Committee.

It was decided that the investigation should not extend to wine, beer or cider.

On September 26th the Council instructed the Health Committee and the Economic Committee to take the necessary action on this resolution.

7. — REFUGEES ⁽²⁾

The reports on the refugee question submitted this year to the Assembly did not, as in the past, concern Russian and Armenian refugees alone; they also referred to other categories (Turkish, Assyrian, Assyro-Chaldean and refugees assimilated to them) to which the Council had decided to extend measures previously adopted on behalf of Russians and Armenians.

The League's refugee work falls into two main divisions : the settlement of refugees and arrangements for the unification of their legal status.

The most important feature in the settlement work is the decision of the Assembly that the establishment of Armenian refugees in the Republic of Erivan shall be carried on under the auspices of the League.

The general position as regards the prospects of this scheme was examined both by the Assembly and the Council in the light of the replies made by Governments to the appeal sent out by the Council in October 1927.

Seventeen Governments have so far replied to this appeal. Of these the German, Greek, Norwegian and Roumanian Governments have made definite offers to contribute funds to the realisation of the plan. The German Government is prepared to grant a long-term credit for the purchase in Germany of tools and machinery for the use of refugees, up to an amount of one million Reichsmark (£50,000),

(1) See Assembly Resolution, p. 296.

(2) See Assembly Resolution, p. 295 and 296.

provided four other Governments take part in the work, and that the work be carried out under the direction of the League. The Greek Government is prepared to contribute part of the cost of transporting refugees from Greece to the Caucasus. The Norwegian Government has offered a credit of £2,000 for the purchase in Norway of merchandise and materials, and the Roumanian Government is prepared to offer £1,000. The Luxembourg and Netherlands Governments may also make some contribution. Armenian organisations in Europe have contributed £100,000. The Assembly requested the Council to continue negotiations with the Governments in order that the conditions attached to the German Government's offer might be fulfilled, and set aside 50,000 Swiss francs for administrative expenses.

Another urgent problem in 1929 will be the evacuation of some two thousand refugees from Constantinople, which must take place before February 6th, 1929. Thanks to a subsidy of 100,000 dollars from American philanthropic organisations, it has been possible to begin the evacuation, and an appeal has been made to Governments to authorise their Consuls in Constantinople to issue immigration visas without requiring refugees to prove that they can obtain immediate employment.

The settlement of Armenian refugees in Syria is proceeding satisfactorily. 7,660 refugees were moved from the Aleppo, Beyrouth and Alexandretta camps and settled elsewhere. The work still remaining to be done is considerable, since at least 33,000 refugees have yet to be settled. The plan of the High Commissioner, Dr. Nansen, includes the establishment in certain countries of re-adaptation centres and agricultural colonies to facilitate the assimilation of refugees, who cannot find employment in their own trade or profession. The execution of this plan would affect 63,000 refugees and depends on the funds at the disposal of the High Commissioner.

* * *

In the administrative and legal sphere, the progress achieved during the year consisted in a wider adoption of existing passport rules and the establishment of new rules for the unification of the legal status of refugees. In this connection the Assembly expressed the view that the final solution to which all efforts should be directed would be the return of the refugees to their country of origin or naturalisation in their adopted countries. Nevertheless, the opinion was expressed that, without losing sight of this final solution, which must continue to be the League's ultimate goal, it would be necessary to maintain the present system for some time to come.

The Assembly, recognising the progress achieved in the course of the year, invited Governments to provide refugees with every facility for acquiring the nationality of the countries in which they were residing. Considering, nevertheless, that international action would still be necessary, it requested the Council to take immediate steps to appoint an advisory commission to be attached to the High Commissioner. This commission will be entrusted with the preparation of a general report on the possibility of reaching a final solution of the refugee problem and on the means by which this object may be attained.

X. — Other Questions.

1. — THE NEW LEAGUE BUILDINGS (1)

The question of the construction of an Assembly Hall, of Secretariat Offices and of a Library was considered by the Assembly, which finally decided to choose a new site for these buildings, in the Ariana park.

(1) See Assembly Resolution, p. 297.

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Last year the Assembly instructed a Committee of Five to study the nine designs awarded prizes in the architects' competition and to establish the main line of the final plan. This Committee met nine times during the last twelve months.

In accordance with the desire expressed by the Assembly, the Committee consulted the Swiss Cantonal and Federal authorities. Having chosen as a basis the design prepared by Messrs. Nenot and Flegeneheimer, it invited these architects to make certain changes, in collaboration with three other prize-winning architects. Messrs. Broggi, Lefebvre and Vago.

Meanwhile, the gift of Mr. John D. Rockefeller Jr., of \$2,000,000 for the construction and endowment of a Library, made it necessary to seek more land. The Committee then contemplated the possibility of purchasing a neighbouring site. This plan having encountered difficulties, the Committee, after consulting the Federal Council and the Genevese Cantonal authorities, concluded an arrangement with the City of Geneva according to which a portion of the Ariana park of about 250,000 square metres would be given to the League in exchange for the three lake-side properties it had already purchased.

This solution was submitted to the Fourth Committee and the Assembly, by which it was finally approved. The Secretary-General was authorised to sign all the necessary legal documents concerning the exchange of rights on the properties in question, as well as to draw up and sign a contract between the architects and the League. The Committee of Five was authorised to give official approval to the revised plans adapted to the new site, as soon as the legal formalities had been completed and the necessary technical advice obtained.

2. — THE LEAGUE BUDGET (1)

The Assembly adopted the audited accounts of the Secretariat and autonomous organisations of the League for 1927. It also adopted the budget for 1929, which amounts to 27,026,280 Swiss francs, compared with 25,333,817 Swiss francs in 1928.

The expenditure is classified under the following heads: Secretariat and special organisations, 14,713,085 Swiss francs; International Labour Office, 8,612,640 Swiss francs; Permanent Court of International Justice 2,255,555 Swiss francs.

A sum of 1,445,000 Swiss francs was set aside for the League building fund.

SECRETARIAT AND SPECIAL ORGANISATIONS.

The examination of the budget was preceded by an important general debate in the Fourth Committee bearing on the budget strictly speaking and on the Secretariat staff, the methods for its engagement and its general international outlook.

a) *Budget.* — Several delegates having expressed concern at the increase of the budget during the past few years, the Fourth Committee emphasised the necessity of economising. It thought that it would be well to stabilise progressively the budgets of the various technical organisations of the League, but expressed doubt as to the possibility of fixing a rigid maximum for the whole budget.

On this occasion the Secretary General explained that the League's budget differed from national budgets in two essential points: 1. Before being submitted to the Assembly the Budget was considered in every detail by the Secretariat and then by the Supervisory Commission; 2. As the Assembly met only once a year the Secretary General was not, like a national Government, able, if necessary to apply

(1) See Assembly Resolution, page 297.

to Parliament in the course of the financial year for additional credits. The total funds voted at one session of the Assembly had to suffice for the continuation of the League's work until the following session.

The Secretary General then drew attention to the fact that the increase of the Secretariat budget for 1929 as submitted to the Assembly was entirely due to four items, namely fresh work assigned to the Economic and Transit Organisations, the convocation of the Conference on the Codification of International Law, and the creation of the Central Opium Board. He also submitted that if the total figure of the Secretariat budget were set against the multiplicity of its tasks, and if it were remembered that the League budget was the only budget in the world for the organisation of peace, the sum of 14,500,000 francs did not seem exaggerated, and people might even be surprised at its modest proportions.

The Committee congratulated the Secretary General, the Under Secretary General in charge of internal services, and the Treasurer on the satisfactory results obtained.

b) *Staff.* — Certain delegates, while declaring their absolute confidence in the Secretary General, expressed fear that there was a danger of the principles laid down in the report concerning the organisation of the Secretariat adopted by the Council in 1920 on Lord Balfour's proposal being forgotten. Whereas certain States—fewer and fewer every year, it is true—were not yet “represented” in the Secretariat, nationals of a certain group of powers filled too large a number of posts; there was a growing tendency for the higher officials to be members of the diplomatic service of their respective countries, and certain States laid a permanent claim to high posts.

In reply, the Secretary General pointed out that he himself had been largely responsible for the drafting of the report adopted on Lord Balfour's proposal, and had always kept closely to the principles enunciated therein. He had followed the rule that Secretariat officials were the servants of all States members of the League, and had taken care that this principle should always be applied. He added that he had invariably refused to ask the Council to approve the appointment of any person whose qualifications did not seem to him to be entirely satisfactory. Though it might be true that the highest posts in the Secretariat were held by nationals of certain powers, that was due to decisions of the organising committee of the League of Nations Secretariat, which met in Paris in 1919 and in one case to a decision of the Fourth Committee itself. He would be happy to accept any proposals of the Committee which would reinforce the principles of the Balfour report and his own memorandum in regard to the international character and functions of members of the Secretariat. So strongly did he feel on this point that, taking his own post as an example he would immediately resign if the British Government endeavoured in any way to influence him in the exercise of his duties (he might say that it had never done so) and that he would not remain Secretary General if he were not absolutely certain that he enjoyed the confidence of all the members of the League.

Following this debate, the Assembly adopted a resolution endorsing the principles concerning the staff of the Secretariat contained in the report adopted by the Council on May 19th, 1920. In the words of this report, the Secretary General, in making appointments to posts on the Secretariat, “had primarily to secure the best available men and women for the particular duties which had to be performed. But in doing so, it was necessary to have regard to the great importance of selecting officials from various nations. Evidently no one nation or group of nations ought to have a monopoly in providing the material for this international institution”. Lord Balfour emphasised the word “international” because the members of the Secretariat, once appointed are no longer the servants of the country of which they are citizens, but become for the time being servants only of the League of Nations. Their duties are not national, but international”.

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The Assembly moreover, considering that the staff regulations had been drawn up shortly after the organisation of the Secretariat, and that it might be advisable for the League to avail itself of experience acquired since 1922, instructed the competent officials of the autonomous League organisations to examine what steps (in particular, amendments to staff regulations) could be taken to ensure in the future, as in the past, the best possible administrative results. The results of this enquiry will be submitted to the Supervisory Commission in order that a report may be communicated to the Assembly at its next ordinary session.

SUPERVISORY COMMISSION.

The Assembly decided to change the procedure for the election of the members of the Supervisory Commission. While reiterating its full confidence in those members, it decided that in future they should be elected by the Assembly instead of by the Council.

The Assembly requested the Council to submit proposals at its Tenth Session as to the best procedure for the election of the members.

ALLOCATION OF EXPENSES.

The Fourth Committee of the Assembly approved the report of the Committee for the allocation of the expenses of the League according to which the budgets for the financial year 1930 would be adopted as a basis for the revised scale for the allocation of expenses. The provisional scale will remain in force until 1932 inclusive.

XI. — Forthcoming Events.

- October 18th : Technical Committee for Maritime Tonnage Measurement, London.
- October 22nd : Conference on Double Taxation and Tax Evasion, Geneva.
- October 23rd : Economic Committee, Geneva.
- October 25th : Health Committee, Geneva.
- October 26th : Permanent Mandates Commission, Geneva.
- November 5th : Second International Conference on Sleeping Sickness, Paris.
- November 26th : International Conference on Economic Statistics, Geneva.
- December 4th : Financial Committee, Geneva.
- December 4th : Special Committee for the drafting of a Convention on the Manufacture of Arms, Munitions and War Material, Geneva.
- December 10th : 53rd Session of the Council, Geneva.

XII. — Assembly Resolutions.

RESOLUTIONS OF THE ASSEMBLY

I. — Arbitration, Security, Reduction of Armament.

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

Whereas a close connection exists between international security and the reduction and limitation of armaments;

And whereas the present conditions of security set up by the Covenant of the League of Nations, by the Treaties of Peace, and in particular by the reductions in the armaments of certain countries under these Treaties, and also by the Locarno Agreements, would allow of the conclusion at the present time of a first General Convention for the Reduction and Limitation of Armaments;

And whereas those Governments which consider that their security is not sufficiently assured are now, thanks to the work of the Committee on Arbitration and Security, in possession of fresh means for strengthening their security, of which it is to be hoped that they will make use at need, by having recourse to the good offices of the Council;

And whereas the Convention for the Reduction and Limitation of Armaments will increase international security;

And whereas it is desirable that the work of the Preparatory Commission for the Disarmament Conference and of the Committee on Arbitration and Security shall be pursued so that, by further steps, armaments may be progressively reduced as the increase of security allows;

The Assembly :

Urges the necessity of accomplishing the first step towards the reduction and limitation of armaments with as little delay as possible;

Notes with satisfaction the efforts of certain Governments to prepare the ground for the future work of the Preparatory Commission;

Earnestly hopes that Governments among which differences of opinion still subsist as to the conditions for the reduction and limitation of armaments will seek, without delay, in the most liberal spirit of conciliation and international solidarity, agreed solutions which will enable the work of the Preparatory Commission to be brought to a successful issue;

Proposes to the Council that the President of the Preparatory Commission be instructed to keep in contact with the Governments concerned so that he may be apprised of the progress of their negotiations and may be able to convene the Commission at the end of the present year, or, in any case, at the beginning of 1929.

2. *Pacific Settlement of International Disputes.*

a) RESOLUTION ON THE SUBMISSION AND RECOMMENDATION OF A GENERAL ACT (1) AND OF THREE MODEL BILATERAL CONVENTIONS IN REGARD TO CONCILIATION, ARBITRATION AND JUDICIAL SETTLEMENT.

The Assembly :

Having considered the work of the Committee on Arbitration and Security;

(1) Firmly convinced that effective machinery for ensuring the peaceful settlement of international disputes is an essential element in the cause of security and disarmament;

(2) Considering that the faithful observance, under the auspices of the League of Nations, of methods of pacific settlement renders possible the settlement of all disputes;

(3) Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals;

(4) Recognising that the rights of the several States cannot be modified except with their consent;

(5) Taking note of the fact that a great number of particular international conventions provide for obligatory conciliation, arbitration or judicial settlement;

(6) Being desirous of facilitating to the greatest possible degree the development of undertakings in regard to the said methods of procedure;

(7) Declaring that such undertakings are not to be interpreted as restricting the duty of the League of Nations to take at any time whatever action may be deemed wise and effectual to safeguard the peace of the world; nor as impeding its intervention in virtue of Articles 15 and 17 of the Covenant, where a dispute cannot be submitted to arbitral or judicial procedure or cannot be settled by such procedure or where the conciliation proceedings have failed :

(8) Invites all States whether Members of the League or not, and in so far as their existing agreements do not already achieve this end, to accept obligations in pursuance of the above purpose either by becoming parties to the annexed General Act or by concluding particular conventions with individual States in accordance with the model bilateral conventions annexed hereto or in such terms as may be deemed appropriate;

(1) See Annex

(9) Resolves to communicate the annexed General Act and the annexed model bilateral conventions to all Members of the League of Nations and to such States not Members of the League as may be indicated by the Council.

(10) Requests the Council to give the Secretariat of the League of Nations instructions to keep a list of the engagements contracted in accordance with the terms of the present resolution either by acceptance of the provisions of the General Act or by the conclusion of particular conventions with the same object, so as to enable Members of the League and States non-Members of the League to obtain information as soon as possible.

b) RESOLUTION CONCERNING THE GOOD OFFICES OF THE COUNCIL

The Assembly :

In view of the resolution adopted by the Assembly on September 26th, 1926, requesting the Council to offer its good offices to States Members of the League for the conclusion of suitable agreements likely to establish confidence and security;

Recognising that the development of procedures for the pacific settlement of any disputes which may arise between States is an essential factor in the prevention of wars :

Expresses its appreciation of the progress achieved in concluding treaties of this kind, and its desire to see the application of the principle of the pacific settlement of all disputes extended as far as possible, and

Invites the Council to inform all States Members of the League that, should States feel the need of reinforcing the general security conferred by the Covenant and of contracting for this purpose undertakings concerning the pacific settlement of any disputes which may arise between them, and should negotiations in connection therewith meet with difficulties, the Council would, if requested to do so by one of the Parties—after it has examined the political situation and taken account of the general interests of peace—be prepared to place at the disposal of the States concerned its good offices, which, being voluntarily accepted by them, would be calculated to bring the negotiations to a happy issue.

c) RESOLUTION ON THE SUBMISSION AND RECOMMENDATION OF MODEL TREATIES OF NON-AGGRESSION AND MUTUAL ASSISTANCE

The Assembly :

Having noted the model treaties of non-aggression and mutual assistance prepared by the Committee on Arbitration and Security, and amended as a result of the work of the First and Third Committees, together with the explanations supplied in the introductory note drawn up by the first-named Committee;

Highly appreciating the value of these model treaties;

And convinced that their adoption by the States concerned would contribute towards strengthening the guarantees of security :

Recommends them for consideration by States Members or non-members of the League of Nations; and

Hopes that they may serve as a basis for States desiring to conclude treaties of this sort.

d) RESOLUTION CONCERNING THE GOOD OFFICES OF THE COUNCIL

In view of the resolution adopted by the Assembly on September 26th, 1926, requesting the Council to offer its good offices to States Members of the League for the conclusion of suitable agreements likely to establish confidence and security,

The Assembly,

Convinced that the conclusion between States in the same geographical area of treaties of non-aggression and mutual assistance providing for conciliation, arbitration and mutual guarantees against aggression by any one of them constitutes one of the most practical means that can now be recommended to States anxious to secure more effective guarantees of security :

Being of opinion that the good offices of the Council if freely accepted by all the parties concerned might facilitate the conclusion of such treaties;

Invites the Council to inform all the States Members of the League of Nations that, should States feel the need of reinforcing the general security conferred by the Covenant and of concluding a treaty of non-aggression and mutual assistance or a treaty of non-aggression for this purpose, and should the negotiations relating thereto meet with diffi-

culties, the Council would, if requested by one of the Parties—after it has examined the political situation and taken account of the general interests of peace—be prepared to place at the disposal of the States concerned its good offices which, being voluntarily accepted, would be calculated to bring the negotiations to a happy issue.

e) RESOLUTION REGARDING THE OPTIONAL CLAUSE OF ARTICLE 36 OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE

The Assembly :

Referring to the resolution of October 2nd, 1924, in which the Assembly, considering that the terms of Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice are sufficiently wide to permit States to adhere to the special Protocol opened for signature in virtue of that article, with the reservations which they regard as indispensable, and convinced that it is in the interest of the progress of international justice that the greatest possible number of States should, to the widest possible extent, accept as compulsory the jurisdiction of the Court, recommends States to accede to the said Protocol at the earliest possible date;

Noting that this recommendation has not so far produced all the effect that is to be desired;

Being of opinion that, in order to facilitate effectively the acceptance of the clause in question, it is expedient to diminish the obstacles which prevent States from committing themselves;

Being convinced that the efforts now being made through progressive codification to diminish the uncertainties and supply the deficiencies of international law will greatly facilitate the acceptance of the optional clause of Article 36 of the Statute of the Court, and that meanwhile attention should once more be drawn to the possibility offered by the terms of that clause to States which do not see their way to accede to it without qualification to do so subject to appropriate reservations limiting the extent of their commitments, both as regards duration and as regards scope;

Noting in this latter connection that the reservations conceivable may relate, either generally to certain aspects of any kind of dispute, or specifically to certain classes or lists of disputes, and that these different kinds of reservation can be legitimately combined :

Recommends that States which have not yet acceded to the optional clause of Article 36 of the Statute of the Permanent Court of International Justice should, failing accession pure and simple, consider, with due regard to their interests, whether they can accede on the conditions above indicated;

Requests the Council to communicate the text of this resolution to those States as soon as possible, desiring them to notify it of their intentions in the matter indicating at the same time the questions of international law the elucidation of which would in their opinion facilitate their accession to the optional clause of Article 36 of the Statute of the Court; and

Asks the Council to inform them at the next session of the Assembly of the replies it has by then received.

f) RESOLUTION WITH REGARD TO THE REVISION OF THE SYSTEMATIC SURVEY OF ARBITRATION CONVENTIONS AND TREATIES OF MUTUAL SECURITY DEPOSITED WITH THE LEAGUE OF NATIONS, PREPARED BY THE LEGAL SECTION OF THE SECRETARIAT

The Assembly :

Recognising the importance of the documentation which the Secretariat of the League of Nations has begun to collect concerning treaties of judicial settlement, arbitration and conciliation, and of the maps and graphs which it contemplates establishing :

Requests the Secretary-General to be so good as to invite the Governments of States Members or non-Members of the League of Nations to communicate to the Secretariat the text :

(1) Of those treaties for the pacific settlement of disputes which are now in force and which were concluded prior to the establishment of the League of Nations and which have not been registered;

(2) Of such arbitral awards affecting them as may be rendered in the future, with the exception of judgments of the Permanent Court of International Justice and of the Permanent Arbitration Court and of special tribunals such as the Mixed Arbitral Tribunals.

3. *Articles 10, 11 and 16 of the Covenant.*

The Assembly :

Having noted the work of the Committee on Arbitration and Security in regard to Articles 10, 11 and 16 of the Covenant :

Appreciates the great importance of the work done to apply the provisions in question;

Considers that the information concerning the question of the criteria of aggression contained in the Committee's documents usefully summarises the studies made by the Assembly and the Council and the provisions of certain treaties;

Recalls in particular that the action to be taken by the Council under Article 11 and other articles of the Covenant in the case of a conflict will provide it with important elements of appreciation likely to facilitate the determination of the aggressor in the event of war breaking out in spite of every effort;

Considers that the study of Article 11 of the Covenant, which stipulates that the League "shall take any action that may be deemed wise and effectual to safeguard the peace of nations", forms the natural counterpart of the study undertaken by the Committee of the Council and approved by the Council on December 6th, 1927, on the Assembly's recommendation, and, without detracting from the value of the other articles of the Covenant, brings into prominence the fact that the League's first task is to forestall war, and that in all cases of armed conflict or of threats of armed conflict, of whatever nature, it must take action to prevent hostilities or to stop hostilities which have already begun;

Takes note of the suggestions concerning Article 16 contained in the Committee's documents relative to the study of the articles of the Covenant;

Recommends to the Council the studies in question as a useful piece of work which, without proposing a hard-and-fast procedure in time of emergency, and without adding to or detracting from the rights and duties of the Members of the League, provides valuable indications as to the possibilities offered by the different articles of the Covenant, and as to the way in which they may be applied, without prejudice to the different modes of procedure which the infinite variety of possible eventualities may render necessary in practice;

In conclusion, recommends that a study should be undertaken of the other articles of the Covenant the conscientious and full application of which offers special guarantees of security.

4. *Model Treaty to Strengthen the Means of Preventing War.*

The Assembly :

Having noted the model treaty to strengthen the means for preventing war framed by the Committee on Arbitration and Security, together with the explanations contained in the introductory note drawn up by the Committee;

Highly appreciating the value of this model treaty;

Being convinced that its adoption by a large number of States would serve to increase the guarantees of security :

Recommends it for consideration by States Members or non-members of the League of Nations;

And hopes that it may serve as a basis for States desiring to conclude a treaty of this kind.

5. *Financial Assistance to States Victims of Aggression.*

The Assembly :

(1) Expresses its satisfaction with the work of the Committee on Arbitration and Security and the Financial Committee in connection with the scheme for financial assistance;

(2) Requests the Council to invite the Financial Committee to continue the preparation of this scheme in the form of a draft Convention, bearing in mind the directions given in the report submitted to the Assembly at its ninth ordinary session on behalf of its Third Committee;

(3) Expresses the hope that a full draft Convention, complete in all its details, may be submitted to the Assembly at its tenth ordinary session;

(4) Invites the Secretary-General to submit the draft Convention as soon as it is prepared to the Governments in order that they may give instructions to their delegates at the tenth ordinary session of the Assembly.

6. *Supervision of the Private Manufacture and Publicity of the Manufacture of Arms and Ammunition and of Implements of War.*

The Assembly :

Having taken note of the report and preliminary draft convention drawn up by the Special Commission appointed to prepare a draft convention on the supervision of the private manufacture and publicity of the manufacture of arms and ammunition and of implements of war;

Observing that the Commission has not yet found it possible to submit a single final text as desired by the Assembly, although the Commission agreed that the principle of publicity should extend to Government manufactures;

Affirming the urgent necessity for drawing up a convention which, while placing non-producing and producing countries on an equal footing, would facilitate the ratification of the Convention on the International Trade in Arms and Ammunition and in Implements of War signed at Geneva on June 17th, 1925;

Referring to its successive resolutions passed at each of its previous ordinary sessions, beginning with the first session in 1920, in which resolutions it has constantly urged the importance of the problem of the manufacture of arms and the necessity for convening a conference as speedily as possible;

Confirming the fact that a connection exists between the general question of the reduction and limitation of armaments and the question of the international trade in arms and also of that of the manufacture of arms and ammunition and of implements of war :

Requests the Council to make an appeal, at its present session, to the Governments represented on the Special Commission to examine carefully the differences of view revealed during the last session of the Commission, and to consider calling another meeting of the Commission before the next Council session, in order that the work of the Commission may be completed as soon as possible and submitted to a special conference, which would meet either at the same time as the General Conference for the Reduction and Limitation of Armaments or at an earlier date.

II. — Legal and Constitutional Questions.

1. *Election of the Non-Permanent Members of the Council.*

The Assembly :

Having in mind the discussions which took place at the session of 1926 resulting in the unanimous adoption of the rules of procedure for the election of non-permanent Members of the Council, decides, in virtue of its powers under Article 4, paragraph 2 *bis*, of the Covenant, that the temporary provisions for the elections of 1926, contained in Article 4, paragraph 2, of the resolution of the Assembly of September 15th, 1926, shall also apply to the elections of 1928.

In application of Article 14, paragraph 2, of the Rules of Procedure of the Assembly, this resolution is adopted without reference to a Committee.

2. *Question of the Revision of the Statute of the Permanent Court of International Justice.*

The Assembly :

Considering the ever-growing number of matters referred to the Permanent Court of International Justice;

Deeming it advisable that, before the renewal of the terms of office of the members of the Court in 1930, the present provisions of the Statute of the Court should be examined with a view to the introduction of any amendments which experience may show to be necessary :

Draws the Council's attention to the advisability of proceeding, before the renewal of the terms of office of the members of the Permanent Court of International Justice, to the examination of the Statute of the Court with a view to the introduction of such amendments as may be judged desirable, and to submitting the necessary proposals to the next ordinary session of the Assembly.

3. *Advisory Opinions of the Permanent Court of International Justice.*

The Assembly,

Noting the divergencies of opinion which exist as regards the requirements for voting in the Council or Assembly a resolution requesting an advisory opinion from the Permanent Court of International Justice :

Expresses the desire that, when circumstances permit, the Council may have a study made of the question whether the Council or the Assembly may, by a simple majority, ask for an advisory opinion within the meaning of Article 14 of the Covenant of the League of Nations.

4. *Progressive Codification of International Law.*

I. THE FIRST CODIFICATION CONFERENCE.

1. The Assembly expresses its high appreciation of the work already accomplished by the Preparatory Committee of the Conference.

2. It congratulates itself also upon the valuable assistance for the study of the questions to be dealt with by the Conference which is already being afforded by the various international scientific societies and by the study groups which have been formed, more particularly in the United States of America and in Japan.

3. It once more calls attention to the fundamental importance, for the satisfactory operation of arbitral and judicial procedure, of codification of international law, and emphasises the urgency which attaches to the work to be done in this field in presence of the remarkable extension which has been assured, by a very large number of international conventions, to pacific methods for settling international disputes.

4. The Assembly accordingly expresses to the Council its desire that the Conference should as far as possible be convened in the course of 1929, so that the first practical results may be secured from an undertaking which has for four years been the subject of methodical preparation.

5. The Assembly requests the delegations to communicate these views to the Governments, if necessary by telegraph, and to recall to their attention the importance which the Preparatory Committee attaches to receiving, before October 31st, 1928, their replies to the questionnaires sent to them.

6. It asks that on this occasion it may be pointed out to the Governments that the detailed questionnaires drawn up by the Preparatory Committee, in obedience to the instructions given to it, have been prepared with the sole object of rendering it more easy for the various Governments to send the information for which they are asked, and do not prevent them, if they so wish, from reserving their opinion upon points which have not arisen in their own experience or upon which they would at present prefer not to pronounce.

7. The Assembly, considering that the question of nationality which is on the agenda of the Conference is of special interest to women, and that Article 7 of the Covenant embodies the principle that all positions under or in connection with the League shall be open equally to men and women, expresses the hope that the Members of the League, when invited to the forthcoming Conference, will consider the desirability of taking these considerations into account in composing their delegations.

II. PREPARATORY WORK FOR FURTHER CONFERENCES.

1. The Assembly,

Having considered the report addressed to the Council of the League of Nations in June 1928 by the Committee of Experts for the Progressive Codification of International Law, thanks the jurists who, under the enlightened guidance of their President, have made this new contribution to the work of codification.

It notes the conclusions of the Committee, according to which two new questions appear to be sufficiently ripe for international regulation, namely :

- (1) Legal position and functions of Consuls;
- (2) Competence of the courts in regard to foreign States.

It decides to reserve these questions with a view to subsequent conferences.

2. The Assembly notes that a new questionnaire dealing with the question of Domicile has been drawn up by the Committee of Experts and transmitted to the Governments by the Secretary-General.

It adjourns to its session of 1929 the question whether it is necessary to convene the Committee of Experts again for the purpose of examining the replies from the Governments received in the interval by the Secretary-General of the League of Nations, and, eventually, of studying other questions which may arise in connection with codification of international law.

The Assembly recommends that the Committee of Experts should, when it next meets, examine whether it would be possible and desirable to endeavour, by the procedure of codification, to formulate a declaration of the fundamental rights and duties of States.

III. ESTABLISHMENT OF A GENERAL PLAN OF CODIFICATION.

The Assembly,

Having considered the opinion expressed by the Committee of Experts regarding the proposal of the delegation of Paraguay :

Confirms its decisions to make no change at present in the method of codification adopted by it in 1924;

Recognises, however, that there would be advantages in indicating the full extent of the subjects which, without prejudging the order to be followed, the Assembly proposes to cover by the work of codification;

And, in view of the character of the contemplated task, addresses to the Council the request that the establishment of a systematic survey may be entrusted to a committee of three jurists, to be chosen preferably from the members of the Committee of Experts, and that the survey may be communicated to the Members of the League as soon as possible.

It suggests that it would be desirable at the same time to distinguish, if possible, the subjects which should be reserved for the technical organisations of the League, or the international conferences which have already been initiated by particular Governments, and the subjects which appear capable of being dealt with by conferences of jurists.

The Assembly emphasises the great immediate practical value in this connection of assembling together in the form of a code, according to a methodical classification, the various general international conventions, *i.e.*, those which are open to acceptance by States in general.

It accordingly asks the Council to submit to examination by the above-mentioned committee of three jurists the question of publishing, as an accompaniment to the *Treaty Series* and in the form of a code, of which new editions would from time to time be produced, those general convention which have the above-mentioned character, and to report to the Assembly on the matter at its next session.

III. — Technical Organisations.

1. *The Health Organisation.*

The Assembly,

Having taken note of the reports dealing with the work of the Health Organisation of the League during the past year :

Is gratified at these evidences of its increasing utility as an agency for the promotion of international collaboration in matters affecting the public health;

Expresses its appreciation to all the health administrations of the various Governments which have generously collaborated with the Health Organisation in the different branches of its work;

Records its gratitude for the services rendered by the members and experts of all the commissions and conferences of the Health Organisation, as well as the specialists and experts who have carried out individual missions;

Approves the work accomplished by the Health Organisation since the eighth ordinary session of the Assembly, and congratulates it on the increasing success of its far-sighted policy of practical collaboration with extra-European countries.

2. *The Economic and Financial Organisation.*

a) THE ECONOMIC ORGANISATION

The Assembly :

(1) Having noted the work of the Economic Organisation of the League of Nations during the past year, observes with satisfaction the progress achieved, particularly in regard

to the undertakings resulting from the resolutions of the World Economic Conference which were recommended to the favourable attention of all Governments by the Assembly at its eighth ordinary session :

Is confident that the Economic Organisation will successfully carry through the important tasks still assigned to it, and that it will, if necessary, deal with them in an order corresponding to their respective importance and urgency and the possibility of reaching practical results, regard being had to the manifold and occasionally divergent interests involved;

(2) Notes with satisfaction that the Convention for the Execution of Foreign Arbitral Awards, which was opened for the signature of States by the Assembly on September 26th, 1927, has been signed by eleven States, and that there have been five new ratifications of the 1923 Protocol on Arbitration Clauses;

Trusts that at least those States which signed the Protocol will accede to the Convention, and thus enable traders in these States to resort to arbitration with full security

(3) Welcomes the conclusions of the Convention of November 8th, 1927, and the Supplementary Agreement of July 11th, 1928, for the Abolition of Import and Export Prohibitions and Restrictions, and also the two International Agreements, dated July 11th, 1928;

Earnestly hopes that the Governments of the signatory States, and especially the Governments of the States enumerated in Article C of the Supplementary Agreement of July 11th, 1928, whose abstention might jeopardise the future of the Agreements concluded, will speedily ratify these Agreements and thus contribute towards achieving real progress in the economic situation of the world.

(4) Trusts that the Diplomatic Conference on Statistics convened for November 26th next and the conferences contemplated for 1929 in regard to the treatment of foreign nationals and the partial assimilation of legislation on bills of exchange, promissory notes and cheques will lead to valuable results;

(5) Hopes that the preparatory work for the establishment of a simplified uniform Customs nomenclature, of which it recognises the high importance as facilitating tariff agreements and increasing the efficacy of the most-favoured-nation clause, will soon be successfully concluded.

(6) Considering that the Economic Committee has already arrived at interesting conclusions as to the possibility of reconciling the two tariff systems (hard-and-fast tariff and negotiable tariff) :

Requests the Economic Committee to pursue its work with a view to framing a doctrine in regard to commercial policy and preparing collective agreements to facilitate, by bringing about a milder Customs regime, the movement of certain products which are of special importance or which lend themselves more particularly to treatment of this kind;

(7) Follows with interest the investigations undertaken in regard to veterinary measures, and approves their objective character and the desire to take into account the legitimate and occasionally conflicting preoccupations of countries which export and import cattle;

Considers that their completion is essential to enable regulations to be cleared from all suspicion of veiled protectionism, and promote the greater freedom of trade advocated by the Economic Conference;

And is confident that they will be pursued as rapidly as is consistent with the complexity of their character;

(8) Expresses its confidence that the Economic Committee, to which the investigation of the problems relating to coal and sugar were submitted at the instance of the Consultative Committee, will carry through its work with all desirable energy, while not neglecting any of the interests involved, whether of producers or consumers — countries or persons — or the workers;

(9) Hopes that the Economic Organisation will be able to expedite, along the lines of the recommendations of the World Economic Conference and the Consultative Committee, the study of various aspects of the problem of international industrial understandings — in particular, the status of such understandings, their judicial forms, the legislation controlling them and the publicity concerning them;

(10) Believes that the successful attainment of the objects contemplated by the World Economic Conference will largely depend upon the measure in which it will prove possible to harmonise the interests of agriculture and industry, account being taken, *inter alia*, of the particular position of countries which are mainly agricultural or in the early stages of industrial development;

Approves the view expressed by the Economic Consultative Committee that the systematic study of the problems of agriculture will be an important factor in the encouragement of economic co-operation between peoples.

b) THE FINANCIAL COMMITTEE

The Assembly takes note of and expresses its satisfaction with the work of the Financial Committee.

c) BULGARIAN REFUGEE SETTLEMENT AND BULGARIAN STABILISATION LOAN

The Assembly :

(a) Notes with satisfaction the progress made in connection with the refugee work under the able direction of the Commissioner of the League and the Bulgarian authorities, to whom it expresses its appreciation of their work. The progress thus made confirms the Assembly's appreciation of the social and political importance of this work;

(b) Takes note of the stabilisation scheme involving the issue of a loan of £5 millions sterling to be devoted to the repayment of the State debt to the National Bank in connection with the stabilisation of the currency, to strengthening the position of the Agricultural Bank and the Central Co-operative Bank, the liquidation of budget arrears, the construction of certain roads and railways, and work in connection with the damage caused by the earthquakes which ravaged parts of Bulgaria during the spring of 1928;

(c) Congratulates the Financial Committee and the Bulgarian Government for having, in the preparation of this scheme, made one more valuable contribution to the progressive financial and economic stabilisation of Europe, and expresses the hope that the issue of the loan necessary for the execution of the scheme may meet with complete success.

d) GREEK REFUGEE SETTLEMENT AND GREEK STABILISATION LOAN

The Assembly :

Congratulates the Refugee Settlement Commission on the excellent results so far obtained, and trusts that the work which remains to be done may be carried out in the same satisfactory manner;

Expresses its satisfaction at the success of financial stabilisation in Greece and the work of the Financial Committee in this connection.

3. *Organisation for Communications and Transit.*

a) WORK OF THE ORGANISATION

The Assembly, noting the report of the Advisory and Technical Committee for Communications and Transit on the work of the Organisation between the eighth and ninth ordinary sessions of the Assembly, expresses its satisfaction with the normal progress of the Organisation's work.

b) *RADIOTELEGRAPHIC STATION TO BE CREATED WITH A VIEW TO PROVIDING THE LEAGUE OF NATIONS WITH INDEPENDENT COMMUNICATIONS IN TIMES OF EMERGENCY*

The Assembly :

With a view to enabling Members of the League of Nations to proceed to a full examination of the proposals submitted with regard to the creation of the radiotelegraphic station for the purpose of providing the League with independent communications in time of emergency, and also with a view to allowing time for the additional technical, financial and legal studies considered desirable;

Decides to place this question on the agenda of its tenth session;

And requests the Council to take all necessary measures for a further study of these questions.

4. *Intellectual Cooperation and International Bureaux.*

a) *WORK OF THE INTERNATIONAL COMMITTEE ON INTELLECTUAL COOPERATION AND THE INTERNATIONAL INSTITUTE OF INTELLECTUAL COOPERATION*

The Assembly has taken cognisance of the reports submitted by the International Committee on Intellectual Cooperation and the Governing Body of the Institute. It is

pleased with the results obtained by the Committee on Intellectual Cooperation as well as with the work of the International Institute of Intellectual Cooperation during the past year.

The Assembly notes that its recommendations in preceding years in regard to eventual contributions from other States to the budget of the International Institute of Intellectual Co-operation have been acted on, that additional countries have granted subsidies, while France itself has increased its contribution by 500,000 French francs, so that the budget of the Institute for the year 1929 now amounts to 2,896,000 French francs.

It takes note of the progress made in regard to certain important questions :

Scientific property, co-ordination of bibliography for several sciences, co-ordination of institutes of higher political and social studies;

The work of the International Museums Office and the contemplated extension of its work in favour of scientific museums and similar establishments;

The part played by the representatives of the Committee and of the Institute at the recent Rome Conference for the revision of the Berne Copyright Conventions, and especially in the discussions which culminated in the recognition of the moral rights of authors, recommended by the Committee on Intellectual Cooperation;

The action taken by several States in pursuance of the recommendations of the Sub-Committee of Experts for the Instruction of Young People in the Aims of the League, the beginning of the work of the Educational Information Centre in Geneva and Paris, and the contemplated publication of a Survey devoted to these questions.

The Assembly recognises the importance of the problem of the international circulation of books and hopes that the obstacles in the way of the circulation of scientific and technical publications may, as far as possible, be removed.

The Assembly, in view of the general identity of principles between the Convention of Berne, as revised first in Berlin and then in Rome, and the Copyright Convention signed in 1910 at Buenos Ayres by the American States, and revised in Havana in 1928, requests the Council to have its competent organs make all the necessary investigations and consultations regarding the desirability of a general agreement having for its object the unification, on an international basis, and in full conformity with the wish expressed at the Rome Conference for the revision of the Berne Copyright Conventions, of all laws and measures for the protection of intellectual property.

The Assembly notes with satisfaction the readiness with which teachers in secondary and elementary schools have answered the appeal for cooperation addressed to them, and welcomes the organisation of courses of study with a view to their special requirements, not only on a national basis by various committees, but also on an international basis at Geneva and elsewhere. It is glad of the support received from Governments by which, following the recommendations by the Sub-Committee of Experts of the Committee on Intellectual Cooperation, facilities have been offered to teachers for following these courses of instruction, and, convinced of the paramount importance of the training of teachers for such teaching, it expresses the hope that similar facilities will be offered by the other States Members of the League.

The Assembly requests the States Members to take into consideration the need for the systematic organisation of the exchange of children in secondary schools during the summer holidays with a view to developing the spirit of peace and international cooperation, for which purpose the existing University offices should be utilised or special organisations created.

Convinced that this international exchange of school-children would greatly promote mutual understanding among peoples, the Assembly recommends that arrangements be made between different countries on this subject, and it begs the Committee on Intellectual Cooperation to instruct the International Institute of Intellectual Cooperation and the Secretariat of the League to facilitate the execution of such arrangements.

It draws the special notice of Governments and requests them to give the greatest possible effect to the resolutions of the Committee on Intellectual Cooperation in regard to :

- (1) The creation in the national or central library of every State of an information bureau;
- (2) The preservation of prints and manuscripts;
- (3) The suppression of Customs duties on prints sent to libraries and recognised institutes;
- (4) The adoption of the necessary measures for the preservation and the study of primitive languages which are dying out.

Finally, it calls the attention of Governments to the danger of cinematographic performances and of broadcasting characterised by a spirit antagonistic to that of the League.

b) RELATIONS BETWEEN THE LEAGUE OF NATIONS AND INSTITUTES OR BODIES SET UP UNDER ITS AUTHORITY

The Assembly :

Having taken note of the report adopted by the Council on the question of the relations between the League of Nations and institutes or bodies set up under its authority :

Approves the rules embodied in that report for the application of Article 24 of the Covenant and for the acceptance of international institutes offered to the League by Governments. The modifications made in that report by the Second Committee of the Assembly are also approved.

IV. — Administrative Questions,

Mandates.

The Assembly :

Having taken note of the work accomplished by the mandatory Powers, the Permanent Mandates Commission and the Council in execution of Article 22 of the Covenant :

Desires to convey to them its admiration for their continued efforts and for the spirit of co-operation which has characterised their work; and

Trusts that this will always continue to be the case.

The Assembly :

(a) Expresses the hope that the Permanent Mandates Commission's work on the question of the application of the principle of economic equality will be actively pursued, and that the mandatory Powers will supply all the information requested;

(b) Hopes that the study of the question of the liquor traffic will, with the help of the mandatory Powers, lead to effective results;

(c) Expresses the opinion that it is desirable that the mandatory Powers should furnish and keep up to date all the particulars necessary to complete the statistical tables already compiled by the Secretariat.

V. — Social and Humanitarian Questions

1. *Traffic in Opium and other Dangerous Drugs.*

The Assembly notes with approval the reports of the Advisory Committee on Traffic in Opium and other Dangerous Drugs on the work of its tenth and eleventh sessions, together with the resolutions contained therein.

2. *Control of Opium Smoking in the Far East.*

The Assembly recommends the Council to appoint a Commission of three persons to enquire into and report upon the situation in the Far-Eastern territories of the Governments which agree to such an enquiry as regards the use of opium prepared for smoking; the measures taken by the Governments concerned to give effect to the obligations undertaken in Chapter II of the Hague Opium Convention of 1912 and in the Geneva Opium Agreement of February 1925; the nature and extent of the illicit traffic in opium in the Far East and the difficulties which it causes to the fulfilment of those obligations; and to suggest what action should in the circumstances be taken by the Governments concerned and by the League of Nations.

The Assembly also expresses the hope that the Government of the United States will permit the Commission to visit the Philippines and inform itself of the experience of the system of prohibition in operation there.

3. *Traffic in Women and Children.*

(1) The Assembly takes note of the report of the Traffic in Women and Children Committee, thanks the Committee for the good work it has accomplished, and expresses the hope that this work will be continued along the same lines.

(2) The Assembly takes note of the second part of the report of the Special Body of Experts, published in November 1927, and expresses its appreciation of the splendid work done by the experts and their co-workers. It expresses the hope that it will be possible to extend the investigations to countries where no investigation has taken place before.

(3) The Assembly notes with satisfaction that the Committee has examined the resolution passed by the Assembly at its eighth ordinary session as to "the desirability or recommending to all Governments the abolition of licensed houses", and it supports the Committee's request that "the Governments of all those countries which still retain the licensed-house system will investigate the question as soon as possible in the light of the report made by the Special Body of Experts".

(4) The Assembly desires to call attention to the great importance of the employment of women police as a preventive measure.

4. *Child Welfare.*

The Assembly notes the report submitted by the Child Welfare Committee, thanks it for the work it is doing and requests it to go forward along the lines described in the report on its fourth session.

The Assembly, remembering that, at its first session in 1925, and at all its later sessions, the Child Welfare Committee has made a study of the various factors involved in the question of the cinematograph in relation to children, is glad to see that the Committee will be represented by at least one member on the Governing Body of the International Educational Cinematographic Institute. It requests the Child Welfare Committee to keep in close touch with the Institute.

The Assembly attaches particular importance to the work undertaken by the Child Welfare Committee's Legal Sub-Committee in connection with the preparation of :

(1) A preliminary draft convention for the repatriation of minors who have escaped from the authority of their parents or guardians;

(2) A preliminary draft convention on the relief of minors of foreign nationality. This draft would be in the nature of a model scheme, with a view to facilitating subsequent work on the question and for application between interested countries.

(3) A preliminary draft convention on the execution of judgments relating to maintenance payable on behalf of children by persons responsible for their support who have deserted them and gone abroad.

The Assembly invites the Child Welfare Committee diligently to pursue its efforts in this direction.

5. *Slavery Convention.*

The Assembly notes the report of the Council regarding slavery containing communications from the Governments of Great Britain, India, Italy and the Sudan and also notes a list submitted by the Abyssinian delegation.

The Assembly hopes that no effort will be spared to furnish similar information in the future, as it is of considerable interest and utility to the States Members of the League.

The Assembly notes with satisfaction that the number of ratifications and accessions to the Convention of September 25th, 1926, has appreciably increased since its last session, and expresses the hope that all countries affected by this question will ratify or accede to the Convention in the immediate future.

6. *Russian, Armenian, Assyrian, Assyro-Chaldean and Turkish Refugees.*

The Assembly :

(1) After examining the reports submitted by the High Commissioner for Refugees and by the Director of the International Labour Office on questions connected with Russian, Armenian, Turkish, Assyrian and Assyro-Chaldean refugees :

(2) Recognises the progress achieved in the course of the year;

(3) Notes that a complete solution of the problem can only be provided by the return of the refugees to their country of origin or their assimilation by the countries at present giving them shelter;

(4) Earnestly invites the Governments concerned to provide the refugees with all possible facilities for acquiring the nationality of the countries in which they at present reside;

(5) Whereas, however, in present circumstances, international action is still necessary for some time to come :

(6) In conformity with the resolution of the Governing Body of the International Labour Office, invites the Council to take urgently all necessary steps to appoint an Advisory Commission to be attached to the High Commissioner;

(7) Recommends the Council to invite this Advisory Commission to submit to it, before the next session of the Assembly, a general report on the possibility of reaching a final solution as soon as possible and on the means by which this object might be attained;

(8) Earnestly invites States Members to adopt and apply, on as wide a scale as possible, the Inter-Governmental Arrangements concluded on July 5th, 1922, May 31st, 1924, May 12th, 1926, and June 30th, 1928, which provide the refugee services with means by which they may gradually become financially independent;

(9) Points out, however, that the respective Governments must be left to decide whether and how far they are prepared to give force of law to the recommendations adopted by the Inter-Governmental Conference of June 30th, 1928;

(10) Notes that the taxes to be levied will be fixed in consultation with the respective Governments, that only the representatives of the High Commissioner will be entitled to levy them, and that the employment of the proceeds will be subject to the control of the High Commissioner;

(11) Declares that the Council's resolution of June 27th, 1921, shall be applied in regard to all categories of refugees;

(12) Recalls with gratitude the endeavours of the High Commission and of the International Labour Office by which about 800 Russian refugees in Constantinople have been successfully evacuated during recent months;

Cognisant of the very difficult situation of some 2,000 of these refugees who still remain in Turkey and who, in accordance with a Decree of the Turkish Government, must be evacuated from Turkey before February 6th, 1929;

Expresses the hope that the High Commission will seize every opportunity to press forward their evacuation and that the various Governments will, as an exceptional measure, and subject to the safeguarding of their own interests, authorise the issue of emergency visas to enable the refugees to leave Turkey;

(13) Adopts the Budget for the Refugees Services for 1929, as already approved by the Governing Body of the International Labour Office and by the Supervisory Commission, and

Requests the Supervisory Commission to take into consideration the uncertainty of the position of the officials employed in that Service, to which attention has been drawn by the Governing Body of the International Labour Office, and to grant them the improvements asked for on their behalf.

7. Plan for the establishment of Armenian refugees in the Republic of Erivan.

The Assembly :

Decides that the work of establishment of Armenian refugees in the Republic of Erivan shall be carried on under the auspices of the League of Nations;

Requests the Council to continue negotiations with those Governments which have offered assistance in this work, in order that the conditions under which other offers have been made may be fulfilled;

Approves the inclusion in the budget of the sum of 50,000 Swiss francs to meet the administrative expenses of this work.

8. Question of Alcoholism.

The Assembly :

Having had a draft resolution on the subject of alcoholism submitted to it by the Finnish, Swedish and Polish delegations :

Decides to ask the Council to request the Health Organisation of the League of Nations to collect full statistical information regarding alcoholism, considered as a consequence of the abuse of alcohol, giving prominence, *inter alia*, according to the data available, to the deleterious effects of the bad quality of the alcohols consumed;

And, considering that, while it is for the Governments to put a stop to the contraband trade carried on in violation of the conventions in force between them, it may nevertheless be useful to examine the terms in which such conventions or agreements might be drawn up, for the prevention of smuggling in general and that of alcohol in particular :

Decides to ask the Council to request the Economic Committee to carry out this investigation and to submit any proposals to the Council arising out of its conclusions.

It is understood that this resolution does not refer to wine, beer or cider.

VI. — Other Questions

1. *Financial Questions,*

(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 ninth financial period, ending on December 31st, 1927.

(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 1929, 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 27,026,280 Swiss francs.

And decides that the aforesaid budgets shall be published in the *Official Journal*.

(3) The Assembly adopts the conclusions of the various reports submitted for its consideration by the Supervisory Commission, except in regard to the Commission of Enquiry to the Far East.

(4) The Assembly adopts the conclusions of the report of the Fourth Committee.

(5) The Assembly :

I. Requests the Council to ask the Allocation Committee to submit a revised scale to the 1932 Assembly;

II. Approves for the years 1929, 1930, 1931 and 1932, the scale for the allocation of the expenses of the League in force during the year 1928.

2. *Contributions in Arrears.*

The Assembly requests the Secretary-General :

(1) To continue to give his support when necessary to any steps which he may consider useful with a view to the recovery of arrears;

(2) To submit to the Council before the next session of the Assembly a detailed report of the position with regard to contributions in arrears.

o

3. *Construction of an Assembly Hall, of a New Building for the Secretariat, and of a New Library.*

The Assembly :

Approves the report of the Special Committee of Five Members in regard to the new buildings;

Approves the choice of the Ariana Park as a site for the new buildings of the League of Nations;

Authorises the Secretary-General to sign all the necessary legal documents concerning the exchange of rights on the properties in question between the League of Nations and the Genevese authorities, as well as to draw up and sign the necessary contract between the architects and the League of Nations on the basis of the Special Committee's report to the Council, approved by the Council on March 6th, 1928.

Authorises the Special Committee of Five Members (M. Adatci, M. Osusky, M. Politis, M. Urrutia and Sir Edward Hilton Young), as soon as the legal formalities for the transfer of the land have been completed, and after having obtained all the expert advice necessary from the technical point of view, to give final approval to revised plans adapted to the new site, such approval to be submitted to the Council of the League of Nations for ratification. The final plans thus approved will then be carried into execution without delay by the Secretary-General, and the Building Committee already appointed in accordance with the Assembly resolution of September 25th, 1924.

ANNEX I

GENERAL ACT.

CHAPTER I. — CONCILIATION.

Article 1.

Disputes of every kind between two or more parties to the present General Act which it has not been possible to settle by diplomacy shall, subject to such reservations as may be made under Article 39, be submitted, under the conditions laid down in the present Chapter, to the procedure of conciliation.

Article 2.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties to the dispute.

Article 3.

On a request to that effect being made by one of the Contracting Parties to another Party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 4.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows :

1. The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties. The parties shall appoint the President of the Commission from among them.

2. The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 5.

If, when a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

Article 6.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Article 3 and 5, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the parties, or on request of the parties, to the Acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 7.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in default thereof by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall, without delay, be notified by it.

Article 8.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall, in such case, be entitled to take similar action within fifteen days from the date on which it received the notification.

Article 9.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations, or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 10.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 11.

1. In the absence of any agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents; whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 12.

In the absence of agreement to the contrary between the parties, the decisions of the Conciliation Commission shall be taken by a majority vote, and the Commission may only take decisions on the substance of the dispute if all its members are present.

Article 13.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 14.

1. During the proceedings of the Commission, each of the commissioners shall receive emoluments the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.
2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

Article 15.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.
2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.
3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognisance of the dispute.

Article 16.

The Commission's procès-verbal shall be communicated without delay to the Parties. The parties shall decide whether it shall be published.

CHAPTER II. — JUDICIAL SETTLEMENT.

Article 17.

All disputes with regard to which the Parties are in conflict as to their respective rights shall, subject to any reservations which may be made under Article 39, be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

Article 18.

If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected, and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, shall apply so far as is necessary. If nothing is laid down in the special agreements as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

Article 19.

If the parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either party shall be at liberty, after giving three months notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

Article 20.

1. Notwithstanding the provisions of Article 1, disputes of the kind referred to in Article 17 arising between parties who have acceded to the obligations contained in the present chapter shall only be subject to the procedure of conciliation if the parties so agree.
2. The obligation to resort to the procedure of conciliation remains applicable to disputes which are excluded from judicial settlement only by the operation of reservations under the provisions of Article 39.
3. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of

the arbitral tribunal referred to in Article 18 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

CHAPTER III. — ARBITRATION.

Article 21.

Any dispute not of the kind referred to in Article 17 which does not, within the month following the termination of the work of the Conciliation Commission provided for in Chapter I, form the object of an agreement between the parties, may, subject to such reservations as may be made under Article 39, be brought before an arbitral tribunal which, unless the parties otherwise agree, shall be constituted in the manner set out below.

Article 22.

The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The two other arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties.

Article 23.

1. If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the parties requested the other party to constitute an arbitral tribunal, a third Power, chosen by agreement between the parties, shall be requested to make the necessary appointments.

2. If no agreement is reached on this point, each party shall designate a different Power, and the appointments shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers so chosen have been unable to reach an agreement, the necessary appointments shall be made by the President of the Permanent Court of International Justice. If the latter is prevented from acting or is a subject of one of the parties, the nomination shall be made by the Vice-President. If the latter is prevented from acting or is a subject of one of the parties, the appointments shall be made by the oldest member of the Court who is not a subject of either party.

Article 24.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 25.

The parties shall draw up a special agreement determining the subject of the disputes and the details of procedure.

Article 26.

In the absence of sufficient particulars in the special agreement regarding the matters referred to in the preceding article, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary,

Article 27.

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted, the dispute may be brought before the Tribunal by an application by one or other party.

Article 28.

If nothing is laid down in the special agreement or no special agreement has been made, the Tribunal shall apply the rules in regard to the substance of the dispute enumerated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as there exists no such rule applicable to the dispute, the Tribunal shall decide *ex æquo et bono*.

CHAPTER IV. — GENERAL PROVISIONS.

Article 29.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. The present General Act shall not affect any agreements in force by which conciliation procedure is established between the Parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present General Act concerning judicial settlement or arbitration shall be applied in so far as the Parties have acceded thereto.

Article 30.

If a party brings before a Conciliation Commission a dispute which the other party, relying on conventions in force between the parties, has submitted to the Permanent Court of International Justice or an Arbitral Tribunal, the Commission shall defer consideration of the dispute until the Court or the Arbitral Tribunal has pronounced upon the conflict of competence. The same rule shall apply if the Court or the Tribunal is seized of the case by one of the parties during the conciliation proceedings.

Article 31.

1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present General Act until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the party which desires to resort to the procedures laid down in the present General Act must notify the other party of its intention within a period of one year from the date of the aforementioned decision.

Article 32.

If, in a judicial sentence or arbitral award, it is declared that a judgment, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction.

Article 33.

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 34.

Should a dispute arise between more than two Parties to the present General Act, the following rules shall be observed for the application of the forms of procedure described in the foregoing provisions :

(a) In the case of conciliation procedure, a special commission shall invariably be constituted. The composition of such commission shall differ according as the parties all have separate interests or as two or more of their number act together.

In the former case, the parties shall each appoint one commissioner and shall jointly appoint commissioners nationals of third Powers not parties to the dispute, whose number shall always exceed by one the number of commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third commissioners.

In either event, the parties, unless they agree otherwise, shall apply Article 5 and the following articles of the present Act, so far as they are compatible with the provisions of the present article.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, in the case of the disputes mentioned in Article 17 each party shall have the right, by means of an application, to submit the dispute to the Permanent Court of International Justice; in the case of the disputes mentioned in Article 21, the above Article 22 and following articles shall apply, but each party having separate interests shall appoint one arbitrator and the number of arbitrators separately appointed by the parties to the dispute shall always be one less than that of the other arbitrators.

Article 35.

1. The present General Act shall be applicable as between the parties thereto, even though a third Power, whether a party to the Act or not, has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

Article 36.

1. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the arbitral tribunal a request to intervene as a third Party.

2. It will be for the Court or the tribunal to decide upon this request.

Article 37.

1. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the arbitral tribunal shall notify all such States forthwith.

2. Every State so notified has the right to intervene in the proceedings; but, if it uses this right, the construction given by the decision will be binding upon it.

Article 38.

Accessions to the present General Act may extend :

A. Either to all the provisions of the Act (Chapters I, II, III and IV);

B. Or to those provisions only which relate to conciliation and judicial settlement (Chapters I and II), together with the general provisions dealing with these procedures (Chapter IV);

C. Or to those provisions only which relate to conciliation (Chapter I), together with the general provisions concerning that procedure (Chapter IV).

The Contracting Parties may benefit by the accessions of other Parties only in so far as they have themselves assumed the same obligations.

Article 39.

1. In addition to the power given in the preceding article, a Party, in acceding to the present General Act, may make his acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.

2. These reservations may be such as to exclude from the procedure described in the present Act :

(a) Disputes arising out of facts prior to the accession either of the Party making the reservation or of any other Party with whom the said Party may have a dispute;

(b) Disputes concerning questions which by international law are solely within the domestic jurisdiction of States;

(c) Disputes concerning particular cases or clearly specified subject-matters, such as territorial status, or disputes falling within clearly defined categories.

3. If one of the parties to a dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.

4. In the case of Parties who have acceded to the provisions of the present General Act relating to judicial settlement or to arbitration, such reservations as they may have made shall, unless otherwise expressly stated, be deemed not to apply to the procedure of conciliation.

Article 40.

A Party whose accession has been only partial, or was made subject to reservations, may at any moment, by means of a simple declaration, either extend the scope of his accession or abandon all or part of his reservations.

Article 41.

Disputes relating to the interpretation or application of the present General Act, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

Article 42.

The present General Act, of which the French and English texts shall both be authentic, shall be the date of the 26th of September 1928.

Article 43.

1. The present General Act shall be open to accession by all the 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.

2. The instruments of accession and the additional declarations provided for by Article 40 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.

3. The Secretary-General of the League of Nations shall draw up three lists, denominated respectively by the letters A, B and C, corresponding to the three forms of accession to the present Act provided for in Article 38, in which shall be shown the accessions and additional declarations of the Contracting Parties. These lists, which shall be continually kept up to date, shall be published in the annual report presented to the Assembly of the League of Nations by the Secretary-General.

Article 44.

1. The present general Act shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the accession of not less than two Contracting Parties.

2. Accessions received after the entry into force of the Act, 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. The same rule shall apply to the additional declarations provided for by Article 40.

Article 45.

1. The present General Act shall be concluded for a period of five years, dating from its entry into force.

2. It shall remain in force for further successive periods of five years in the case of Contracting Parties which do not denounce it at least six months before the expiration of the current period.

3. 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 referred to in Article 43.

4. A denunciation may be partial only, or may consist in notification of reservations not previously made.

5. Notwithstanding denunciation by one of the Contracting Parties concerned in a dispute, all proceedings pending at the expiration of the current period of the General Act shall be duly completed.

Article 46.

A copy of the present General Act, 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 47.

The present General Act shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

ANNEX II

BILATERAL CONVENTION FOR THE PACIFIC SETTLEMENT OF ALL INTERNATIONAL DISPUTES.

(Convention a.)

(The Heads of States.) (Governments are left free to draw up the preamble as they may think fit.)

.....
Have decided to realise their common aim by means of a Convention, and have appointed as their plenipotentiaries :

.....
who having deposited their full powers found in good and due form, have agreed on the following provisions :

CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL.

Article 1.

Disputes of every kind which may arise between the High Contracting Parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present Convention, to settlement by judicial means or arbitration, preceded, according to circumstances, as a compulsory or optional measure, by recourse to the procedure of conciliation.

Article 2.

Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties shall be settled in conformity with the provisions of those conventions.

2. The present Convention shall not affect any agreements in force by which conciliation procedure is established between the High Contracting Parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation after such procedure has been followed without result, the provisions of the present Convention concerning judicial settlement or arbitration shall be applied.

Article 3.

1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present Convention until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the party which desires to resort to the procedures laid down in the present Convention must notify the other party of its intention within a period of one year from the date of the afore mentioned decision.

CHAPTER II. — JUDICIAL SETTLEMENT

Article 4.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Permanent Court of International Justice.

Article 5.

If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary. If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

Article 6.

If the parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

Article 7.

1. In the case of the disputes mentioned in Article 4, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Convention.

2. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Article 5 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

CHAPTER III. — CONCILIATION.

Article 8.

All disputes between the parties other than the disputes mentioned in Article 4 shall be submitted obligatorily to a procedure of conciliation before they can form the subject of a settlement by arbitration.

Article 9.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties to the dispute.

Article 10.

On a request to that effect being made by one of the Contracting Parties to the other party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 11.

Unless the parties agree otherwise, the Conciliation Commission shall be constituted as follows:

1. The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals.

The three other commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties. The parties shall appoint the President of the Commission from among them.

2. The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace the commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 12.

If, when a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission, shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

Article 13.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles 10 and 12, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the parties or, on request of the parties, by the Acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 14.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or, in default thereof, by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall without delay be notified by it.

Article 15.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall in such case be entitled to take similar action within fifteen days from the date on which it received the notification.

Article 16.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations, or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 17.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 18.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents, whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 19.

In the absence of agreement to the contrary between the parties, the decisions of the Conciliation Commission shall be taken by a majority vote and the Commission may only take decisions on the substance of the dispute if all its members are present.

Article 20.

The parties undertake to facilitate the work of the Conciliation Commission and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 21.

1. During the proceedings of the Commission, each of the commissioners shall receive emoluments the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

Article 22.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement, and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been giving cognisance of the dispute.

Article 23.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

CHAPTER IV. — SETTLEMENT BY ARBITRATION.

Article 24.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission mentioned in the previous articles, the

question shall be brought before an Arbitral Tribunal which, unless the parties agree otherwise, shall be constituted in the manner indicated below.

Article 25.

The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The two other arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties.

Article 26.

1. If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the parties requested the other party to constitute an arbitral tribunal, a third Power, chosen by agreement between the parties, shall be requested to make the necessary appointments.

2. If no agreement is reached on this point, each party shall designate a different Power, and the appointments shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers so chosen have been unable to reach an agreement, the necessary appointments shall be made by the President of the Permanent Court of International Justice. If the latter is prevented from acting or is a subject of one of the parties, the nomination shall be made by the Vice-President. If the latter is prevented from acting or is a subject of one of the parties, the appointments shall be made by the oldest member of the Court who is not a subject of either party.

Article 27.

Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 28.

The parties shall draw up a special agreement determining the subject of the dispute and the details of procedure.

Article 29.

Failing stipulations to the contrary in the special agreement, the procedure followed by the Arbitral Tribunal shall be that laid down in Part IV, Chapter III, of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 30.

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted, the dispute may be brought before the Tribunal by an application by one or other party.

Article 31.

If nothing is laid down in the special agreement or no special agreement has been made, the Tribunal shall apply the rules in regard to the substance of the dispute indicated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as there exists no such rule applicable to the dispute, the Tribunal shall decide *ex æquo et bono*.

CHAPTER V. — GENERAL PROVISIONS.

Article 32.

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal shall lay down within the shortest possible time the provisional measures to be adopted. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission, and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 33.

If, in a judicial sentence or arbitral award, it is declared that a judgment, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction.

Article 34.

1. The present Convention shall be applicable as between the High Contracting Parties, even though a third Power has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

3. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be effected by the decision in the case, it may submit to the Permanent Court of International Justice or to the Arbitral Tribunal a request to intervene as a third party.

It will be for the Court or the Tribunal to decide upon this request.

4. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the Arbitral Tribunal shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings : but if it uses this right, the construction given by the decision will be binding upon it.

Article (1).

Article 35.

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes (..... (2)) shall be submitted to the Permanent Court of International Justice.

Article 36.

The present Convention, which is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take, at any time, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 37.

1. The present Convention shall be ratified and the exchange of ratifications shall take place at.....

It shall be registered at the Secretariat of the League of Nations.

2. The Convention shall be concluded for a period of five years dating from the exchange of ratifications.

3. If it has not been denounced at least six months before the expiration of this period, it shall remain in force for further successive periods of five years.

4. Notwithstanding denunciation by one of the High Contracting Parties, all proceedings pending at the expiration of the current period of the Convention shall be duly completed.

IN FAITH WHEREOF, the above-mentioned plenipotentiaries have signed the present Convention.

DONE at on
in copies

(1) States desiring to introduce reservations might insert here an article based on Article 39 of the General Act. In this case they would require to adapt various articles of the convention to the existence of reservations, as is done in the General Act.

(2) If the Convention contains reservations, it would be convenient to add : " and the scope of reservations "

BILATERAL CONVENTION FOR JUDICIAL SETTLEMENT,
ARBITRATION AND CONCILIATION

(Convention b.)

The Heads of States (Governments are left free to draw up the Preamble as they may think fit)

.....
Have decided to achieve their common aim by means of a Convention, and have appointed as their plenipotentiaries :

.....
who, having deposited their full powers found in good and due form, have agreed on the following provisions :

CHAPTER I. — PACIFIC SETTLEMENT IN GENERAL.

Article 1.

Disputes of every kind which may arise between the High Contracting Parties and which it has not been possible to settle by diplomacy shall be submitted to a procedure of judicial settlement, arbitration or conciliation under the conditions laid down in the present Convention.

Article 2.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. The present Convention shall not affect any agreements in force by which conciliation procedure is established between the High Contracting Parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present Convention concerning judicial settlement or arbitration shall be applied.

Article 3.

1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present Convention until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the party which desires to resort to the procedures laid down in the present Convention must notify the other party of its intention within a period of one year from the date of the afore mentioned decision.

CHAPTER II. — JUDICIAL SETTLEMENT.

Article 4.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

Article 5.

If the Parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary. If nothing is laid down in the special agreement as

to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

Article 6.

If the parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

Article 7.

1. In the case of the disputes mentioned in Article 4, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Convention.

2. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Article 5 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

CHAPTER III. — CONCILIATION.

Article 8.

All disputes between the parties other than the disputes mentioned in Article 4 shall be submitted obligatorily to a procedure of conciliation.

Article 9.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 10.

On a request to that effect being made by one of the Contracting Parties to the other party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 11.

Unless the parties agree otherwise, the Conciliation Commission shall be constituted as follows :

1. The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties. The parties shall appoint the President of the Commission from among them.

2. The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace the commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 12.

If, when a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission, shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

Article 13.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles 10 and 12, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the parties or, on request of the parties, by the Acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 14.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or, in default thereof, by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall without delay be notified by it.

Article 15.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall in such case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 16.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations, or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 17.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 18.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents, whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 19.

In the absence of agreement to the contrary between the parties, the decisions of the Conciliation Commission shall be taken by a majority vote and the Commission may only take decisions on the substance of the dispute if all its members are present.

Article 20.

The parties undertake to facilitate the work of the Conciliation Commission and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 21.

1. During the proceedings of the Commission, each of the commissioners shall receive emoluments the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

Article 22.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable, to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement, and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognisance of the dispute.

Article 23.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 24.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the dispute remains subject to be dealt with in accordance with Article 15 ⁽¹⁾ of the Covenant of the League of Nations. This provision shall not apply in the case provided for in Article 7.

CHAPTER IV. — GENERAL PROVISIONS.

Article 25.

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

(1) Should the Convention be concluded between a State Member of the League of Nations and a non-Member State the reference to Article 15 should be replaced by a reference to Article 17.

Article 26.

If, in a judicial sentence or arbitral award, it is declared that a judgment, or a measure enjoined by a court of law or other authority of one the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction.

Article 27.

1. The present Convention shall be applicable as between the High Contracting Parties, even though a third Power has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

3. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the arbitral tribunal a request to intervene as a third Party.

It will be for the Court or the tribunal to decide upon this request.

4. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the tribunal shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings; but, if it uses this right, the construction given by the decision will be binding upon it.

Article (27).

Article 28.

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes (.⁽²⁾) shall be submitted to the Permanent Court of International Justice.

Article 29.

The present Convention, which is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take, at any time, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 30.

1. The present Convention shall be ratified and the exchange of ratifications shall take place at

It shall be registered at the Secretariat of the League of Nations.

2. The Convention shall be concluded for a period of five years dating from the exchange of ratifications.

3. If it has not been denounced at least six months before the expiration of this period, it shall remain in force for further successive periods of five years.

4. Notwithstanding denunciation by one of the High Contracting Parties, all proceedings pending at the expiration of the current period of the Convention shall be duly completed.

IN FAITH WHEREOF, the above-mentioned plenipotentiaries have signed the present Convention.

DONE at on
in copies

(1) States desiring to introduce reservations might be guided by Article 39 of the General Act. In this case they would require to adapt various articles of the Convention to the existence of reservations, as is done in the General Act.

(2) If the Convention contains reservations, it would be convenient to add : " and the scope of reservations ".

BILATERAL CONCILIATION CONVENTION

(Convention c.)

The Heads of States (Governments are left free to draw up the Preamble as they may think fit).

.....
Have decided to achieve their common aim by means of a Convention, and have appointed at their plenipotentiaries :

.....
who, having deposited their full powers found in good and due form, have agreed on the following provisions :

Article 1.

Disputes of every kind which may arise between the High Contracting Parties and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present Convention, to settlement by recourse to the procedure of conciliation.

Article 2.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 3.

Disputes for the settlement of which a procedure by judicial settlement, arbitration or conciliation is laid down in other conventions in force between the parties shall be settled in conformity with the provisions of such conventions.

Article 4.

If a party brings before a Conciliation Commission a dispute which the other party relying on conventions in force between the parties has submitted to the Permanent Court of International Justice or an Arbitral Tribunal, the Commission shall defer consideration of the dispute until the Court or the Arbitral Tribunal has pronounced upon the conflict of competence. The same rule shall apply if the Court or the Tribunal is seized of the case by one of the parties during the conciliation proceedings.

Article 5.

1. In the case of a dispute the occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the party in question may object to the matter in dispute being submitted for settlement by the different methods laid down in the present Convention until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the party which desires to resort to the procedures laid down in the present Convention must notify the other party of its intention within a period of one year from the date of the afore mentioned decision.

Article 6.

On a request to that effect being made by one of the Contracting Parties to the other party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 7.

Unless the parties agree otherwise, the Conciliation Commission shall be constituted as follows :

1. The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties. The parties shall appoint the President of the Commission from among them.

2. The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 8.

If, when a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission, shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

Article 9.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles 6 and 8, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the parties or, on request of the parties, to the Acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 10.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or in default thereof by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall without delay be notified by it.

Article 11.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall, in such case, be entitled to take similar action within fifteen days from the date on which it received the notification.

Article 12.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations, or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 13.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 14.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both

parties being heard. In regard to enquiries, the Commission, unless it decides unani-
mously to the contrary, shall act in accordance with the provisions of Part III of the
Hague Convention of October 18th, 1907, for the Pacific Settlement of International
Disputes.

2. The parties shall be represented before the Conciliation Commission by agents,
whose duty shall be to act as intermediaries between them and the Commission; they may,
moreover, be assisted by counsel and experts appointed by them for that purpose and
may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from
the agents, counsel and experts of both parties, as well as from all persons it may think
desirable to summon with the consent of their Governments.

Article 15.

In the absence of agreement to the contrary between the parties, the decisions of the
Conciliation Commission shall be taken by a majority vote and the Commission may only
take decisions on the substance of the dispute if all its members are present.

Article 16.

The parties undertake to facilitate the work of the Conciliation Commission and
particularly to supply it to the greatest possible extent with all relevant documents and
information, as well as to use the means at their disposal to allow it to proceed in their
territory, and in accordance with their law, to the summoning and hearing of witnesses
or experts and to visit the localities in question.

Article 17.

1. During the proceedings of the Commission, each of the commissioners shall receive
emoluments the amount of which shall be fixed by agreement between the parties, each
of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided
in the same manner.

Article 18.

1. The task of the Conciliation Commission shall be to elucidate the questions in
dispute, to collect with that object all necessary information by means of enquiry or
otherwise, and to endeavour to bring the parties to an agreement. It may, after the case
has been examined, inform the parties of the terms of settlement which seem suitable to it,
and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal
stating, as the case may be, either that parties have come to an agreement, and, if need
arises, the terms of the agreement, or that it has been impossible to effect a settlement.
No mention shall be made in the procès-verbal of whether the Commission's decisions
were taken unanimously or by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be
terminated within six months from the date on which the Commission shall have been
given cognisance of the dispute.

Article 19.

The Commission's procès-verbal shall be communicated without delay to the parties.
The parties shall decide whether it shall be published.

Article 20.

1. In all cases, and particularly if the question on which the parties differ arises out
of acts already committed or on the point of being committed, the Conciliation Commission,
when given cognisance of the dispute, may recommend to the parties the adoption of such
provisional measures as it may consider desirable.

2. The parties to the dispute undertake to abstain from all measures likely to react
prejudicially upon the arrangements proposed by the Conciliation Commission, and in
general to abstain from any sort of action whatsoever which may aggravate or extend the
dispute.

Article 21.

1. The present Convention shall be applicable as between the High Contracting Parties, even though a third Power has an interest in the dispute.
2. The parties may agree to invite such third Power to intervene.

Article (1).

Article 22.

Disputes relating to the interpretation or application of the present Convention, including those concerning the classification of disputes (. . . .²⁾ shall be submitted to the Permanent Court of International Justice.

Article 23.

The present Convention, which is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take, at any time, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 24.

1. The present Convention shall be ratified and the exchange of ratifications shall take place at
It shall be registered at the Secretariat of the League of Nations.
2. The Convention shall be concluded for a period of five years dating from the exchange of ratifications.
3. If it has not been denounced at least six months before the expiration of this period, it shall remain in force for further successive periods of five years.
4. Notwithstanding denunciation by one of the High Contracting Parties, all proceedings pending at the expiration of the current period of the Convention shall be duly completed.

IN FAITH WHEREOF, the above-mentioned plenipotentiaries have signed the present Convention.

DONE at on
in copies

ANNEX III

INTRODUCTORY NOTE TO THE MODEL COLLECTIVE TREATIES OF MUTUAL ASSISTANCE AND OF COLLECTIVE AND BILATERAL TREATIES OF NON-AGGRESSION

The Committee thought it advisable to prepare three model treaties which are of unequal scope as regards the degree of security they might afford to States seeking fresh guarantees.

I. MODEL TREATY OF MUTUAL ASSISTANCE.

The draft having widest scope is clearly that which combines the three elements : non-aggression, peaceful settlement of disputes and mutual assistance.

This draft differs from the Rhine Pact of Locarno in several respects :

- (a) It contains no clause guaranteeing the maintenance of the territorial *status quo*.
- (b) It provides for no guarantee by third States.¹
- (c) It provides for the case of States non-members of the League of Nations being parties to the treaty.
- (d) It contains, with regard to the peaceful settlement of disputes, a certain number of clauses which, in the Locarno Agreements, do not figure in the Rhine Pact, but in annexed Conventions.

(1) States desiring to introduce reservations might insert here two articles based on Article 39 of the General Act. In this case they would require to adapt various articles of the Convention to the existence of reservations, as is done in the General Act.

(2) If the Convention contains reservations, it would be convenient to add : " and the scope of reservations ".

These differences are due, in the model treaty recommended, to the following reasons :

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

It is therefore quite possible to be content with the three essential factors of the treaty : non-aggression, the peaceful settlement of disputes and mutual assistance. By their close combination, they signify that the contracting parties, renouncing the use of force to back up their claims, will be guided by a respect for legality in their relations with each other, and that whichever of them breaks its engagements will expose itself, apart from the possible application of the collective sanctions provided for in Article 16 of the Covenant, to the particular sanctions organised by the system of mutual assistance provided for in the treaty.

(b) Similarly, while the guarantee of third States can greatly add to the effectiveness of a treaty of mutual assistance, clearly its absence must not constitute an obstacle to the conclusion of the treaty. The Committee has therefore not thought it advisable to include a clause of this nature in the model treaty it recommends. In the event of the contracting parties being able to rely on the guarantee of third States, the details of this guarantee might either figure in the treaty itself, according to the precedent of the Rhine Pact of Locarno, or be dealt with in separate conventions.

(c) The Committee thought it expedient to provide for the case of States non-members of the League of Nations being parties to the treaty. It considers that it has made this possible by inserting the provision of Article 28 under which any non-legal conflict between the parties would, in the event of the failure of conciliation proceedings, be governed by the provisions of Article 17 of the Covenant if one of the parties to the dispute is not a member of the League of Nations.

The Turkish delegation proposed that the Committee should go a step further and omit the exceptions provided for in Article 1, which lays down the obligation of non-aggression, and should stipulate :

(1) That aggression by one of the contracting parties against another contracting party would involve the annulment of the treaty.

(2) That aggression by one of the contracting parties against a third Power would involve release from the obligation of neutrality which should be provided for in a new article of the treaty.

Moreover, the Turkish delegation proposed that it should be stipulated in Article 3 with reference to a violation of Article 1 that, if one of the contracting parties not a member of the League of Nations so requests, the question should not be brought before the Council, but submitted to an international commission of enquiry.

The Committee was of opinion that the problems raised by the Turkish delegation's proposals were too complex for it to be possible to examine them at the present session. Unless the Assembly itself desires to examine them, they might be considered at a subsequent meeting of the Committee on Arbitration and Security.

The Turkish delegation agreed to the proposed adjournment.

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

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

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

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

Preamble : The preamble might be limited to a single paragraph, omitting those which have been borrowed from some of the Locarno Conventions. The Committee thinks,

however, that it would be well to retain these additional paragraphs. They would serve to create that confidence between the contracting parties by which their relations should be governed. They would mark the respect for legality by which the contracting parties would agree to be guided in their relations, and the absence of all chicanery and moral or political pressure.

Article 1. The formula by which "each of the High Contracting Parties undertakes not to... resort to war against another Contracting Party" must, in the opinion of the Committee, be understood to mean that the parties, which undertake by the Treaty of Mutual Assistance to settle all their disputes by forms of pacific procedure, in every case exclude recourse to force in any form whatever, apart from the exceptions formally reserved in the text.

Article 3. It might be possible and desirable in certain cases to add stipulations regarding flagrant aggression. Parties could insert in their Treaty of Mutual Assistance a clause similar to that in paragraph 3, Article 4, of the Rhine Pact of Locarno. This clause reads as follows :

"In case of a flagrant violation of Article 2 of the present Treaty or of a flagrant breach of Articles 42 or 43 of the Treaty of Versailles by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that, by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarised zone, immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this Article, will issue its findings, and the High Contracting Parties undertake to act in accordance with the recommendations of the Council, provided that they are concurred in by all the members other than the representatives of the Parties which have engaged in hostilities."

The parties might further stipulate that, should the Council prescribe an armistice, they undertake to carry out its conditions. Such a formula would have the twofold advantage of not anticipating any measures that the Council might take in the case of hostilities which had started, and of facilitating the designation of the aggressor, if the Council decided to prescribe an armistice. But this is a difficult point, and the Committee thought it best to make no mention of it in the model treaty.

Subjects which might be dealt with in Special Clauses.

(a) *Reservations.* — The Committee did not think that it should draft a special article providing for the possibility of excluding certain classes of disputes from the procedure for the pacific settlement of disputes. If the contracting parties agreed to insert in their treaty certain reservations, they might be guided by the provisions regarding reservations contained in the General Convention for Judicial Settlement, Arbitration and Conciliation (Convention B). It would be clearly understood, of course, that the undertaking regarding non-aggression contained in Article I would in no case be affected by the insertion of provisions of this kind. Even in respect of disputes reserved in this way, the obligation not to resort to force would remain unaffected.

(b) *Preventive and provisional measures.* — The clause inserted in the general provisions with regard to the provisional measures which might be indicated by an international court, or recommended by a Conciliation Commission, could be supplemented by the relevant provisions of the model treaty to strengthen the means of preventing war.

(c) *Re-establishment of peace after an aggression.* — The Committee had to consider, in pursuance of the proposal made by some of its members, whether the model Treaty of Mutual Assistance should not include stipulations concerning the action to be taken by the Council in connection with the cessation of mutual assistance, the re-establishment of normal relations and the reparations to be claimed from the aggressor.

After consideration, the Committee decided that it would not be expedient to insert such detailed provisions. It would always be open to the parties, should they so desire, to extend their particular treaty by the inclusion of clauses of this kind.

(d) *Establishment of demilitarised zones.* — The establishment of demilitarised zones, as long experience has shown—in particular the naval demilitarisation of the Great Lakes of North America or of the frontier between Norway and Sweden—tends to give nations a feeling of greater security. However, this is not always the case. Here, again, all depends on circumstances. If the contracting parties or certain of them wished to establish such zones along their frontiers, they could do so by separate conventions.

(e) *Accession of third States.* — The Committee decided not to insert a clause stipulating that collective treaties of mutual assistance should remain open for the accession of third States. Such accessions are only conceivable with the consent of the contracting parties.

(f) *Co-ordination of Treaties of Mutual Assistance with the Covenant of the League of Nations and any separate agreements which the contracting parties may have concluded previously.* — The Committee considers that the provisions of the draft harmonise with those of the League Covenant. The parties will have to see that no clauses are introduced the application of which would conflict with the operation of the Covenant. Otherwise they will risk weakening the general guarantee given to Members of the League by Article 16 of the Covenant.

In any case, the parties will do well to retain in their treaty the clause by which they reserve their rights and obligations as Members of the League of Nations.

The parties will also have to co-ordinate with the Treaty of Mutual Assistance any separate agreements which they may have concluded previously.

(g) *Duration of Treaties of Mutual Assistance.* — The Committee did not feel called upon to decide between the various systems which could be adopted with regard to the duration of the treaty. It had in mind three main systems: the first, on the lines of the Rhine Pact of Locarno, without indication as to duration, but expiring as a result of a decision by the Council; the second, providing for a duration of ten or twenty years with the possibility of denunciation at the end of these periods after one year's notice, or, failing denunciation, renewal of the treaty by tacit consent for a similar period; the third system would be a combination of the other two; it would provide for a short trial period after which the parties could free themselves from their contract subject to one year's notice. If not denounced, the treaty would remain in force indefinitely, but it might be brought to an end by a decision of the Council.

The Committee has felt that none of these systems could be definitely selected without going very deeply into the question—a course which it has been impossible to follow.

(h) *Aggression by a third State.* — The Committee has not felt called upon to refer to the mutual assistance to be afforded by contracting parties in the case of aggression by third States. The discussion showed that some States held that such a guarantee is necessary in view of certain definite contingencies, particularly where certain other States refuse to conclude with them a collective treaty, including non-aggression, the pacific settlement of disputes and mutual assistance. On the other hand, it may be held that it is not for the League of Nations, whose object it is to promote, sincere cooperation between all its Members with a view to maintaining and consolidating peace, to recommend in a treaty of its own framing provisions which might lead to the formation of rival groups of nations. In this connection, it has been pointed out in the course of discussion that treaties of mutual assistance will be the more valuable and will more certainly merit the support of the League of Nations if they are, in accordance with the precedent of the Rhine Pact of Locarno, concluded between States which only a short time ago belonged to rival groups, or States whose differences might endanger the peace of the world.

It is equally clear that the contracting parties could not in any case afford any assistance to a third State which ventured to attack one of them in violation of the Covenant of the League of Nations. The insertion of a special clause to this effect is useless, since it cannot be presumed that a Power which agrees to become party to a treaty of security would be disloyal to any of its co-signatories. It would even be dangerous to insert such a clause, for it might well weaken the force of Articles 16 and 17 of the Covenant; the undertaking not to afford assistance to a third aggressor State would not, for States Members of the League of Nations, be an adequate commitment. The Covenant provides, not for negative, but for positive action against any State resorting to war in violation of the engagements subscribed to in Articles 12, 13 and 15.

(i) *Linking-up of Treaties of Mutual Assistance with disarmament.* — As pointed out above in the paragraph which deals with the duration of treaties of mutual assistance, the latter are calculated to facilitate the successful issue of a general Conference on the Reduction and Limitation of Armaments. The Committee on Security, not unmindful of the fact that it owes its origin to a 1927 Assembly resolution on the question of disarmament, feels bound to lay special stress on this consideration, which has influenced all its deliberations. But it would be premature, at the present juncture, to attempt to define the connection which should exist between treaties of mutual assistance and the limitation and reduction of armaments.

(j) *Recommendation with a view to the conclusion of collective Treaties of Mutual Assistance.* — Conceived as they are in the spirit of the League and therefore meriting the League's full support, the conclusion of collective Treaties of Mutual Assistance should, in the opinion of the Committee, be facilitated if necessary. The Committee therefore proposes to recommend a draft resolution defining the conditions under which the Council of the

League might, in this connection, lend its good offices. In these cases, the Council's task would obviously be a very delicate one, but we may be sure that it would, as ever, act with the greatest prudence and that, if it took action in such a matter, it would be likely to prove successful.

The conclusion of a collective Treaty of Mutual Assistance, as conceived by the Committee, naturally presupposes political preparation and endeavours to bring about a better understanding between the countries destined to conclude reciprocal agreements.

II. MODELS OF COLLECTIVE AND BILATERAL TREATIES OF NON-AGGRESSION.

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

MODEL TREATIES.

COLLECTIVE TREATY OF MUTUAL ASSISTANCE.

(Treaty D.)

(List of Heads of States.)

.....
Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals;

Recognising that the rights of the several States cannot be modified except with their consent;

Considering that the faithful observance, under the auspices of the League of Nations, of methods of pacific settlement renders possible the settlement of all disputes;

Desirous of establishing on a firm basis relations of frank co-operation between their respective countries and of securing additional guarantees for peace within the framework of the Covenant of the League of Nations :

Have resolved to conclude a Treaty for these purposes and have appointed as their plenipotentiaries :

.....
who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

CHAPTER I. — NON-AGGRESSION AND MUTUAL ASSISTANCE.

Article 1.

Each of the High Contracting Parties undertakes, in regard to each of the other Parties not to attack or invade the territory of another Contracting Party, and in no case to resort to war against another Contracting Party.

This stipulation shall not, however, apply in the case of :

- (1) The exercise of the right of legitimate defence — that is to say, resistance to a violation of the undertaking contained in the first paragraph;
- (2) Action in pursuance of Article 16 of the Covenant of the League of Nations;
- (3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 2.

Each of the High Contracting Parties undertakes, in regard to each of the others, to submit to a procedure of pacific settlement, in the manner provided for in the present Treaty, all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

Article 3.

Should any one of the High Contracting Parties consider that a violation of Article 1 of the present Treaty has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

As soon as the Council of the League of Nations has ascertained that such a violation has taken place, it shall at once advise the Powers which have signed the present Treaty, and each of these Powers undertakes in such a case to give assistance forthwith to the Power against which the act complained of has been directed.

Article 4.

1. Should one of the High Contracting Parties refuse to accept the methods of pacific settlement provided for in the present Treaty or to execute an arbitral award or judicial decision and be guilty of a violation of Article 1 of the present Treaty, the provisions of Article 3 shall apply.

2. Should one of the High Contracting Parties, without being guilty of a violation of Article 1 of the present Treaty, refuse to accept the methods of pacific settlement or to execute an arbitral award or judicial decision, the other party shall inform the Council of the League of Nations, which shall propose the methods to be adopted; the High Contracting Parties shall accept these proposals.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES.

Article 5.

1. The following provisions shall apply to the settlement of disputes between the parties, subject to any wider undertakings which may result from other agreements between them.

2. The said provisions do not apply to disputes arising out of facts prior to the present Treaty and belonging to the past.

Article 6.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. Nevertheless, if these conventions only provide for a procedure of conciliation, after this procedure has been employed without result, the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

Section I. — Judicial or Arbitral Settlement.

Article 7.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

Article 8.

If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary. If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

Article 9.

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

Article 10.

If, in a judicial sentence or arbitral award, it is declared that a judgment, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction.

Article 11.

1. In the case of the disputes mentioned in Article 7, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Treaty.

2. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Article 8 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

Section II. — Conciliation.

Article 12.

All disputes the settlement of which cannot, under the terms of the present Treaty, be attained by means of a judicial or arbitral award, shall be submitted to a procedure of conciliation.

Article 13.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 14.

On a request being sent by one of the contracting parties to another party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 15.

Unless the parties concerned agree otherwise the Conciliation Commission shall be constituted as follows :

(1) The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The parties shall appoint the President of the Commission from among them.

(2) The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

(3) Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 16.

If, when a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

Article 17.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles 14 and 16, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the parties or, on request of the parties, by the Acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If within a period of three months these two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 18.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or, in default thereof, by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall without delay be notified by it.

Article 19.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall in such case be entitled to take similar action within fifteen days from the date on which it received the notification.

Article 20.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by the President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 21.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 22.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 23.

In the absence of agreement to the contrary between the parties, the decisions of the Conciliation Commission shall be taken by a majority vote, and the Commission may only take decisions on the substance of the dispute if all its members are present.

Article 24.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information as well as to use the means at their disposal to allow it to proceed in their territory and, in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 25.

1. During the proceedings of the Commission, each of the commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

Article 26.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the day on which the Commission shall have been given cognisance of the dispute.

Article 27.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 28.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the dispute remains subject to be dealt with in accordance with Article 15 of the Covenant of the League of Nations. This present provision shall not apply in the case provided for in Article 11.

CHAPTER III. — GENERAL PROVISIONS.

Article 29.

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall lay down, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or the Council of the League of Nations, and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 30.

Should a dispute arise between more than two High Contracting Parties, the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions:

(a) In the case of conciliation procedure, a special commission shall invariably be constituted. The composition of such commission shall differ according as the parties all have separate interests or as two or more of their number act together.

In the former case, the parties shall each appoint one commissioner and shall jointly appoint commissioners, nationals of third Powers not parties to the dispute, whose number shall always exceed by one the number of commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third commissioners.

In either event the parties, unless they agree otherwise, shall apply Article 16 and the following articles of the present Treaty so far as they are compatible with the provisions of the present Article.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, each party shall have the right to submit the dispute to the Permanent Court of International Justice directly by means of an application.

Article 31.

1. The present Treaty shall be applicable as between the High Contracting Parties, even though a third Power, whether a party to the Treaty or not, has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

3. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the Arbitral Tribunal, a request to intervene as a third party.

It will be for the Court or the Tribunal to decide upon this request.

4. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the Arbitral shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings: but if it uses this right, the construction given by the decision will be binding upon it.

Article 32.

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

Article 33.

The present Treaty, which is intended to ensure the maintenance of peace and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take at any time whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 34.

1. The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations. The Secretary-General shall be requested to transmit certified true copies to each of the High Contracting Parties.

2. The present Treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

3. It shall come into force as soon as all the ratifications have been deposited.

4. It shall be registered at the League of Nations by the Secretary-General, who shall be requested to notify the fact to all States Members and non-members of the League.

Article 35 (Duration of Treaty).

The present Treaty shall be concluded for a period of..... years as from its entry into force.

Notwithstanding that the Treaty ceases to be in force, all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.

(As regards the duration of the Treaty, the Assembly did not consider it its duty to decide between the various possible systems. It recommends three principal systems :

(The first, on the model of the Locarno-Rhine Pact, not specifying any period, but providing for expiry in virtue of a decision taken by the Council;

(The second, providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year's notice, or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period;

(The third system would be a mixed system providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year's notice; failing denunciation, the Treaty would be for an indefinite period, with the possibility of termination in virtue of a decision taken by the Council.)

IN FAITH WHEREOF, the above-mentioned Plenipotentiaries have signed the present Treaty.

DONE at..... on

COLLECTIVE TREATY OF NON-AGGRESSION

(Treaty E.)

(List of Heads of States.)

.....
Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals;

Recognising that the rights of the several States cannot be modified except with their consent;

Considering that the faithful observance, under the auspices of the League of Nations, of methods of pacific settlement renders possible the settlement of all disputes;

Desirous of establishing on a firm basis relations of frank co-operation between their respective countries and of securing additional guarantees for peace within the framework of the Covenant of the League of Nations :

Have resolved to conclude a Treaty for these purposes and have appointed as their plenipotentiaries :

.....
who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

CHAPTER I. — NON-AGGRESSION

Article 1.

Each of the High Contracting Parties undertakes, in regard to each of the other Parties, not to attack or invade the territory of another Contracting Party, and in no case to resort to war against another Contracting Party.

This stipulation shall not, however, apply in the case of :

(1) The exercise of the right of legitimate defence — that is to say, resistance to a violation of the undertaking contained in the first paragraph;

(2) Action in pursuance of Article 16 of the Covenant of the League of Nations;

(3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 2.

Each of the High Contracting Parties undertakes, in regard to each of the others, to submit to a procedure of pacific settlement, in the manner provided for in the present

Treaty, all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

Article 3.

Should any one of the High Contracting Parties consider that a violation of Article 1 of the present Treaty has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES.

Article 4.

1. The following provisions shall apply to the settlement of disputes between the parties, subject to any wider undertakings which may result from other agreements between them.

2. The said provisions do not apply to disputes arising out of facts prior to the present Treaty and belonging to the past.

Article 5.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. Nevertheless, if these conventions only provide for a procedure of conciliation, after this procedure has been employed without result, the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

Section I. — Judicial or Arbitral Settlement.

Article 6.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

Article 7.

If the Parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary. If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

Article 8.

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

Article 9.

If, in a judicial sentence or arbitral award, it is declared that a judgment, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial sentence or arbitral award shall grant the injured party equitable satisfaction.

Article 10.

1. In the case of the disputes mentioned in Article 6, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Treaty.

2. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Article 7 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

Section II. — Conciliation.

Article 11.

All disputes the settlement of which cannot, under the terms of the present Treaty, be attained by means of a judicial or arbitral award shall be submitted to a procedure of conciliation.

Article 12.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 13.

On a request being sent by one of the contracting parties to another party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 14.

Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows :

(1) The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The parties shall appoint the President of the Commission from among them.

(2) The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

(3) Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 15.

If, when a dispute arises, no permanent Conciliation Commission appointed by the parties to the dispute is in existence, a special commission, shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article unless the parties decide otherwise.

Article 16.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles 13 and 15, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the parties or, on request of the parties, by the Acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If within a period of three months these two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 17.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement, or, in default thereof, by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall without delay be notified by it.

Article 18.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this shall immediately inform the other party; the latter shall in that case be entitled to take similar action within fifteen days from the date on which the notification reaches it.

Article 19.

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by the President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 20.

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

Article 21.

1. In the absence of any agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

Article 22.

In the absence of agreement to the contrary between the parties, the decisions of the Conciliation Commission shall be taken by a majority vote, and the Commission may only take decisions on the substance of the dispute if all its members are present.

Article 23.

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information as well as to use the means at their disposal to allow it to proceed in their territory and, in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 24.

1. During the proceedings of the Commission, each of the commissioners shall receive emoluments, the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

Article 25.

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavour to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suitable to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognisance of the dispute.

Article 26.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 27.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the dispute remains subject to be dealt with in accordance with Article 15 of the Covenant of the League of Nations. This present provision shall not apply in the case provided for in Article 10.

CHAPTER III. — GENERAL PROVISIONS

Article 28.

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the arbitral tribunal, shall lay down, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or the Council of the League of Nations, and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 29.

Should a dispute arise between more than two High Contracting Parties, the following rules shall be observed for the application of the forms of procedure laid down in the foregoing provisions :

(a) In the case of conciliation procedure, a special Commission shall invariably be constituted. The composition of such Commission shall differ according as the parties all have separate interests or as two or more of their number act together.

In the former case, the parties shall each appoint one commissioner and shall jointly appoint commissioners, nationals of third Powers, whose number shall always exceed by one the number of commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third commissioners.

In either event, the parties, unless they agree otherwise, shall apply Article 15 and the following articles of the present Treaty so far as they are compatible with the provisions of the present article.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, each party shall have the right to submit the dispute to the Permanent Court of International Justice directly by means of an application.

Article 30.

1. The present Treaty shall be applicable as between the High Contracting Parties, even though a third Power, whether a party to the Treaty or not, has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

3. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the Arbitral Tribunal a request to intervene as a third party.

It will be for the Court or the Tribunal to decide upon this request.

4. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the Arbitral Tribunal shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings : but if it uses this right, the construction given by the decision will be binding upon it.

Article 31.

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

Article 32.

The present Treaty, which is intended to ensure the maintenance of peace and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take at any time whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 33.

1. The present Treaty, done in a single copy, shall be deposited in the archives of the League of Nations. The Secretary-General shall be requested to transmit certified true copies to each of the High Contracting Parties.

2. The present Treaty shall be ratified and the ratifications shall be deposited at Geneva in the archives of the League of Nations as soon as possible.

3. It shall come into force as soon as all the ratifications have been deposited.

4. It shall be registered at the League of Nations by the Secretary-General, who shall be requested to notify the fact to all States Members and non-members of the League.

Article 34 (Duration of Treaty).

The present Treaty shall be concluded for a period of years as from its entry into force.

Notwithstanding that the Treaty ceases to be in force, all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.

(As regards the duration of the Treaty, the Assembly did not consider it its duty to decide between the various possible systems. It recommends three principal systems :

(The first, on the model of the Locarno-Rhine Pact, not specifying any period, but providing for expiry in virtue of a decision taken by the Council;

(The second, providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year's notice, or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period;

(The third system would be a mixed system providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year's notice; failing denunciation, the Treaty would be for an indefinite period, with possibility of termination in virtue of a decision taken by the Council.)

Article 35.

As from the present Treaty may be acceded to in the name of any Member of the League of Nations or of any non-Member State adjacent to or in the neighbourhood of the signatory or acceding States.

The instruments of accession shall be forwarded to the Secretary-General of the League of Nations, who shall notify receipt thereof to all the Members of the League of Nations, and to the High Contracting Parties non-members of the League.

IN FAITH WHEREOF, the above-mentioned Plenipotentiaries have signed the present Treaty.

DONE at..... on

BILATERAL TREATY OF NON-AGGRESSION

(Treaty F).

(List of Heads of States.)

.....
Noting that respect for rights established by treaty or resulting from international law is obligatory upon international tribunals ;

Recognising that the rights of the several States cannot be modified except with their own consent;

Considering that the faithful observance, under the auspices of the League of Nations, of methods of pacific settlement renders possible the settlement of all international disputes;

Desirous of establishing on a firm basis relations of frank co-operation between their respective countries, and of securing additional guarantees of peace within the framework of the Covenant of the League of Nations :

Have resolved to conclude a Treaty for these purposes and have appointed as their plenipotentiaries;

.....
who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

CHAPTER I. — NON-AGGRESSION.

Article 1.

The High Contracting Parties mutually undertake that they will in no case attack or invade each other or resort to war against each other.

This stipulation shall not, however, apply in the case of :

- (1) The exercise of the right of legitimate defence, that is to say, resistance to a violation of the undertaking contained in the previous paragraph;
- (2) Action in pursuance of Article 16 of the Covenant of the League of Nations ;
- (3) Action as the result of a decision taken by the Assembly or by the Council of the League of Nations, or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 2.

The High Contracting Parties undertake to settle by peaceful means and in the manner laid down in the present Treaty all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

Article 3.

Should any one of the High Contracting Parties consider that a violation of Article 1 of the present Treaty has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

CHAPTER II. — PACIFIC SETTLEMENT OF DISPUTES.

Article 4.

1. The following provisions shall apply to the settlement of disputes between the parties subject to any wider undertakings which may result from other agreements between them.

2. The said provisions do not apply to dispute arising out of facts prior to the present Treaty and belonging to the past.

Article 5.

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. Nevertheless, if these conventions only provide for a procedure of conciliation, after this procedure has been employed without result, the provisions of the present Treaty concerning judicial or arbitral settlement shall be applied in so far as the disputes are of a legal nature.

Section I. — Judicial or Arbitral Settlement.

Article 6.

All disputes with regard to which the parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal. It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

Article 7.

If the Parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary. If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

Article 8.

If the parties fail to agree concerning the special agreement referred to in the preceding article or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

Article 9.

If, in a judicial sentence or arbitral award, it is declared that a judgment, or a measure enjoined by a court of law or any other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial or arbitral sentence award shall grant the injured party equitable satisfaction.

Article 10.

1. In the case of the disputes mentioned in Article 6, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the parties may agree to have recourse to the conciliation procedure provided for in the present Treaty.

2. In the event of recourse to and failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Article 7 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

Section 11. — Conciliation.

Article 11.

All disputes the settlement of which cannot, under the terms of the present Treaty, be attained by means of a judicial or arbitral award shall be submitted to a procedure of conciliation.

Article 12.

The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties.

Article 13.

On a request being sent by one of the contracting parties to another party, a permanent Conciliation Commission shall be constituted within a period of six months.

Article 14.

Unless the parties agree otherwise, the Conciliation Commission shall be constituted as follows :

(1) The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties concerned. The parties shall appoint the President of the Commission from among them.

(2) The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace the commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

(3) Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

Article 15.

If, when a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

Article 16.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles 13 and 15, the making of the necessary appointment shall be entrusted to a third Power, chosen by agreement between the parties or, on request of the parties, by the Acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

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1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two parties acting in agreement or, in default thereof, by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanates from only one of the parties, the other party shall without delay be notified by it.

Article 18.

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall in such case be entitled to take similar action within fifteen days from the date on which it received the notification.

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1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some place selected by the President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

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The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

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1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unanimously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

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The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts, and to visit the localities in question.

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2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognisance of the dispute.

Article 26.

The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

Article 27.

If the parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the dispute remains subject to be dealt with in accordance with Article 15 (1) of the Covenant of the League of Nations. This present provision shall not apply in the case provided for in Article 10.

CHAPTER III. — GENERAL PROVISIONS.

Article 28.

1. In all cases where the dispute forms the object of arbitration or judicial procedure, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall lay down, within the shortest possible time, the provisional measures to be adopted. It shall in like manner be for the Council of the League of Nations, if the question is brought before it, to ensure that suitable provisional measures are taken. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission or the Council of the League of Nations, and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

Article 29.

1. The present Treaty shall be applicable as between the High Contracting Parties, even though a third Power has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

3. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the Arbitral Tribunal a request to intervene as a third party.

It will be for the Court or the Tribunal to decide upon this request.

4. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the Arbitral Tribunal shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings : but if it uses this right, the construction given by the decision will be binding upon it.

(1) Should the Convention be concluded between a Member of the League of Nations and a non-Member State the reference to Article 15 should be replaced by a reference to Article 17.

Article 30.

Disputes relating to the interpretation or application of the present Treaty, including those concerning the classification of disputes, shall be submitted to the Permanent Court of International Justice.

Article 31.

The present Treaty, which is intended to ensure the maintenance of peace and is in conformity with the Covenant of the League of Nations, shall not be interpreted as restricting the duty of the League to take at any time whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 32.

The present Treaty shall be ratified and the exchange of ratifications shall take place at
It shall be registered at the Secretariat of the League of Nations.

Article 33 (Duration of Treaty).

The present Treaty shall be concluded for a period of years dating from the exchange of ratifications.

Notwithstanding that the Treaty ceases to be in force, all proceedings which at that moment have been commenced shall be pursued until they reach their normal conclusion.

(As regards the duration of the Treaty, the Assembly did not consider it its duty to decide between the various possible systems. It recommends three principal systems :

(The first, on the model of the Locarno-Rhine Pact, not specifying any period, but providing for expiry in virtue of a decision taken by the Council;

(The second, providing for a limited period of ten or twenty years, with the possibility of denunciation on the expiry of that period, subject to one year's notice or, failing denunciation, the renewal of the Treaty by tacit agreement for the same period;

(The third system would be a mixed system, providing for a short trial period, on the expiry of which the parties might withdraw, subject to one year's notice; failing denunciation, the Treaty would be for an indefinite period, with the possibility of termination in virtue of a decision taken by the Council).

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Treaty.

DONE at , ON

PERIODICALS OF THE LEAGUE OF NATIONS

OFFICIAL JOURNAL

The *Official Journal*, which is published monthly (since January 1922) in separate editions in English and French, contains the complete Minutes of the Sessions of the Council of the League of Nations, the text of the Reports and Resolutions adopted by the Council, as well as the principal official documents received or despatched by the Secretariat of the League.

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