

VERBATIM RECORDS

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

FIRST PLENARY MEETING

MONDAY, SEPTEMBER, 1st, 1924, AT 11 A.M.

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1. — OPENING OF THE ASSEMBLY.

M. Hymans, delegate of Belgium, Acting President of the Council, took the Chair.

The President :

Translation : Ladies and Gentlemen — On again finding myself in this chair for a few brief moments, my thoughts naturally turn to the First Assembly of the League, over which I had the honour to preside. That was four years ago, and the Council had met on some five or six occasions, at most. No one was bold enough to predict what was to be expected, on the conclusion of a war which had shaken the world to its foundations, of an Assembly representing forty-two States, the aim of whose delegates was to reconstruct international life, to bring the nations closer together and to establish a durable peace. We were at the beginning of a great experiment. As was said by Lord Balfour, whose presence so long shed lustre on our proceedings. We were about to break new ground. We had nothing to guide us — no rules, no traditions. The League of Nations was only an office. In a few weeks the League took definite shape. Technical committees were appointed; the general lines and methods of our work were laid down; the path was marked out. Since then the League of Nations has gradually improved its machinery and its methods of investigation and discussion. It has steadily widened its field of activity. The part it has to play has been clearly defined. It may be affirmed that the period of organisation is now concluded.

It was not long before there appeared at our meetings — where men of very different origin, culture and temperament came together and attempted to understand each other's point of view — a spirit of confidence and goodwill. An atmosphere was created which exercises its beneficent and stimulating influence on all who share our work, an atmosphere favourable to the growth of the ideas of justice and peace.

Four years have seen the accomplishment of a great work, a work of which most of us here have been witnesses and to which we have been contributors. Disputes which affected the relations between certain countries and threatened to arouse hostility have been laid before the Council, which has found equitable solutions and averted the menace of war. I will not name these quarrels, lest I re-ignite the ashes of dead controversies.

In any general survey of the work which has been done, three great undertakings leap to the eye. It was the Council of the League that laid the foundations of a supreme authority in international law and endowed the world with a court, the duty of which is to do justice and to settle disputes between State and State. The Council and the Assembly of the League of Nations together appointed, by methods which were only determined after the most mature consideration, the distinguished and impartial lawyers who should discharge this noble duty.

The Permanent Court of International Justice is sitting at The Hague with M. Loder as its President, and many of its decisions have already earned for it the confidence of the nations.

A few years ago the League of Nations organised the Financial Conference at Brussels. It was our first public act, and it was said maliciously in certain quarters that the conclusions of the Conference would remain purely theoretical. Those conclusions, however, were adopted by Governments as essential rules for sound and prudent administration. Following the principles which were then laid down, the League has undertaken two important financial operations — the

reconstruction of Austria and the reconstruction of Hungary — designed to restore economic stability and the balance of interests in Central Europe.

Our Assembly to-day represents fifty-four countries, and opens at an auspicious moment. Two days ago in London the agreements were freely accepted and signed which it is hoped will solve the grave and anxious problem of reparations. This Assembly had been preoccupied for two years by this problem, which it regarded as an obstacle to the creation of a public opinion in favour of peace and a barrier to the re-establishment of economic and political tranquillity in Europe. The agreements are the outcome of long and arduous negotiations, characterised throughout by a sincere desire for a practical and equitable settlement. I trust that they will be put into effect and will thus bring to the world the relief which it so urgently needs. They mark the beginning of a new era, following upon an age of iron, a cruel age of trial, sacrifice and suffering; they give renewed hope of tranquillity and mark the dawn of that peace for which all nations long in order that they may satisfy their material needs; they usher in a period of quietude and progress on the road of civilisation.

Before your work begins it is my duty to give you a brief survey of the work of the League of Nations during the past year. I need only mention the salient points; the activities of the League of Nations since the last meeting of the Assembly are fully dealt with in the Report on the Work of the Council and on the Work of the Secretariat, which will come before you for discussion.

One of the most characteristic and important aspects of these activities is their continuity. Nearly every month international meetings have been held at Geneva. The Permanent Court of International Justice, which is at present in ordinary session, held an extraordinary session last November. The Council has met on four occasions; its twenty-seventh session was held in December 1923, its twenty-eighth in March 1924 and its twenty-ninth in June last, whilst its thirtieth has just opened. Two international conferences have been held at Geneva since the last Assembly, one in November 1923 on the simplification of customs formalities, and the other in December 1923 on communications and transit.

The Economic Committee and the Financial Committee, the Permanent Advisory Commission for Military, Naval and Air Questions and the Temporary Mixed Commission for the Reduction of Armaments, the Health Committee, the Advisory Committee on Communications and Transit, the Committee on Intellectual Co-operation, the Advisory Committee on Traffic in Opium and other Dangerous Drugs and the Committee on the Traffic in Women and Children have all met during the year.

It will be seen that another characteristic of the work of the League of Nations is its variety. Its activities are gradually extending to every aspect of national life, since they range from the political to the humanitarian sphere and cover technical and administrative questions.

In the sphere of politics proper three questions have been laid before the Council by the Conference of Ambassadors during the past year. Two of these questions have already been settled, namely, the question of the delimitation of the frontier between Poland and Czechoslovakia in the region of Jaworzina, and the Memel question; the third, which is still under consideration, relates to the frontier between Albania and the Kingdom of the Serbs, Croats and Slovenes.

The Jaworzina question was settled in March 1924. The Council fixed the definitive frontier-line on the basis of the advisory opinion given by

the Permanent Court of International Justice.

The Memel question, which was referred to the Council in September 1923, was settled at the session held in March 1924. The Conference of Ambassadors had been unable to reach an agreement with Lithuania regarding the convention which was to lay down the conditions of the transfer to Lithuania of the territory of Memel. The difficulties to be surmounted were of two kinds, those of a technical nature arising from the necessity of settling questions of transit and of organising the régime of a "port of international concern", and those of a political and psychological nature.

In order to gain expert and impartial advice the Council entrusted the consideration of the question to a Commission composed of three members, two being appointed by the Chairman of the Committee on Communications and Transit and the third by the Council. All three members belonged to countries other than those holding sovereign powers over Memel. Mr. Norman Davis, former Under-Secretary of State at Washington, was appointed by the Council and acted as Chairman of the Commission. In a few weeks the Commission submitted to the Council the general principles on which a settlement might be based. The suggestions of the Commission were accepted by the parties concerned, namely, Lithuania and the representatives of the Principal Allied Powers.

The proposals for the solution of the Memel question adopted by the Council should certainly create better political conditions and lead in the near future to that friendly understanding and harmonious co-operation which cannot fail to benefit all the inhabitants of the Baltic countries.

Quite recently, in June 1924, the Council undertook to consider the question of the delimitation of the frontier between Albania and the Kingdom of the Serbs, Croats and Slovenes at St. Naoum. Before going into the details of the question, the Council asked the Permanent Court of International Justice, which is now in session, for an advisory opinion on certain legal aspects of this question.

Thus, during the past year, the Council of the League of Nations has been instrumental in disposing of various causes of dispute. It has not, however, confined itself to the work of conciliation or arbitration entrusted to it by the Covenant; it has also devoted the closest attention to one of the most important tasks entrusted to the League of Nations under the Covenant — I refer to the reduction of armaments.

The Members of the League have undertaken to reduce national armaments to the lowest point consistent with national safety and the enforcement by national action of international obligations; under Article 8 of the Covenant it is for the Council, taking account of the geographical situation and circumstances of each State, to formulate plans for such reduction. In order to fulfil the obligations thus imposed upon it by the Covenant, the Council, in pursuance of the Assembly's recommendations, asked its two Commissions to prepare a draft Treaty of Mutual Assistance, which, in conformity with the decision of last year's Assembly, has been communicated to the various Governments. The Assembly will take note of the replies which have so far been received.

As regards the reduction of naval armaments, the Council instructed the Permanent Advisory Commission to summon a Conference of experts. This Conference, at which Russia was represented, considered the question last February.

It is also the duty of the Council to advise how the evil effects attendant upon the manufacture by private enterprise of munitions and implements of war can be prevented and to ensure the general

control of the traffic in arms and ammunition. With this object in view the Council, in accordance with the wishes of the Assembly, instructed the competent Commissions to prepare draft conventions, which will be submitted to this Assembly. A representative of the United States took part in this preparatory work.

In June last, on the proposal of the British Government, the Council considered the question of the right of investigation into the armaments of Austria, Bulgaria and Hungary—a right conferred upon it by the Peace Treaties. As M. Benes observed on that occasion, the object of this undertaking was to restore normal conditions and a state of peace as between the great and small nations of Europe, and to open a new road to the solution of certain problems in European politics.

On the administrative side the work of the League during the past year has also been fruitful. At Danzig, the method of carrying on direct negotiations between Poland and the Free City under the auspices of the High Commissioner of the League, and with the assistance of the appropriate Sections of the Secretariat, has continued to yield satisfactory results. At its session in June last the Council had not a single Danzig question before it. At the previous session the Council had, on the basis of a report submitted to it by a committee of experts, settled the question of the site in Danzig of a depot for explosives and war material in transit to Poland. It is expected that the currency reform introduced in Danzig at the end of last year will improve trade and industry in the Free City.

The periodical reports of the Governing Commission of the Saar Basin to the Council of the League show that the territory is gradually recovering from the difficult position in which it was placed by the miners' strike, and is regaining a real degree of prosperity.

The Governing Commission, in concert with the trade and industrial organisations in the Saar Territory, took steps to prevent an economic crisis. The Commission's administrative work is still very extensive. The work of the Advisory Council and the Technical Committee, and the frequent consultations between the Governing Commission and the employers' associations, trade unions and Chambers of Commerce, demonstrate the increasingly close contact and co-operation which exist between the Governing Commission and the people of the Saar Territory.

At its December session 1923 the Council considered, with reference to the reports of the Permanent Mandates Commission, a number of matters of general interest, including the equalisation of import duties on alcoholic liquors; the frontiers between the French and British Cameroons and French and British Togoland; military recruitment in mandated territories; and loans, advances and investments of private capital in mandated territories.

Following its annual practice, the Permanent Mandates Commission has examined the reports of the Mandatory Powers in the presence of the representatives of the Governments concerned.

By an agreement with the Polish Government the Council succeeded in reaching a final settlement of the question of German settlers in Poland. In order to settle this question, which had been before the Council since the beginning of 1922, a number of very different methods were tried. The Council approached the Polish Government; the opinion of a Committee of Jurists was obtained; the question was referred to the Permanent Court of International Justice for an advisory opinion; and a special committee of the Council negotiated

with representatives of the Polish Government.

At a meeting in June 1924, which the Council devoted to the final settlement of the question the Polish representative expressed his Government's satisfaction at having been able to co-operate successfully with the League of Nations in obtaining a settlement in conformity with the spirit of the Covenant.

The Lithuanian Government reaffirmed before the Council its undertaking to observe the provisions of its Declaration of May 12th, 1922, which contains stipulations similar to those of the Minorities Treaties.

In another field, the three technical organisations of the League of Nations—the Economic and Financial Organisation, the Organisation for Communications and Transit and the Health Organisation—have achieved notable results.

The chief task of the Financial Committee of the League has been to frame a scheme for the financial reconstruction of Hungary. The Hungarian Government approached the Council in the matter and was supported by the Governments of Roumania, Czechoslovakia and the Kingdom of the Serbs, Croats and Slovenes. At the special request of the Reparation Commission, the Council called upon the Financial Committee to frame a reconstruction scheme.

The preparation of this work involved prolonged negotiations, owing to the technical difficulties inherent in any such reconstruction plan and also to the fact that complicated disputes between the various States concerned had first to be settled. In spite of all these difficulties, thanks to the spirit of goodwill and conciliation shown on all sides, the object of the work was attained. A loan of 250 million gold crowns was issued. The Commissioner-General of the League, Mr. J. Smith, of Boston, is supervising the execution of the details of the scheme, which is not only intended to restore prosperity to Hungary, but also to be one more step towards peace in Central Europe with the prospect of stable conditions and economic development.

At Vienna, during the same period, the work of the financial reconstruction of Austria has been satisfactorily continued under the supervision of Dr. Zimmerman, the Commissioner-General of the League of Nations. A delegation from the Financial Committee went to Vienna recently to examine the question of the maximum figure to be fixed for expenditure in the Austrian budget. The Council earnestly hopes that financial stability will be an accomplished fact in Austria as soon as possible. It therefore urges the Austrian Government to proceed vigorously with the proposed reforms and economies.

Another example of the Committee's share in the financial restoration of Europe is the reform of the currency in Danzig. By means of a Committee of Government experts the Financial Committee is also carrying out investigations with regard to double taxation and fiscal evasion.

The Economic Committee, being anxious to achieve practical results, is devoting particular attention to certain practices which appear to be contrary to the principle of the equitable treatment of commerce laid down by the Covenant. It is making every effort, as far as circumstances will allow, to effect international agreements to prevent such practices.

At the request of the Economic Committee, the Council convened in November 1923 an International Conference on Customs Formalities, the preliminary work being undertaken by the Committee. Thirty-one States Members of the League of Nations took part in this conference, together with delegates from Germany, Egypt, Morocco and Tunis. The American Consul at Geneva followed

the work of the Conference as an observer, and in the course of the proceedings the Conference approved a Convention for the Simplification of Customs Formalities. The Economic Committee is now drawing up a programme for more effective control in the matter of unfair competition. This programme, which has been discussed by experts representing twenty-two States, will be submitted to the Union for the Protection of Industrial Property. It has been communicated to the Inter-American High Commission, and will be laid before the Assembly.

Other work in the sphere of economics is in progress, dealing with the protection of consumers against worthless goods; the treatment of foreign nationals; the unification of economic statistics.

Immediately after the Conference on Customs Formalities an International Conference on Communications and Transit met at Geneva. This Conference was the second of its kind, the first being held at Barcelona in 1921.

The Geneva Conference drafted four Conventions: one on the international regime of railways; another on the international regime of maritime ports; a third on the transmission in transit of electric power, and a fourth on the development of hydraulic power. The two latter Conventions represent the first attempt at an international settlement of the questions with which they deal. These Conventions, as well as the Convention on Customs Formalities, have certain features in common, inasmuch as they provide for the settlement of disputes by a system of arbitration, and to this end the technical organisations of the League are placed at the disposal of the Governments.

The Advisory Committee for Communications and Transit, as reconstituted by the General Conference, appointed ten Sub-Committees. The work accomplished since the General Conference includes investigations with a view to a reform of the calendar, and enquiries regarding inland and maritime navigation.

The Health Organisation of the League, which is the youngest of our technical organisations, since it has been in existence as a permanent body only since the last Assembly, has done an excellent year's work. It has prepared drafts for international conventions on a number of urgent problems. It is dealing with the measures to be taken in the campaign against malaria; it has been able to lend experts to the Greek and Persian Governments; it has instructed the Epidemic Commission to proceed with its enquiry into outbreaks of plague, typhus fever and cholera, and it has instituted an enquiry into the methods of teaching hygiene and social medicine.

Thanks to the generosity of the Rockefeller Foundation, it has been able to proceed with its interchanges of public health staff between the public health departments of the various countries; it has made further progress in respect of serological and biological research, and has drawn up a scheme of work for a study of the problem of cancer.

The Committee on Intellectual Co-operation has been enlarged by the appointment of the famous mathematician Einstein and of an eminent scientist from the Argentine, M. Lugones. It has developed its system of establishing National Committees to serve as intermediaries between the organs of intellectual life in the various countries. The International University Information Office provides means for the co-ordination of scientific activities and for the establishment of closer relations between the great centres of higher education.

The League of Nations has continued to render valuable assistance in dealing with social and

humanitarian questions by the systematic work of its organisations.

In accordance with a resolution of the last Assembly, and on the suggestion of the Opium Committee, the Council decided to convene two international conferences to meet at Geneva in November 1924 — one to deal with opium, the other with manufactured narcotic drugs.

It will be remembered that a delegation representing the United States took part last year in the work of the Fifth Committee of the Assembly, and the result of this co-operation may be seen in the decision to hold these two conferences.

The Preparatory Committee which was entrusted with the preliminary work for the Conferences has now concluded its work. In the course of the year, the Council has furthermore taken various measures with a view to facilitating the work of the Opium Committee and of the Committee on the Traffic in Women and Children. The latter decided to set on foot an enquiry into the conditions under which such traffic is carried on. The Council therefore appointed a committee of experts to draw up a programme. At the same time it urged the Governments of the States in which the enquiry is to be carried out to give every facility to the experts for such investigations as they might desire to make on the spot. This enquiry is to be carried out on the proposal of the representative of the United States on the Advisory Committee on the traffic in Women and Children, and the expenses are covered up to 75,000 francs by a subscription from the American Bureau of Social Hygiene.

Dr. Nansen, the High Commissioner of the League of Nations for Refugees, has been mainly concerned with the position of the Russian refugees and with that of the refugees from Asia Minor. At the request of the Council, the Governments have continued to give every assistance to the High Commissioner, particularly with regard to the provision of facilities for the general and professional education of Russian refugees. A large number of States have adopted an identity certificate system, which facilitates the transfer of refugees to countries where work is obtainable. In this way it has been possible to evacuate the majority of the Russian refugees from Constantinople; a number of these refugees have returned to Russia.

Dr. Nansen recently suggested to the Council that the work connected with the employment, immigration and repatriation of refugees should now be taken over by the International Labour Organisation, the juridical and political problems which had first to be solved having all been settled. One important question, however, is still unsolved, namely, how to find employment for the refugees. This question is now under consideration.

The Greek Refugees Settlement Commission, whose term of office was extended by the Council last May, has already done useful work, but it has to face serious difficulties owing to the large number of refugees and the limited means at its disposal. The Commission is making every endeavour to develop all kinds of industries in order to provide productive employment for refugees living in towns; agricultural labourers are being settled in Macedonia.

Up to date the Greek Government has spent about two million pounds sterling on the settlement of refugees. In the opinion of the Commission, however, a sum of six million pounds sterling is necessary if the object of the work it has undertaken is to be attained. A further advance of one million pounds has recently been obtained, and this will enable the Greek Refugees Settlement Commission to postpone until the winter the issue of a loan.

As the funds placed at the disposal of the Commission are intended only for the settlement of the refugees, the Council has appealed to charitable societies urging them to continue to provide the assistance which has hitherto made it possible to alleviate distress among the refugees; such assistance is absolutely indispensable if they are to be saved from starvation and exhaustion.

The High Commissioner for Refugees has appointed a Central Committee for the co-ordination of the work of fifty relief organisations and various public departments.

The Council has made a grant of 50,000 Swiss francs for the immediate relief of the population of Northern Albania, which had been reduced to a state of famine. Subsequently, certain of the Members of the League and some benevolent societies have responded to an appeal made by the Council and have sent contributions either in cash or in kind; it has thus been possible to procure the necessary means of saving the lives of the threatened population.

This brief summary will give an idea of the efforts which the technical organisations and the Committees of the League of Nations are making in order to render international co-operation effective. To promote and strengthen this co-operation connecting links are being established, and every opportunity for collaboration is being taken by means of mixed Sub-Committees.

This method of correlating the different organisations of the League of Nations does not mean that it does not co-operate with other international bodies. The organisations of the League of Nations have co-operated in their respective spheres and in various ways with the International Chamber of Commerce, with the Astronomical Union, with the Inter-American High Commission, with the "Office internationale d'hygiène publique", with River Commissions, with the International Union of Railway Administrations, and with voluntary associations.

Countries, such as Germany, the United States, Russia and Turkey, which are not yet Members of the League of Nations, have taken part in the work of our technical organisations. Thus, the League's sphere of action is rapidly extending and the spirit of solidarity, of which it is the moral expression and the political instrument, is daily gaining in strength.

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The brief outline which I have given of the League's work during the past year is evidence of the energy with which the work has been pursued, the variety of the forms it has taken and the valuable results which have been achieved. The League of Nations has become an essential part of international life, and an indispensable centre of co-operation for manifold enterprises, all designed to co-ordinate different interests, to establish closer mental contact and to strengthen the friendship between Governments by practical and conciliatory agreements. In the future there lies before us a yet wider field.

I alluded just now to the disarmament question and the draft Treaty of Mutual Guarantee. You will remember the origin of this question; you will remember the profound impression produced two years ago in one of our Committees and at the Assembly by the agreement between M. Henry de Jouvenel and Lord Robert Cecil upon the principles of the policy of mutual guarantee. They depicted in moving words the smouldering embers which had been left by the Treaty of Peace, the pitiable conditions in the devastated

areas, the necessity for just reparation, the profound upheaval which had taken place in economic life and the persistence of the inflammatory war mentality. They showed that moral disarmament was an essential condition of material disarmament and one that could only be obtained in an atmosphere of security and mutual confidence.

The London Conference has settled the reparations question, but another problem remains — a very serious problem for those countries which suffered most heavily from the war and which feel themselves most in danger in the event of any future attack. This is the problem of security. Europe cannot live in a state of uncertainty. Peace must be built upon a firm legal and political foundation; peace and security must be durably established. At this moment all eyes are turned towards the League of Nations in the hope that it will find a solution.

Lord Grey, speaking in October 1923, said that the future liberties of Europe depend upon the settlement of disputes by the way of law and justice and on the respect for the sanctity of treaties. Of this policy the League of Nations is the agent. At that same time, M. Poincaré uttered the moving words: "The services which the League of Nations has already rendered, great though they are, are as nothing to those which it may render in the future. It is bringing the peoples of the world to an ever-clearer realisation of the bonds of solidarity among them and, though it does not affect their independence, it reminds them that they cannot live in a state of isolation. The League, I am thankful to say, does not under-estimate the beneficent influence of patriotism on the progress of universal civilisation, but it is bringing the free nations together in the moral *polis* of humanity." More recently, the heads of the French and British Governments have defined the sphere of the League of Nations and given expression to the hopes which they place in it.

Upon taking office, M. Herriot said: "We shall do all in our power to strengthen the League of Nations"; and when declaring at an end the work of the London Conference which settled the reparations question, Mr. MacDonald, while welcoming the agreement, concluded by announcing his intention of endeavouring to extend the sphere and strengthen the authority of the League of Nations.

Mr. MacDonald and M. Herriot will be here among us. The presence of so many eminent statesmen who have undertaken the responsibility of government, the presence of the heads of some of the greatest nations in the world, bear witness to the growing importance of the League of Nations, the confidence with which it is regarded, and the immensity of its task.

That the idea of the League of Nations has met with opposition from sceptics is a matter of small importance, since scepticism is nothing but intellectual sloth or lack of insight. The League has also aroused the immediate and persistent hostility of all who worship force, who represent patriotism as wearing the mask of hatred and anger and degrade love of country into fierce and egotistical nationalism.

There is a tendency in certain quarters to oppose the idea of country to the idea of solidarity, as if they were conflicting and irreconcilable conceptions; whereas, to use the words of M. Barthou, "the spirit of internationalism can and ought to be in harmony with the idea of country." "The League of Nations," he adds, "does not supersede individual countries. The League extends them, develops them, enlarges them; the individual countries do not lose a single iota of those inalienable sovereign rights which are alike their protection and their pride."

It will readily be imagined that, after all the violent changes which have so profoundly disturbed mens' minds, confidence and moral appeasement are slow to return. The events of the war have been so terrible that we are continually forced back to them, as by an unconquerable power, in the desire to experience anew the unwonted emotions which these events engendered. We cannot, however, continue indefinitely to look to the past. We must look forward.

Let us cherish the memory of the great deeds performed, the heroic sacrifices made, and the blood so courageously shed. Let us deck the graves of the fallen and honour the memory of the nameless martyrs who gave themselves for their country. But let us, too, use our every endeavour to safeguard the world from a recurrence of such disasters and to establish on an unshakeable foundation the reign of law and the sanctity of treaties. Let us advance, with firm step through doubts and difficulties, on the path which leads up to the ideal towards which we are striving and to the heights where justice and peace sit enthroned. (*Loud Applause.*)

Ladies and gentlemen — I now declare the fifth Assembly of the League of Nations open. (*Loud and prolonged applause.*)

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

The President :

Translation : Ladies and gentlemen — In conformity with Rule 5 of the Rules of Procedure of the Assembly, the Committee to report on the credentials of delegates should be elected by the Assembly in order to submit its report without delay.

This Committee should consist of eight members.

M. Enckell (Finland) :

Translation : Mr. Chairman, ladies and gentlemen — I have the honour to propose to the Assembly a list of eight members to form the Committee on the Credentials of Delegates. I

venture to make this suggestion after discussion with some of my colleagues. By voting the complete list immediately, we shall accelerate the progress of our work. I accordingly venture to submit the following list to the Assembly :

M. ARISTIDES DE AGUERO Y BETHANCOURT (Cuba).

Sir MUHAMMAD RAFIQUE (India).

Dr. WALTERS (Latvia).

Baron R. LEHMANN (Liberia).

H. H. Prince MIRZA RIZA KHAN ARFA-AD-DOVLEH (Persia).

M. FREDERICO DE CASTELLO BRANCO-CLARK (Brazil).

M. G. DANAÏLOW (Bulgaria).

M. LAUST MOLTESEN (Denmark).

The President :

Translation : Are there any observations with regard to this proposal ? Does any member wish to propose any other candidate ? If there is no opposition, I declare the proposal adopted.

The Committee to report on the credentials of delegates will therefore consist of the members proposed by the delegate for Finland.

The list proposed by M. Enckell was adopted.

The President :

Translation : The Committee on the Credentials of Delegates which has just been elected will meet at 2.30 p.m. to-day at the offices of the Secretariat.

The next meeting of the Assembly will take place at 4 o'clock this afternoon, when we shall elect the President.

The Assembly rose at 11.45 a.m.

VERBATIM RECORDS

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

SECOND PLENARY MEETING

MONDAY, SEPTEMBER, 1st, 1924, AT 4 P.M.

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3. CREDENTIALS OF DELEGATES: REPORT OF THE COMMITTEE ON CREDENTIALS.

M. Hymans, delegate of Belgium, Acting President of the Council, in the Chair.

The President:

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

I call upon M. de Aguero y Bethancourt to read his report.

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

Translation: Mr. President, ladies and gentlemen — The Committee entrusted by the Assembly with the duty of reporting on the credentials of delegates met at 2.30 p.m. at the Secretariat of the League of Nations. M. de Aguero y Bethancourt was elected Chairman and was entrusted with the duty of drawing up the report.

The Committee examined the documents trans-

mitted to it by the Secretary-General and found that the following States are represented by delegates who are in possession either of letters of credentials from heads of States, or letters from Ministers for Foreign Affairs, or telegrams from the same source, or letters from the representatives on the Council or from permanent representatives accredited to the League of Nations: Abyssinia, Albania, Australia, Austria, Belgium, Brazil, British Empire, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Guatemala, Haiti, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, the Netherlands, New Zealand, Norway, Panama, Persia, Poland, Portugal, Roumania, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay, Venezuela.

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

The delegations of Costa Rica and Paraguay state that communications from their Governments accrediting them to this Assembly have been addressed to the Secretariat; these communications have not yet arrived.

The Committee also found that the following States Members have not presented any documents regarding their representation at the Fifth Assembly of the League of Nations: the Argentine Republic, Bolivia, Honduras, Nicaragua and Peru.

Geneva, September first, one thousand nine hundred and twenty-four.

(Signed) A. DE AGUERO Y BETHANCOURT.

The President:

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

Does anyone wish to speak on this report?

If no one calls for a vote, I declare the report adopted.

The conclusions of the report were adopted.

4. — ELECTION OF THE PRESIDENT OF THE FIFTH ASSEMBLY.

The President :

Translation : The next item on the agenda is the election of the President of the Fifth Assembly.

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

I call upon two former Presidents, M. Van Karnebeek, delegate of the Netherlands, and M. de la Torriente y Peraza, delegate of Cuba, to act as tellers.

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

The President :

Translation : The result of the voting is as follows :

Number of States voting 47

M. MOTTA (Switzerland) received 45 votes

M. ZAHLE (Denmark) received : 1 vote

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I have therefore the honour, according to the Rules of Procedure, to announce that M. Motta, first delegate of Switzerland, is elected President of the Assembly. (*Unanimous and prolonged applause*).

On behalf of the Assembly, I offer the heartiest congratulations to our new President. His election is not only a token of personal esteem but also a tribute to the country which he represents. (*Renewed applause*).

The Assembly honours in him an eminent statesman, who from the outset has played a prominent part in our deliberations both by his great qualities of heart and mind and by his eloquence and political genius.

We also wish to pay a tribute to the Federal Republic, to the noble Swiss people who are offering us such generous hospitality and among whom the League of Nations is growing up in full independence. The life and institutions of this country are, and have for centuries been, a shining example of democracy and liberty in practice. (*Renewed applause*).

I call upon M. Motta to take the Chair of the Assembly.

M. Motta took the Presidential Chair amidst unanimous applause.

5. — PRESIDENTIAL ADDRESS.

M. Motta (Switzerland), President of the Assembly:

Translation: Ladies and gentlemen—May I first of all express my heartfelt thanks for the tribute which you have so kindly paid me? I am afraid that I do not deserve it, but I am all the more grateful for such a mark of friendship, and I can find no words to express my feelings at the reception which you have accorded me.

I also wish to thank the President of the Council for his generous references to myself and to my country. It was a special pleasure to hear those words from the distinguished representative of so noble and valiant a country as Belgium. (*Loud applause*).

It is to Switzerland, and not to her servant, that honour is due. Switzerland is proud to be the seat of the League of Nations and to have been the cradle of an institution to which a political atmosphere of peace and calm has meant so much. You have shown your appreciation of my country,

my native land, which I love as I loved my mother, and, in the name of my country, I express my deepest gratitude.

I fully realise the heavy responsibilities which the President of such an august international body has to bear and the prestige with which my predecessors in this chair have endowed it. I shall endeavour to follow their example, but I must also beg to be allowed to make large claims upon your indulgence.

If I may be allowed to think that the personal element counted for something in your choice, I am fain to believe that the merit you have sought to reward in me is my loyalty to the idea and my faith in the future of the League of Nations. (*Applause*).

Events, moreover, would appear to justify that loyalty and faith. When we compare the doubts which clouded the first Assembly in 1920 with the high hopes which are aroused by the fifth meeting of the Assembly, we shall all find grounds for rejoicing.

The first Assembly achieved a definite advance in international law by setting up the Permanent Court of International Justice, and, for that reason, will always be remembered in the annals of mankind. The war had left many vexed and complex questions, for which no settlement acceptable to both conquerors and conquered had been found. But since then, and especially this year, light has been thrown upon these problems and they have in some measure been solved. The work of the League of Nations has largely helped to strengthen the general desire for peace and to suggest and provide the practical means for carrying out the solutions of these problems.

Now, at the opening of this Assembly, I gladly welcome the impulse given by the recent London Conference to the principle of compulsory arbitration. (*Applause*).

Upon this pregnant principle, closely bound up as it is with the vital question of military disarmament, depends the future of peace, based upon right.

I also welcome as an auspicious omen the presence in this building of so many statesmen who are members of Governments and so many other illustrious men who have become famous in different fields. Their presence enhances the prestige of the League; it proves that the League has grown and henceforward holds a place in the schemes and policies of statesmen.

Finally, I welcome the change of heart which is taking place in the great masses of humble workers, even in countries which have hitherto appeared to turn a deaf ear to the call of the great ideal embodied in the League. This change of heart is like the wind that breathes from on high, and I am, I trust, not overbold in saying of it, in the sublime image of the Bible, "The spirit of God moved upon the face of the waters".

Nor shall I be thought rash in hoping that, though the gleam before our eyes be still but the dim light of dawn, our children and our children's children will one day see the League of Nations at its zenith—an organ of public discussion, a centre of united co-operation, a sure defence against brute force and embracing in its fold all the nations of the earth. (*Loud and prolonged applause*).

6. — CONSTITUTION OF COMMITTEES.

The President :

Translation : In accordance with precedent, the first item to be decided by the Assembly is the constitution of Committees.

In past years the Assembly has formed six Committees—the first to deal with constitutional

and legal questions, the second with technical organisations, the third with the reduction of armaments and kindred questions, the fourth with budgetary and financial questions, the fifth with social, philanthropic and humanitarian questions, and the sixth with political questions. I propose that we should follow the same course this year.

It may be assumed that, as a rule, the first three and the last three Committees will meet alternately every other day. This information may be a useful guide to delegations in their choice of the members who are to take part in the work of each of these Committees.

If the Assembly accepts this suggestion, the Secretariat will supply the delegations with forms on which to enter the names of delegates and substitutes who are to sit on each Committee.

As soon as these lists have been established, each Committee will meet to elect its Chairman and Vice-Chairman. I suggest that the Committees should meet to-morrow morning for this purpose.

If no one wishes to speak, I shall consider this procedure as adopted. (*Assent*).

7. — AGENDA COMMITTEE : APPOINTMENT.

The President:

Translation: In accordance with precedent, we will now appoint an Agenda Committee to deal chiefly with any new questions which the delegations may wish to place on the agenda. In previous years this Committee has consisted of seven members.

If no delegate objects, I propose that an Agenda Committee of seven members be again appointed. This Committee should be formed at once, and, in order to simplify our work, I will follow the example of my predecessors by proposing a list of members, namely:

- Sir Joseph COOK (Australia).
- M. HYMANS (Belgium).
- M. QUEZADA (Chile).
- M. ZAHLE (Denmark).
- M. POLITIS (Greece).
- M. MARINKOVITCH (Kingdom of the Serbs, Croats and Slovenes).
- H. H. Prince CHAROON (Siam).

If no one has any objections to raise, I shall consider the list adopted. (*Assent*).

8. — AGENDA : EXAMINATION AND ADOPTION.

The President:

Translation: I propose that the Assembly should adopt *en bloc* items 1 - 25 of the agenda (Annex 1, Document A. 3 (1), 1924). These questions have been placed upon the agenda in conformity with the established Rules of Procedure, and have been notified to the delegations and Governments.

The proposal was adopted.

The Chairman :

Translation: In accordance with precedent, I now propose that the Assembly should take a decision on the supplementary list of items circulated subsequently, and place those items on the agenda in the following order:

- 26. — Request of the Chinese Government for the reduction of the proportion of the expenses of the League of Nations allocated to China from 65 to 35 units. (*Assent*).
- 27. — Erection of a Conference Hall on the ground presented to the League of Nations by the Republic and Canton of Geneva and by the City of Geneva. Resolution of the Council dated June 12th, 1924. (*Assent*).
- 28. — Limitation of Naval Armaments. Resolution of the Council dated June 16th, 1924. (*Assent*).

In a note dated August 30th, 1924, the Secretary-General informed the delegations that the Council at its meetings held on August 29th and 30th decided to add the following items to the agenda of the Fifth Assembly :

- 1. — Pensions Scheme for the Personnel of the Permanent Court of International Justice.
- 2. — Protection of Women and Children in the Near East.
- 3. — International Federation for Mutual Assistance in the Relief of Peoples overcome by Disaster.
- 4. — Draft Treaty of Mutual Assistance. Observations received from Governments.

In accordance with the Rules of Procedure, these questions should be referred to the Agenda Committee for any proposals which it may wish to make with regard to them. (*Assent*)

We have now to deal with the following special question :

The Assembly is aware that the Government of Panama has written to the Secretary-General asking that Panama shall receive the same treatment as certain other American States in regard to reductions for the first five fiscal periods.

This application was not received in time to be inserted in the supplementary list, and you will no doubt decide to refer it to the Agenda Committee, which will give us its opinion upon what should be done. (*Assent*).

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

The President :

Translation : As regards the distribution of the items on the agenda amongst the Committees, I venture to make a few suggestions in order to expedite our work.

Items 8 and 11 might be dealt with by the First Committee; items 13, 16, 17 and 18 by the Second Committee; items 7 and 28 by the Third Committee; items 15, 23, 24, 26 and 27 by the Fourth Committee. Items 9, 19, 20, 21 and 22 might be dealt with by the Fifth Committee, and items 12 and 14 by the Sixth Committee.

With regard to item 22 (Refugee Questions), I may add that the Second Committee will again this year, as last, be asked to deal with the report of the Greek Refugees Settlement Committee.

If the Assembly accepts my proposals, the various items will be distributed among the Committees as follows :

- First Committee : Items 8 and 11.
- Second Committee : Items 13, 16, 17 and 18.
- Third Committee : Items 7 and 28.
- Fourth Committee : Items 15, 23, 24, 26 and 27.
- Fifth Committee : Items 9, 19, 20, 21 and 22.
- Sixth Committee : Items 12 and 14.

Do any delegations wish to make observations on the distribution of work which I have proposed? If there is no objection, the arrangement is adopted. (*Assent*).

The six Committees of the Assembly are requested to meet at the following times to-morrow morning at the Salle de la Réformation for the election of their Chairmen.

First Committee, 10 a.m.; Second Committee, 10.20 a.m.; Third Committee, 10.40 a.m.; Fourth Committee, 11 a.m.; Fifth Committee, 11.20 a.m.; Sixth Committee, 11.40 a.m.

The next plenary meeting of the Assembly will be held at noon to-morrow, when the six Vice-Presidents will be elected. These Vice-Presidents,

together with the Chairmen of the Committees, will constitute the twelve Vice-Presidents of the Assembly and will, with the President of the Assembly, constitute the General Committee of the Assembly.

We shall hardly have time at to-morrow's meeting to deal with other matters, but I hope that on Wednesday we shall be able to begin the discussion of one of the main items on the agenda — the Report to the Assembly on the work of the Council. (*Assent*.)

The Assembly rose at 5.30 p.m.

VERBATIM RECORDS

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

THIRD PLENARY MEETING

TUESDAY, SEPTEMBER, 2nd, 1924, AT 12 NOON

CONTENTS :

10. COMMUNICATION BY THE PRESIDENT.
11. CHAIRMEN OF COMMITTEES.
Announcement of Chair men.
12. ELECTION OF SIX VICE-PRESIDENTS OF THE ASSEMBLY.
13. PROGRAMME OF MEETINGS OF THE ASSEMBLY AND ITS COMMITTEES.
Communication by the President.
14. REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT.
Proposals of the President regarding the discussion.
15. AMENDMENT TO RULE 27. OF THE RULES OF PROCEDURE.
Reference to the Agenda Committee of a Proposal by the Netherlands Delegation.
16. FOUNDATION OF A NATIONAL HOME FOR ARMENIANS.
Reference to the Agenda Committee of a Proposal by the Greek Government.
17. TIME OF MEETING OF THE ASSEMBLY.
Proposal by M. van Karnebeek (Netherlands).

President : M. MOTTA.

10. — QUESTIONS OF PROCEDURE : COMMUNICATION BY THE PRESIDENT.

The President :

Translation : Ladies and gentlemen — With your permission, I would venture to make two suggestions, which I trust you will accept in the friendly spirit in which they are offered.

First of all, with your approval, I wish it to be a rule that meetings should begin punctually; in this way no time will be lost, and if delegates wish to discuss matters privately before the meeting

they may do so by coming a few minutes early.

With all due deference, I should like to make one further observation. I noticed yesterday that, as soon as the President, speaking in French, had submitted his proposals and announced the decisions taken by the Assembly, there was a slight hum of conversation in the hall. This may prevent the English translation being heard by everyone — which is essential, particularly for those delegates who wish to be informed of our proceedings in English. (*Hear, hear.*)

May I venture to request delegates — of course, I am not referring to the ladies (*laughter*) — to remain silent during the interpretation of speeches. (*Assent.*)

11. — ANNOUNCEMENT OF THE CHAIRMEN OF COMMITTEES.

The President :

Translation : The following is a list of the Chairmen elected this morning by the Committees :

Committees	Chairmen
No I	Sir Littleton E. GROOM (Australia)
II	M. Narciso GARAY (Panama)
III	M. Jean G. DUCA (Roumania)
IV	Baron ADATCI (Japan)
V	M. Herluf ZAHLE (Denmark)
VI	M. Carl ENCKELL (Finland)

12.—ELECTION OF THE SIX VICE-PRESIDENTS.

The President :

Translation: Under Rule 7, paragraph 1, of the Rules of Procedure of the Assembly, the agenda includes the election of the six Vice-Presidents, and we shall therefore proceed to ballot for this election.

Let me remind you that Rule 21, paragraph 3, of our Rules of Procedure, which applies to this election, is worded as follows :

"When a number of elective places of the same nature are to be filled at one time, those persons who obtain an absolute majority at the first ballot shall be elected. If the number of persons obtaining such majority is less than the number of persons to be elected, there shall be a second ballot to fill the remaining places, the voting being restricted to the unsuccessful candidates who obtained the greatest number of votes at the first ballot, not more than double in number the places to be filled. Those candidates, to the number required to be elected, who receive the greatest number of votes at the second ballot, shall be declared elected."

The election of the six Vice-Presidents should therefore take place by secret ballot.

I call upon M. Garay (Panama) and M. Duca (Roumania) to be good enough to act as tellers.

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

The President :

Translation : Ladies and gentlemen — the result of the ballot is as follows :

Number of States voting	47
Voting papers null and void	1
Voting papers valid	46
Majority required	24

The analysis of the voting is as follows:

M. Léon BOURGEOIS (France)	41	votes
Lord PARMOOR (British Empire)	42	"
M. SALANDRA (Italy)	42	"
M. URRUTIA (Colombia)	42	"
M. SKRZYNSKI (Poland)	40	"
M. TANG TSAI-FOU	39	"

In accordance with the Rules of Procedure, I have therefore the honour to declare these delegates Vice-Presidents of the Assembly. (*Applause.*)

I venture to offer our congratulations to those of our colleagues who have been elected and to the Chairmen elected by the Committees, who become *ipso facto* Vice-Presidents of the Assembly and members of the General Committee. (*Renewed applause.*)

13. — PROGRAMME OF MEETINGS OF THE ASSEMBLY AND ITS COMMITTEES : COMMUNICATION BY THE PRESIDENT.

The President :

Translation : Before declaring the meeting closed, I would ask your permission to make some suggestions for future meetings.

Allow me first of all to submit the following proposal regarding the Committees. I would suggest that the First, Second and Third Committees should meet at 3 p.m. and the Fourth, Fifth and Sixth Committees at 4.30 p.m. this afternoon, for the purpose of electing their Vice-Chairmen and arranging the order of their proceedings; they will thus be able to devote their next meeting entirely to the questions with which they have to deal. I would also suggest that the General Committee should meet at 6 o'clock this evening at the Secretariat. (*Assent.*)

Information regarding the rooms to be placed

at the disposal of the various Committees will be posted at the Secretariat.

With your permission, I would suggest that we hold two plenary meetings to-morrow : one beginning punctually at 10 a.m. and closing at 1 p.m.; the second in the afternoon from 4 p.m. until 6 or 7 p.m.

If there is no objection, I will assume that you agree. (*Assent.*)

14. — REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT : PROPOSALS OF THE PRESIDENT REGARDING THE DISCUSSION.

The President :

Translation : In accordance with the recommendations made by the Assembly last year (the printed text of which will be found at the end of the Rules of Procedure), we might, I think, open our meeting to-morrow with the consideration of the Report on the Work of the Council and of the Secretariat. (*Assent.*)

In accordance with the recommendation made by the Assembly last year, delegates who wish to speak on the work of the Council are requested to hand in their names as soon as possible and to state whether they wish to engage in the general debate on the report or to make observations on specific subjects. By this means the President will be able to conduct the debates with greater clearness.

At to-morrow's meeting, I suggest that we should begin with the general discussion. Two of the specific problems before us, the draft Treaty of Mutual Guarantee and the problem of the reduction of armaments, are of vital importance, and might with advantage be treated separately. They are sufficiently far-reaching, complex and grave to justify a special discussion, which might be held on Thursday. Should one day prove insufficient, we might continue the debate on Friday. The general discussion could then be resumed on Friday afternoon and, if necessary, continued on Saturday morning.

If no one wishes to speak, I will assume that this procedure is adopted. (*Assent.*)

15. — AMENDMENT TO RULE 27 OF THE RULES OF PROCEDURE OF THE ASSEMBLY : REFERENCE TO AGENDA COMMITTEE OF A PROPOSAL BY THE NETHERLANDS DELEGATION.

The President :

Translation : The Netherlands delegation asks that a proposal to amend Article 27 of the Rules of Procedure of the Assembly may be placed on the agenda. It is proposed to supplement the Article by the following provision :

"The decisions of Committees, however, shall be taken by a majority of the Members of the League represented at the meeting."

As the Assembly is aware, the principle at present in force is that rules governing plenary meetings of the Assembly also apply to Committees. The principle of unanimity applies to plenary meetings, except in certain cases specified in the Rules of Procedure. This rule applied last year to the Committees, or at any rate to some of them, including the First Committee, of which I was then Chairman. I remember that I myself raised this question of a new interpretation of the rules of procedure.

It is an interesting point, and I propose that it should be referred to the Agenda Committee for examination. (*Assent.*)

The Agenda Committee is meeting this afternoon and will, I hope, propose that the proposal made by the Netherlands delegation should be referred to the First Committee.

16. — FOUNDATION OF A NATIONAL HOME FOR ARMENIANS : REFERENCE TO THE AGENDA COMMITTEE OF A PROPOSAL BY THE GREEK GOVERNMENT.

The President :

Translation : The Greek Legation in Switzerland intimates that the Greek Government has put forward a request that the question of the transfer of Armenian refugees to the Caucasus and the foundation there of a national home for Armenians should be placed on the agenda of the Fifth Assembly.

I propose that this question also should be referred to the Agenda Committee. (*Assent.*)

17. — TIME OF MEETING OF THE ASSEMBLY : PROPOSAL BY M. VAN KARNEBEEK (NETHERLANDS).

The President :

Translation : M. Van Karnebeek, first delegate of the Netherlands, will address the Assembly.

M. Van Karnebeek (Netherlands) :

Translation : The President has proposed that the Assembly should meet to-morrow morning

at 10 o'clock. It is usual, however, for a large number of documents — sometimes very important documents — to be distributed by the Secretariat early in the morning, and we shall need to examine these documents before the Assembly meets.

Under present arrangements, I doubt whether we shall have time to examine the documents before the Assembly meets, and it would, I think, be better to postpone the plenary meeting of the Assembly until half-past ten or a-quarter to eleven, as in previous years.

Further, we shall, in addition to examining the documents to which I have referred, also need time to consult our colleagues regarding them.

The President :

Translation : The suggestion which has just been made seems very useful; I recommend it to your notice, and propose that to-morrow morning's meeting should begin at half-past ten.

(*Several Delegates*) No. At eleven!

The President :

Translation : M. Van Karnebeek will no doubt agree to the hour of 11 a.m.

M. Van Karnebeek (Netherlands) :

Translation : We might at first begin our meetings at 11 o'clock; we can then decide later whether it would be desirable to begin at 10.30 a.m.

The President :

Translation : The meeting to-morrow will therefore begin at 11 o'clock. We will consider later whether it would be better to begin at 10.30 a.m. (*Assent.*)

The Assembly rose at 1.5 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

FOURTH PLENARY MEETING

WEDNESDAY, SEPTEMBER 3rd, 1924, AT 11 A.M.

CONTENTS :

18. WELCOME TO THE PRIME MINISTERS OF FRANCE, GREAT BRITAIN AND BELGIUM.
19. AGENDA: DISTRIBUTION OF CERTAIN ITEMS AMONG THE COMMITTEES.
Report of the Agenda Committee.
20. CREDENTIALS OF DELEGATES.
Second report of the Committee on Credentials.
21. ANNIVERSARY OF THE EARTHQUAKE DISASTER IN JAPAN.
Expression of gratitude of the Japanese Government. (Speech by Viscount Ishii.)
22. REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT.
(Speeches by Professor Gilbert Murray (British Empire), M. Politis (Greece), Dr. Nansen (Norway), M. Hymans (Belgium), Prince Arfaed-Dowleh (Persia).)
23. MANDATES.
Motion by Dr. Nansen (Norway).

President: M. MOTTA.

(As the President was about to open the meeting, the Assembly greeted with loud applause the entry of M. Herriot, Prime Minister of France, and Mr. MacDonald, Prime Minister of Great Britain. The two Prime Ministers shook hands.)

18. — WELCOME TO THE PRIME MINISTERS OF FRANCE, GREAT BRITAIN AND BELGIUM.

The President :

Translation : Gentlemen — In opening the meeting, allow me to welcome among us the Prime Minister of France and the Prime Minister of Great Britain. (*Loud applause.*)

The Prime Minister of Belgium is expected to be present at an early date, and I should like to accord to him also a welcome in advance. (*Renewed applause.*)

I offer these gentlemen our most sincere greetings and I thank them for the signal proof they have given of their interest in the League of Nations, its Assembly and its work. That interest, due as it is to the active sympathy which they feel, is welcome — an omen of good. (*Unanimous applause.*)

19. — AGENDA: DISTRIBUTION OF CERTAIN ITEMS AMONG THE COMMITTEES: REPORT OF THE AGENDA COMMITTEE.

The President :

Translation : Gentlemen — The Agenda Committee met yesterday under the Chairmanship of M. Marinkovitch (Kingdom of the Serbs, Croats and Slovenes) to examine the questions referred to it.

The Committee decided to recommend that the Assembly should place on its agenda all the questions which had been referred to the Committee, and proposes that these questions should be distributed as follows :

First Committee : Amendment to Rule 27 of the Rules of Procedure of the Assembly : Proposal of the Netherlands Delegation.

Third Committee : Draft Treaty of Mutual Assistance: Observations received from Governments.

Fourth Committee : (1) Pensions Scheme for the Personnel of the Permanent Court of International Justice; (2) Request by the Government of Panama regarding contributions previous to 1923.

Fifth Committee : (1) Protection of women and children in the Near East; (2) International Federation for Mutual Assistance in the Relief of Peoples overcome by Disaster; (3) Proposal by

the Greek Government for the transfer to the Caucasus of the Armenian Refugees and the creation of an Armenian National Home in that country.

If there is no objection, these questions will be referred to the Committees which I have mentioned. (*Assent.*)

20. — CREDENTIALS OF DELEGATES : SECOND REPORT OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : The next item on the agenda is a second report by the Committee on the Credentials of Delegates.

I call upon M. de Aguero y Bethancourt to read his report.

M. de Aguero y Bethancourt (Cuba) :

Translation : Ladies' and gentlemen — The Committee on Credentials has received a letter from the Belgian delegation to the Fifth Assembly stating that M. Theunis, Prime Minister of Belgium, has been appointed first delegate to the Fifth Assembly of the League of Nations. During M. Theunis' presence in Geneva, the third delegate will act as substitute delegate.

The delegation of the French Republic intimates that M. Herriot, Prime Minister and Minister for Foreign Affairs, will be first delegate of the French delegation during his presence in Geneva. The third delegate will be substitute delegate for that period and will resume his position as full delegate immediately on the departure of M. Herriot.

The two announcements which I have made are, in the Committee's opinion, in entire conformity with Rule 5, paragraph 1, of the Rules of Procedure of the Assembly.

According to a cablegram which has just been received, the Government of the Republic of Costa Rica has accredited M. de Peralta as delegate of Costa Rica to the Fifth Assembly.

The President :

Translation : I will now ask delegates to vote on the conclusions of this report.

The conclusions of the report were adopted.

21. — ANNIVERSARY OF THE EARTHQUAKE DISASTER IN JAPAN : EXPRESSION OF GRATITUDE OF JAPANESE GOVERNMENT.

The President :

Translation : Viscount Ishii, delegate of Japan, will address the Assembly.

Viscount Ishii (Japan) :

Translation : Mr. President, ladies and gentlemen — On the occasion of the anniversary of the terrible catastrophe which befell our country, the Japanese delegation wishes to express once again, on behalf of the Japanese Government and people, its sincere gratitude for the profound sympathy shown us by the League of Nations at the last session of the Assembly.

Our country's appreciation of your sympathy was enhanced, in that it came from that body which officially voices the public opinion of all countries in the world and which bears the symbolic title of the "League of Nations".

I would recall to you the feelings of sincere

gratitude that were expressed in an important resolution of the Japanese Parliament.

You proved once again your deep sense of international justice and brotherhood by reducing the Japanese contribution to the budget of the League of Nations, in consideration of the disaster that befall Japan of part of her wealth. You showed, too, a noble and discerning solicitude for Japan's intellectual needs by generously helping her in the reconstruction of her damaged libraries.

It is an agreeable duty to me to offer my heartfelt thanks to those distinguished colleagues who expressed to me in person their deep sympathy for the Japanese nation. These many proofs of sympathy and fellowship have given Japan a deeper insight into the great humanitarian ideal which brings us together here to work for the common weal. (*Applause.*)

22. — REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT.

The President :

Translation : The next item on the agenda is the debate on the report to the Fifth Assembly on the work of the Council and of the Secretariat and on the measures taken to execute the decisions of the Assembly (Annexes 2 and 26, Documents A. 8. and A. 8 (a), (1924).

Professor Gilbert Murray, delegate of the British Empire, will address the Assembly.

(Prof. Gilbert Murray mounted the platform amidst the applause of the Assembly.)

Professor Gilbert Murray (British Empire) :

I am venturing to call the attention of the Assembly to a question on which I have had the honour of speaking in previous years — namely, the treaties for the protection of minorities. You will see that the first chapter of that part of the report on the work of the Council which deals with the protection of minorities is devoted to the question of procedure, and a great portion of our debates here have been concerned with procedure. For that there is a definite reason. I think that anyone reading either the treaties themselves or the famous letter of M. Clemenceau to M. Paderewski explaining the principles of the treaties will realise that they express a principle which is incontestably right and at the same time one which is very difficult indeed to apply without friction.

The great principle to bear in mind is that in the application of the clauses there is no question of a foreign nation interfering with the domestic affairs of another nation in order to protect the interests of some minority with which it feels special sympathy. That idea must be kept entirely away. It is this great Society of Nations, of which all are Members, to which none is alien or foreign, which is working to assist each individual Member in carrying through a most difficult task, imposed upon it not merely by the treaties it has signed but by the historical necessities of the present time.

The task is difficult because the new nations which have been liberated or called into existence after the war have before them the duty of building up their national unity and forming their national character. Many of them — though we speak of them as new nations — are really very old nations re-emerging, after centuries, from chaos and subjection. The difficulty of their task is, of course, greatly increased by the presence in their midst of these alien groups — alien, disturbing,

often the centres of ill-feeling and of traditions of hostility.

We none of us under-rate the immense difficulties with which the new nations bound by these traditions are faced. But the fundamental fact remains that unless these alien minorities can be made content, unless they can be made to feel themselves true citizens with an equal claim on the attention of their Government with that of the rest of the nation, unless they can be made to feel for certain that there is for them, as for the members of every civilised community, justice somewhere in the world, I think two results must follow. The first is that the new nations will not succeed in building up their own national unity; and, the second, that the peace of Europe must remain insecure and precarious.

The object of the procedure, the elaborate procedure, which has been thought out by the League of Nations is almost entirely devoted to this purpose of avoiding friction. The greater part of the business is carried out by informal and friendly communications between the Governments and the Section of the Secretariat concerned with this work; and no one I think can praise too much both the tact and diligence with which the Secretariat has performed it.

There is just one suggestion which I would venture to make in this connection. You will see on page 39 of the report, reference to the question of the German colonists in Poland. I am happy to say that that very difficult series of problems is at last settled in a way which does credit to both sides. I think, however, that there has been a certain amount of unnecessary friction. The practice of the Council, which is suggested by the natural reading of the Treaties, is to wait for an infraction of the Treaty and then to summon before it the Member concerned with the infraction. This practice has two great disadvantages. It puts the Council in the position of a schoolmaster finding fault and it puts the Member essentially in the position of a culprit or a delinquent.

I cannot help suggesting that, in my view, there is nothing either in the treaties or in the rules of procedure which would prevent any nation which considers that a difficulty is arising with regard to its minorities - and such difficulties must arise - asking, on its own initiative, to come before the Council and to consult the Council on the proper course to adopt. I venture very humbly to put forward this suggestion.

The second point upon which I wish to speak is in regard to an incident, small perhaps, but of very great intensity and importance. Last year the Bulgarian and the Greek Governments, on their own initiative, took here a step which, if they will allow me to say so, seems to me to be highly creditable to both parties and absolutely in the spirit of this League of Nations.

Both Governments knew the dangerous state of the feeling on their common frontier and both were wholeheartedly desirous of maintaining peace and gradually building up in that district better relations. As you can see from page 37 of the report on the work of the Council, a Commission of the League created for quite a different purpose is already working on that frontier. Last year, the two Governments, Governments which had been separated by much hostile feeling in the past, agreed to ask that Commission to act temporarily as a representative of both Governments together for the common purpose of protecting the minorities on both sides. This seems to me to have been a most admirable action. The Commission has carried out its work with great diligence and has established general confidence. It is naturally impossible, however, to create, straightaway, a

spirit of peace in a soil which is sown thick with the seeds of war — a soil where old vendettas spring up like weeds every morning.

Last July, as the report of the Commission has shown, there was a very grave, a very terrible incident on that frontier, an outrage committed against the Bulgarian villagers in the village of Tarlis, in which seventeen people were killed. The Commission immediately made an investigation on the spot — an investigation which was absolutely impartial and wonderfully thorough. I think that we can say that thereby we obtained what is very difficult to obtain in such cases — namely, a thorough and reliable account of the whole matter, and I am happy to say that one result of the enquiry is a result which we might all have expected, but which we are none the less glad to see — an assurance of the absolute innocence of the Greek Government.

I want to say nothing in palliation of that outrage, nor, especially, in condemnation of it. I do want to say, however, that these terrible occurrences must be regarded here with the eyes of an historian as well as the eyes of a magistrate or a moralist. These hideous events have their causes, as, alas, they will also have their consequences. Indignation is easy to feel. It is very difficult to avoid. But indignation is of no help; indignation leads to reprisals, and the spirit of reprisals is, of all things, the one we must most avoid.

I venture earnestly to hope that both these Governments, who hate these crimes quite as much as do other Members of the League and who suffer from them both in prestige and in their material interests to a quite peculiar degree, will again act together in asking the Council of the League to help them to devise some mechanism, either some permanent resident Commission or some other organ, by which they can co-operate in the full spirit of the League in restoring peace to this turbulent and afflicted region.

The delegates of both these nations have honoured me with their friendship, and I have every reason to hope that the two Governments will display this year the same spirit of moderation and magnanimity which they showed last year in this place.

Thirdly, I would like to ask a question. We all rejoice that peace has been made with Turkey and that the Treaty of Lausanne is now at last in force. Under that Treaty there is laid upon the Council the duty of protecting the religious and ethnical minorities within the Turkish national State. That duty cannot of course be carried out without the co-operation of the Turkish Government. It is a work beset by great historical difficulties and by great difficulties of a geographical character, — the places are so remote and difficult of access. I hope that the Council will at some suitable time inform us as to the machinery which it hopes to set up in co-operation with the Turkish Government, for carrying out the protection of these minorities, an object which is no less essential in the interests of Turkey than it is in the interests of the minorities themselves.

Lastly, in looking over these treaties for the protection of minorities, I have often felt (and I believe that everyone who reads them must have felt) that there is one unsatisfactory element — an inevitable element at the time when the treaties were drafted but, still, unsatisfactory. The fair treatment of these alien groups within a population is, of course, a plain duty of good government everywhere. It is the regular mark which distinguishes good government from bad government. It is a fundamental duty imposed by wisdom and moderation, quite as much as by civilisation and humanity. Yet in the treaties it seems — though the impression is erroneous, of course — as if it were a burden

imposed by a group of strong Powers upon certain weaker nations, which, whatever their good will, they were not really free to refuse to bear. The same applies to the declarations which in some cases have taken the place of the treaties.

I venture to ask the Assembly to remember, and to remember with profound satisfaction, the resolution which was passed (and, if I may say so, passed with the benevolent assistance of the present President of this Assembly) in the year 1922, by which the Assembly expressed the hope that all nations whatsoever, whether bound by Treaties or not bound by Treaties, would carry out the duties imposed on certain of them by the Treaties. It was there specifically and unanimously resolved that the great Powers and the other Powers not bound by Treaties "will observe, in the treatment of their own minorities, at least as high a standard of justice and toleration as is required by any of the Treaties and by the regular action of the Council". This has at last put the matter on a right footing. The just treatment of minorities cannot any longer be conceived as a burden imposed by stronger nations upon weaker—it is not an irksome restriction enforced upon free nations by foreign interference. It is an ideal in which all Members of the League equally share. It is a simple duty which all Members sincerely accept, and which, by mutual sympathy and counsel in this great society, we will help one another to discharge worthily. (*Applause.*)

The President :

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

M. Politis (Greece) :

Translation : Mr. President, gentlemen — After the speech made by my distinguished friend, Professor Gilbert Murray, I feel justified in mounting this platform to state how gladly I support the generous suggestions that he has just submitted to you.

As he has reminded us, the Greek and Bulgarian Governments informed the Assembly last year that they intended to utilise the services of the Mixed Commission on reciprocal and voluntary emigration between the two countries by asking it to assist them in carrying into force the minorities system applicable on their respective territories. It was at that time anticipated that the Treaty for the Protection of Minorities, signed by Greece with the Principal Allied Powers in 1920, would shortly come into force. This treaty was confirmed at the Lausanne Conference; its fate was bound up with that of the Treaty of Peace signed at Lausanne, the ratification of which was pending at the time of the last Assembly. After much delay ratification at last became an accomplished fact, and the minorities treaty by which Greece is bound has now come into force.

The time is now ripe, therefore, for carrying out the intentions expressed here last year. The Greek Government, for its part, is still determined to utilise the experience of the Mixed Commission and to ask its advice on the application of the minorities system.

When the work of this Commission is concluded, as it soon will be, the Greek Government will request the Council of the League to consider in what way and to what extent it could assist Greece in the future application of the minorities system. We are convinced that our sincere desire to establish friendly relations and loyal co-operation between Greece and Bulgaria, upon a firm and lasting basis, will be more easily realised if the

undertakings entered into are more clearly defined and punctiliously observed.

The Greek Government also believes, however, that if this desirable result is to be attained, it is essential that the system set up for the protection of minorities should not lose the character given to it by the treaties at present in force. These treaties contain an organised scheme of reciprocal rights and obligations as between the members of the minorities and the country of which they form part. It is a matter of internal public law, subject to the supervision and guarantee of the League of Nations.

The question is not a diplomatic one, nor is it a matter of the relations between two States, one of which claims the right to intervene in the affairs of the other, in the name of populations to which it considers itself racially akin.

Such a policy, far from contributing to the protection of minorities and the restoration of international harmony, would have precisely the opposite effects. Populations protected solely by means of foreign intervention would soon become an object of hatred on the part of the majority in the countries in which they lived. Moreover, the friction produced by diplomatic intervention between the two Governments concerned would be entirely incompatible with a spirit of good understanding and co-operation between States. It is, therefore, the Council's duty to take every precaution to prevent the question of minorities degenerating into a diplomatic question.

The Greek Government, for its part, is resolved to give the Council of the League every assistance in the discharge of this international duty. (*Applause.*)

The President :

Translation : Dr. Nansen, first delegate of Norway, will address the Assembly.

(*Dr. Nansen mounted the platform amidst the applause of the Assembly.*)

Dr. Nansen (Norway) :

Mr. President, ladies and gentlemen—In the name of my Government and of my people, I have to pay my tribute to the Council and to the Secretariat for their excellent work during the past year.

I have before me the report on the work of the Council and of the Secretariat. It is an admirable document, but I have to express one regret, namely, that, voluminous though the report is, it does not contain an account of all the work of the League of Nations. For instance, there is one important piece of work which is not mentioned in the report, the omission of which might give a false impression to those studying the report, in that they might think that it covered all the work of the League. I mean to say that the report does not contain any mention of the important work of the Permanent Court of International Justice.

It would be of great value to those of us who are anxious to strengthen the League throughout the world if we had a document containing an account of all the work of the League. I think, moreover, that it is important, for the League itself, that such a document should be distributed broadcast. It would also be very convenient for this Assembly to have a short summary of the activities of the Permanent Court of International Justice. The Assembly has to vote the money for the work of the Court, and it is, therefore, natural that it should wish to see some account of what is being done by the Court. I realise, of course, that the Court is a separate body — that it is absolutely independent of the Council, but I

think some method might be found by which the General Report could contain just a summary of the decisions taken by the Court and of the judgments given by it.

There is another point which I wish to mention briefly. An important function of the League is the supervision of and the responsibility for the Mandates system. It is therefore desirable that this year, as in previous years, the report of the Permanent Mandates Commission should be discussed in the Assembly.

I therefore venture to move the following resolution :

"That the report of the Permanent Mandates Commission on the work of its fourth session be, in accordance with the practice of previous years, referred to the Sixth Committee for consideration."

There is a minor point which I think it is important to mention. It appears from the Supplementary Report on the Work of the Council (pp. 25-26) that the Council has been considering calling a Conference on Radio-Telegraphy for the purpose of the revision of the Convention of 1912.

It is evident, from a practical and a scientific point of view, that an International Conference on this subject is most important and should be held at an early date. There may be difficulties which have caused delay, and it may, therefore, be desirable for some member of the Council to explain why the deliberations of the Council have not yet resulted in the calling of such a Conference, and whether there is a probability of it being called in the very near future.

I have another important point to mention. When the Permanent Court of International Justice was established, it was naturally most desirable that all States should bind themselves to refer all justiciable questions — described in Article 36 of the Statute of the Court — to the Court for a decision in a similar way to that agreed upon in the Draft Treaty of 1911 between Great Britain and the United States of America. This was not possible, however, but an Optional Protocol was drawn up and all States which adopted this Protocol undertook to accept the Court's jurisdiction in all disputes covered by that Article. It was hoped, when this Optional Protocol was drawn up, that many Governments, including the Governments of the Great Powers, would see their way to adhere to it and thus to establish on a wide basis the jurisdiction of the Court.

It is obviously desirable that the Court should always decide all international disputes which are capable of settlement in accordance with the rules of international law.

The Optional Protocol and Article 36 of the Statute of the Court give ample guarantees that the Court will not extend its jurisdiction to matters on which no general legal rules exist.

Up to the present, twenty countries Members of the League have signed this Optional Protocol, of whom fifteen have actually ratified their signatures, one on the condition that at least two of the Great Powers also sign it. In respect of these fifteen, or rather fourteen, countries, the Court has obligatory jurisdiction but, in spite of the guarantees given by the Statute, no Great Power has as yet seen its way to accept the Optional Protocol.

This has been a disappointment to those of us who believe in the development of legal justice among nations, and particularly to the smaller Powers to whom this development is of such very great importance. We have now three years' experience and everybody must recognise the excellent work done by the Court. It has acquitted

itself in a manner worthy of the confidence of the whole world. I will ask you to note the significant words of Mr. Hughes, the American Secretary of State. In an address which he delivered recently he expressly said that the new World Court is so perfectly organised and works so well that all nations ought to give it their full support. Arbitration is an old American idea dating from the days of Secretary Jay's Treaty of 1796 between Great Britain and the United States. It is an idea which has always been near to the hearts of the American people. I think, therefore, that Mr. Hughes' statement carries very much weight.

It was only natural, perhaps, that the Great Powers were inclined to hold aloof in the beginning when no one knew how these new organisations would work. To-day, however, the situation has changed and changed completely. Three years' experience has shown the efficiency of the Court.

Recently, in another sphere, a great event has taken place. In respect of one of the most difficult of all present-day questions — the problem of reparations — the French Government has taken the initiative in acknowledging this vital principle of arbitration. The London Conference has agreed that all disputes arising from the execution of the Dawes Plan are to be settled by arbitration. This is a fine historic achievement. It marks a definite step forward in the betterment of the relations between nations.

It is only left to me to express the earnest hope that the Great Powers will go one step further and agree to the Optional Protocol, thereby binding themselves to accept the obligatory jurisdiction of that great Court which they themselves have set up.

The President :

Translation : I call upon M. Hymans, delegate of Belgium, who has asked leave to reply to Dr. Nansen at once.

M. Hymans (Belgium) :

Translation : I have asked to speak now because, as a member of the Council, I should like to answer one point raised by my colleague, Dr. Nansen. Dr. Nansen takes exception to the fact that the report on the Work of the Council now under discussion makes no mention of the work of the Permanent Court of International Justice.

I fully appreciate, and the Assembly will also appreciate, the importance of the work, the awards and the opinions of the Court, which forms an essential part of the international life which the League is endeavouring to organise. I venture to suggest, however, that my honourable friend's criticism is not altogether justifiable. The report does, in fact, mention all the opinions which the Permanent Court of International Justice has given on the questions submitted by the Council.

As you are aware, the Council is entitled, under the terms of the Statute of the Court, to ask the Court's opinion on certain questions, and the opinions on the questions submitted are all mentioned in our report.

There was surely no occasion for us to refer in the report to the judgments delivered by the Court in its capacity as the Supreme Court in inter-State disputes. Nevertheless, I fully realise the importance which Dr. Nansen attaches to the matter, and I see no reason why the Assembly should not recommend that, in future, the report on the work of the Council should include all information regarding those activities of the Permanent Court of International Justice which are of interest to the Assembly. I would add, however, — and my colleague has himself referred

to the point — that the Permanent Court is an independent institution and we cannot take upon ourselves to prepare summaries of its work.

Accordingly, if the Assembly approves such a recommendation, the Council will forthwith submit it to the Permanent Court of International Justice, with a request that the Court should prepare a report on its work and the awards which it has given. This would appear to be the best means of settling the question.

The President :

Translation : The first delegate of Norway has not brought forward a formal motion on this matter, but has made a recommendation regarding the activities of the Permanent Court of International Justice. The first delegate for Belgium has replied on behalf of the Council.

In the absence of a formal proposal, I assume that the Assembly will not wish to take any decision on Dr. Nansen's suggestion; but the Council will, I am sure, give this suggestion the consideration which it deserves, subject, of course, to the reservation set forth by the representative of the Council.

Dr Nansen (Norway). — My idea was exactly the same as M. Hymans, namely, that the Council could not report on the activities of the Court. I only thought that the Council should ask the Court whether it would be prepared to give a summary of its activities.

The President :

Translation : If there is no objection, the suggestion made by the delegate of Norway will be adopted. (*Assent.*)

His Highness Prince Arfa-ed-Dowleh, first delegate of Persia, will address the Assembly.

(*His Highness Prince Arfa-ed-Dowleh mounted the platform amidst the applause of the Assembly.*)

Prince Arfa-ed-Dowleh (Persia) :

Translation : Mr. President, ladies and gentlemen — At last year's Assembly I had the honour to explain the causes which had led the peoples of the East to waver in their faith in the League of Nations and its future.

I am glad to say that circumstances have changed since then. The Great Powers which founded the League and then neglected too much the institution which they had themselves created, have changed their front; the fact that the most eminent statesmen of Europe and other continents, and, in particular, the Prime Ministers of Great Britain, France and Belgium, are with us to-day will assuredly enhance the prestige of the League and add to its fame throughout the world.

I will not refer to recent events of good omen in Europe, which have been a source of gratification to the friends of the League and have strengthened their faith in its future. You know better than I all that has taken place. I will venture, however, to explain why public opinion in the East is now more favourably inclined to the League. As you know, Persia is the only Moslem State at present represented here, and it is only natural, therefore, that the whole world of Islam, whose followers number more than 350 millions, is closely watching the attitude of the League towards Persia.

Last year the Persian Government asked the League of Nations to assist it in its campaign against the epidemics prevalent in Persia, which every year claim their victims by thousands. Persia's request was granted and the Secretariat

and the Health Committee of the League sent to Persia an exceptionally competent specialist, Dr. Gilmour, who was warmly welcomed by the Government, the Parliament and the people of Persia and who is now at Teheran. I have just received from my Government a telegram instructing me to thank the League of Nations and the Secretary-General publicly for their noble proof of international solidarity.

The Persian Government also asks me to appeal to the Council of the League to remedy an act of injustice done to Persia in 1919 as a result of one of the articles of the Convention of St. Germain.

Under the terms of that article — in the drafting of which Persia had no part — our country, together with certain of the colonies of the Great Powers, is placed among the prohibited zones where the traffic in arms and ammunition is placed under the control of the countries which produce and export these munitions. As both the Senate of the United States and a large number of European Parliaments refused to ratify this Convention, it was decided to replace it by another convention which would secure general acceptance. The Council invited Persia to submit her requirements and to send a representative to the Temporary Mixed Commission which is preparing a new draft convention.

I have particular pleasure in publicly thanking the Chairmen and members of the Temporary Mixed Commission and of the First Sub-Commission for their favourable reception of the Persian delegate, for their careful consideration of my verbal statements and for the reports which they have submitted to the Council.

I venture to hope that the Council, with its high sense of equity, will see that justice is done to Persia, which is an independent and sovereign nation, and that it will thereby add increased lustre to the fame of the League of Nations among the countries of the Orient. (*Applause.*)

23. — MANDATES : MOTION BY Dr. NANSEN (NORWAY.)

The President :

Translation : The first delegate of Norway has submitted the following draft resolution.

"That the report of the Permanent Mandates Commission on the work of its fourth session be, in accordance with the practice of previous years, referred to the Sixth Committee for consideration."

This proposal follows the precedent established by previous Assemblies.

We may, I think, adopt the proposal forthwith and submit the report of the Permanent Mandates Commission to the Sixth Committee for consideration.

If there is no objection, I shall consider this proposal adopted. (*Assent.*)

The President :

Translation : I announced just now that the first delegate of Persia was the last on the list of speakers for the present meeting. Only two speakers have sent in their names for this afternoon's meeting, but I am sure that there are a number of delegates who have much that is interesting and useful to say. I should be grateful, therefore, if they would be so good as to send in their names to my secretary in order that I may call upon them to speak at this afternoon's meeting.

If there is no objection, our next meeting will be held this afternoon at 4 p.m. (*Assent.*)

The Assembly rose at 12.50 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

FIFTH PLENARY MEETING

WEDNESDAY, SEPTEMBER 3rd, 1924, AT 4 P.M.

CONTENTS :

24. — REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT: CONTINUATION OF THE DISCUSSION.

(Speeches by M. Procopé (Finland) and M. Gurakuqi (Albania.)

25. — PROGRAMME OF MEETINGS OF THE ASSEMBLY.

President : M. MOTTA.

24. — REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT: CONTINUATION OF THE DISCUSSION.

The President :

Translation : The first item on the agenda is the continuation of the discussion on the report of the Council to the Assembly.

M. Procopé, delegate of Finland, will address the Assembly.

M. Procopé (Finland) :

Translation : Mr. President, ladies and gentlemen — The questions which this Assembly has to consider are of vital importance alike for the peace of the world and for the security of individual States. By appointing me (the Minister for Foreign Affairs) as its delegate, the Government of Finland, of which I have the honour to be a member, desired to show the deep interest which my country takes in the work of the League of Nations and, more especially, in the important questions now before the Assembly.

Finland desires to do her share in the League's great work of peace. She is anxious to show her loyalty to the League and her confidence in it; she is convinced that this great organisation, which, as we all gratefully acknowledge, has already accomplished so much, can and will continue to carry out the work of peace and justice which is the end and aim of the Covenant.

The Government of Finland has carefully considered the outstanding questions of disarmament and of security, as well as the other general problems which have been brought before the League. It is not my intention, however, to deal with general questions now, and I will not detain you long.

I only desire to make a statement on behalf of the Government of Finland with regard to one question which interests my country deeply — the question of Eastern Carelia, to which reference is made on page 27 of the Report on the Work of the Council.

The Government of Finland noted with great satisfaction the resolution adopted by the Fourth Assembly regarding Eastern Carelia. By passing that resolution the Assembly definitely recognised the importance of this question; it requested the Council to continue to collect all useful information relating to this question, with a view to seeking any satisfactory solution rendered possible by subsequent events.

The Assembly, in unanimously adopting this resolution, which indicates the need for a solution, on the lines referred to in the resolution, showed its desire to see the problem of Eastern Carelia treated, and solved, in conformity with the general principles of the League. Under these circumstances the individual Members of the League cannot ignore the matter.

As a peaceful State, convinced that the League of Nations is an indispensable factor in the world to-day, Finland must continue to urge that the League cannot stand aside when an important international question is to be solved, even though that question concerns a State which is not a Member of the League.

The problem of Eastern Carelia is a case in point and the League of Nations, in view of the resolutions it has passed, is bound sooner or later to be faced with the problem.

This question is of special importance to Finland and we have concluded with Russia inter-State Conventions on the subject. The Government of

Finland ventures to express its firm conviction that the competent bodies of the League of Nations, in accordance with the resolution of the Fourth Assembly, will pursue their efforts on the lines suggested, and will thus, faithful to the lofty ideals of the League, promote international justice and secure absolute respect for all international treaty obligations. (*Applause.*)

The President :

Translation : M. Gurakuqi, delegate of Albania, will address the Assembly.

M. Gurakuqi (Albania) :

Translation : Mr. President, ladies and gentlemen — I do not propose to refer to all the different points in the report on the work of the Council of the League during the past year. I only ask your attention for a moment while I deal with one question, namely, the work of relief carried out on behalf of the Albanian populations when stricken by famine and disease.

After four and a half centuries of foreign rule, which had left her in a pitiful state, Albania regained her independence, but was left to her own resources; unaided and alone she was confronted by countless difficulties, particularly in the sphere of economics and finance.

The Great War, which broke out only a few months after her liberation, added to these difficulties, and when at length she seemed to have some prospect of recovery and restoration, other disasters occurred, which impeded her development and barred the way to further advance on the path towards progress and civilisation.

In recent years Albania has been visited by famine, due to drought and floods, which destroyed the greater part of her crops. The inhabitants of the mountainous districts, who are poor and without a roof to cover their heads, fell into the direst distress.

The Albanian Government did its utmost to alleviate their sufferings, but its resources were limited. But for the generous assistance of the League of Nations, the fate of our poverty-stricken mountain people would have been appalling.

I wish to take this opportunity to express, on behalf of the Albanian Government, our warmest thanks and deep gratitude to the League of Nations and to the various States which took part in the relief of my country. The Albanian people were greatly moved by the philanthropic interest and self-sacrificing devotion shown on its behalf. It will ever continue to do its utmost to deserve the good offices of the League of Nations, and will endeavour to be a bulwark of order and progress in the Balkans. (*Applause.*)

The President :

Translation : There are no more speakers on my list.

Does anyone else wish to speak in the general discussion on the report on the work of the Council ?

If not, I will adjourn the discussion.

25. — PROGRAMME OF MEETINGS OF THE ASSEMBLY.

Before we rise, I wish to propose that in order to meet the wishes of delegates, we should hold two meetings to-morrow, the first at 11 a.m. Three delegates have notified their intention of speaking, including Mr. MacDonald, Prime Minister of Great Britain. The second meeting will open at 4 p.m.

These two meetings will be reserved entirely for the question of Security and the Reduction of Armaments.

The discussion will deal with the report on the work of the Council, but will be confined to certain definite points. Upon its conclusion the general debate will be resumed. I will therefore ask my colleagues to notify me at once if they wish to take part in the general debate which will be resumed on Saturday morning.

If there is no objection, the programme will be arranged in this manner. (*Assent.*)

The Assembly rose at 4.25 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

SIXTH PLENARY MEETING

THURSDAY, SEPTEMBER 4th, 1924, AT 11 A.M.

CONTENTS :

25. REDUCTION OF ARMAMENTS :

Speech by Mr. Macdonald (British Empire).

President : M. MOTTA

25. — REDUCTION OF ARMAMENTS : SPEECH BY MR. MACDONALD (BRITISH EMPIRE).

The President :

Translation : The next item on the agenda is the discussion on the reduction of armaments.

Mr. MacDonald, Prime Minister of Great Britain and first delegate of the British Empire, will address the Assembly.

(As Mr. MacDonald mounted the platform, the whole Assembly rose to its feet and greeted him with loud and prolonged applause.)

Mr. Ramsay MacDonald : (British Empire) :

Mr. President, I am very glad that it has been my good fortune to have an opportunity of taking part in the work of the League of Nations. The League of Nations, both as an organisation and as a spirit, is struggling under somewhat adverse circumstances and I am here to-day as a pledge that the country I represent — Great Britain — will use every means in its power to widen the influence and to increase the authority of the League of Nations. *(Applause.)*

Ah, my friends, the emotions that come to one as one stands here, facing delegates from over half a hundred nations — many of them devastated, all of them impoverished, owing to the war! — facing delegates battling against those adverse circumstances, and yet hoping against hope very often, determined sometimes when determination appears to be little better than folly, that by our intelligence and by our good will we shall, through the League of Nations, lay securely and finally the foundations of peace upon earth. *(Applause.)*

The late war was commended in my country as being a war to end all wars. Alas, the human eye sees but little prospect of that hope and that pledge being fulfilled. I do not know what the Divine mind sees — the Divine mind that sees the future as clearly as you and I can see the present—but I hope it sees more calm confidence in the future, and more happiness in it, than the human mind can see — that human mind which has to nourish its faith upon appearances. If the future is to justify our confidence and our happiness, it will be owing solely to the deliberations, the negotiations, the work and the agreement of the League of Nations. *(Applause.)*

The danger of supreme importance which is facing us now is that national security should be regarded merely as a military problem and based solely on the predominance of force. For a moment this may serve. For a moment it may lull to sleep. For a moment it may enable large nations and small to believe that their existence will no longer be challenged. But, my friends, there is an evolution in every plan and a consequence of every idea, and if, after all the appalling evidence in history that military force cannot give security, we to-day go back and repeat the follies of our ancestors, then the security we give for the day is only a betrayal of the nation that we lull to sleep under it. *(Applause.)*

In offering some observations upon this theme and in commenting on various proposals which have been made in connection with it, I wish to assure the Assembly that the fact of my speaking first does not mean that what I am going to say is something thrown at your heads and that you will be allowed to say what you like afterwards. No, my friends, we are for co-operative discussion. *(Hear, hear)*. We are here to listen to one other. We are here to put our ideas into a common pool and no delegation is more determined to pursue that policy than the British delegation of which I happen to have the honour to be the head at the present moment. *(Hear, hear!)*.

Now, let us be quite clear upon one thing. The British Government has not given an adverse report upon the draft Treaty of Mutual Assistance because it is indifferent to the problem of national security. That is not true.

The British Government feels, as I am sure the whole of the Assembly feels, under the greatest obligation to the men who sat on the Commission that produced that draft Treaty. These things have to be done. Why, my friends, none of us have inherited a tilled soil prepared for peace. I wish we had. Our position rather is the position of the early pioneer who went to Australia, to Africa, and to the very remote parts of the world to find that, within an inch of the landing-place where they set foot, they had to blaze the trail, they had to fell the forest, they had to dig the ground, they had to uproot the evil roots that were in possession of the ground in front of them. They toiled and toiled and toiled not for immediate harvest but in order to make great preparations; as a result of that preparatory toil, you are shown, when you now go to these regions, their smiling and their peaceful fields. Such is our work. Such is the work of the League of Nations. Such is the contribution to that work made by the Commission, which prepared this draft Treaty which the British Government, for various reasons, has stated that it cannot regard as the final word upon this important subject.

Our position briefly is this. We do not believe that military alliances will bring security. We believe that a military alliance within an agreement for security is like a grain of mustard seed. Small to begin with, it is the essential seed of the arrangement and that seed, with the years, will grow and grow until at last the tree produced from it will overshadow the whole of the heavens and we shall be back in exactly the military position in which we found ourselves in 1914.

Moreover, the British Government, wishing to carry out to the full, every comma, every sentence, of any obligation to which it puts its signature, cannot, will not, put its signature to an indefinite document. If we are going to undertake obligations, if we say we are going to carry them out, we want to know exactly what the yare. An obligation based upon psychology, an obligation based upon fear of other people, an obligation that we may have to meet, not because a nation has been faced by enemies sent to beset it by the Devil, but because a nation may be beset by enemies on account of its own policy: this sort of obligation we cannot undertake because, if we did undertake it — I want to tell you perfectly honestly — we should find, when we tried to carry it out, that public opinion would make it impossible for us to do so.

Further, if the Assembly will look at the amendments to the draft Treaty which have been proposed and will put them all in, put them all together, it will see that together they destroy the draft Treaty even when they are offered in support of it. Certain amendments proposed by certain Governments and described as essential were considered and rejected by the Commission, and if they had not been so rejected the Commission would never have obtained unanimity in the preparation of the draft Treaty.

I may be wrong, but I am profoundly of the opinion that, for these reasons, if such an obligation were imposed upon the nations affiliated to the League it would break the League; great secessions would take place and a large number of nations that would remain in affiliation to the League would do so with such a reserve that the obligation they had accepted would be of no value whatever. The British Government has, therefore, felt that

the last word has not been spoken regarding this draft Treaty and it wishes that the matter shall be further considered.

What assistance can we give now to those preparing the way? Where does the League stand in its pursuit of peace and of the essential conditions under which arms can be reduced? I think the first problem is the League itself, its composition. (*Hear, hear.*) This League, if it is to have the authority to give security, must be a comprehensive League. This League will remain inefficient unless it includes not only the threatened nations but the threatening or the so-called threatening nations. Both must be there. (*Applause.*)

There are our American friends, remote geographically, blissfully and enviably separated from the troubles that lie at our doors. Europe for the last few years has not offered America a very attractive companionship. (*Laughter.*) If, like a beloved partner, America had found us sitting at its fireside, I am not quite sure that its domestic felicities would have been of the very best kind. I, therefore, never believed that America would do anything but leave us alone, but America has in fact rendered us very valuable help. We have never, so far as I know, asked the assistance of America to do *ad hoc* work, but she has come in and royally given us all the support that she possibly can. (*Applause.*)

In the recent London Conference, which I think has so splendidly changed the European outlook, America played a most helpful part. One day, not because we are going to appeal to her, not because we are going to bring pressure to bear upon her, but because we ourselves shall have been wise enough to render successful our own efforts for peace, America's own heart will incline her to come in, and then she will find that a welcome and an honoured place are awaiting her in our counsels. (*Applause.*)

But there is Germany and there is Russia. Now, Germany cannot remain outside the League of Nations. (*Applause.*)

If I may use a formula that may be misunderstood — I hope it will not be — we cannot afford to allow her to remain outside. There is not a single question regarding armaments, regarding the conditions of peace, regarding security, regarding the safety and the guarantee of the existence of the small nations — not a single one — that we can discuss amongst ourselves, with a menacing vacant chair in our midst. (*Applause.*)

Neither can Germany remain outside in her own interests. Negotiations with an isolated Berlin can never be effective. The London Conference created a new relationship between Germany and the other European States and that relationship should now be sealed and sanctified by Germany's appearance on the floor of this Assembly. (*Applause.*)

The League of Nations takes upon itself the first task of creating once again a European system, and that European system never will exist until our late enemies have ceased to be our enemies and have come in to take their co-operative part in that system. I hope that, in spite of the difficulties and the technicalities that still, apparently, remain in the way, this will be done at once. (*Applause.*)

Let us begin a new era for the League, as I hope we are beginning a new era in Europe. I should like very much, sir, if it were possible, during the three or four weeks that the Assembly will continue its session, that this matter should be taken up, not with an idea of postponing it, but with the idea of settling it now, once and for all. (*Applause.*)

As regards Russia, the situation is somewhat different. The Russian Soviet Government believes in revolutions; it believes in the dissolution

of the old as an essential preliminary to the creation of the new. That being so, I can understand that there is little attraction for them, in the League of Nations. We are evolutionists. The revolutions in which we believe are the organic revolutions to which life has always to respond if it is to remain adjusted to its new circumstances. This is our view.

But even Russia has changed. It is now making Treaties; it is now pursuing diplomatic methods. I hope that the agreement reached between the British Government and the Soviet Government of Russia is the first, not only of a series of agreements, but the first indication that the Soviet Government itself is prepared to become part of the co-operating European system, and so complete the authority and influence of the League of Nations.

This is what the League itself wants. Now, what about its work? How are we going to approach this problem of peace and security? In talking to friends, Mr. President, I am sometimes appalled to find how little outsiders know about the practical work of the League. If, in their minds, the League makes a mistake—say Silesia—it is blazed abroad in every newspaper throughout the world. If the League gets a buff—say—well, perhaps I had better not say (*laughter*)—you can fill in the blanks according to your tastes and your knowledge—that too is blazed abroad. The quiet work done by the Committees is realised by very few. I hope that, before the month is over, the world will be better acquainted with our magnificent practical work than it is at present. (*Applause.*)

In connection with the question of peace and security, I want to mention one matter that gives me much concern. Apart from the great national organisation of arms, there is a very active and a growing illegal and illicit private traffic in and export of arms. This is not satisfactory. The understanding is that these shall not exist; in certain treaties such practice is absolutely prohibited, and, if I may say it, for any of the Allies to wink at it and not to put their feet hard down upon it is not playing the game. (*Applause.*)

I hope that all the Powers directly or indirectly concerned in this manufacture and traffic will be frowned upon, without the least hesitation, by all the authorities of the League of Nations. The British Government takes a very firm stand in the matter, and I appeal to you for your support.

This, however, is a side-issue, important though it may be. The main problem is the problem of national security in relation to national armaments. Let us face it as realists—not as sentimentalists or as mere idealists, but as scientific realists, who go right to the root of the whole problem. The superficial school, which imagines that, by putting certain phrases upon paper, it will secure an enforceable obligation, is at once met by the impossibility of giving definitions to two simple words. First of all, there is security. What is security? Secondly, there is aggression. What is aggression?

Consider the latter word: What is aggression? Has any wit yet devised an act which of itself makes first aggression absolutely clear? As a matter of fact, everybody who knows their history knows this: that the ability to assign responsibility for aggression is always about the last thing to emerge, and belongs to the historian who studies and writes fifty years after a war and never to the politician who lives through the beginnings of a war. (*Applause.*)

We can, however, approach the problem very closely.

The one method by which we can secure, the one method by which we can approximate to an accurate

attribution of responsibility for aggression is arbitration, the setting up of a court or, rather, court—because one court will not suffice for the purpose. There are judicial questions. There are political questions. There are questions that can only be settled by wise and enlightened citizens. There are questions that can only be settled by the trained expert lawyer. A system of arbitration is a system of watching the clouds, a system of warning when a cloud, just the size of a man's hand, appears above the horizon, and the taking of steps at once, not of a military kind but of a rational and judicial kind, to charm it out of existence. The test is, Are you willing to arbitrate? The test is, Are you willing to explain? The test is, Will you come before us and tell us what you propose to do? The test is, Will you expose your commitments? Are you afraid of the world? Are you afraid of daylight, a lover of darkness and timorous lest the world should know what is in your mind? Such is the test, the only test. (*Loud applause.*)

We are now passing through a transition period. I do not believe that there is any man in this Assembly, not even my dear friend Herriot, who feels the burden of that transition period more than I do. We have inherited tremendous responsibilities. God knows that sometimes we feel they are too heavy for us. We have inherited the working of an old system. If we were to issue an instruction that a button should be removed from the vest of some official we should be almost afraid of the result and the repercussion of such a change. The world seems a weary place to us, to those of us who have not the luxury—I hope I shall not be misunderstood—of being Prime Ministers of unitary States, but who have the awful burden of dealing with our own country one day, with a Dominion the next day, with a foreign country the day afterwards, with a mandated territory the day after that, with all the complexities of race, with all the complexities of creed, with all the complexities of historical traditions. There we sit at the same desk day after day, turning at one hour to one question and the next hour to the other—I say, God knows that the burdens of such an office are very often too heavy for a pair of human shoulders to carry.

All the more anxious are we in this transition period to welcome changes. We must hold out one hand to the past and the other hand to the future, and move steadily on, taking the past with us and embracing the prospect of the hopes and comforts which the future gives us.

I must, therefore, be very careful. I am in favour of arbitration. I see nothing else for the world. If we cannot devise a proper system of arbitration, then do not let us fool ourselves that we are going to have peace. Let us go back to the past! Let us go back to competitive armaments! Let us go back to that false, white sepulchre of security through military pacts—there is nothing else for us—and let us prepare for the next war, because that is inevitable!

What is the problem? We must devise more successfully than we have done hitherto the courts that are to operate under a system of arbitration. We must explore more fully than we have done hitherto the matters that ought to be referred and can be referred to those courts at any rate to begin with. We must visualise with more accuracy than we have done hitherto the nature of the obligations imposed upon States which arbitrate. For instance, the question has arisen as to whether the Optional Clause in the Statute of the Permanent Court of International Justice would operate in war or in peace. Some of my friends say that it is universal. Others of my friends say: "No, it only

operates in peace." That question must be settled and established clearly.

Further, I want to know how far my Government—my colleagues are with me in this—can go, even if some of you do not go so far. Ah, it is that terrible problem of the practical blending of the ideal with the real which presses upon all of us who want to change the mind and the system of Europe.

I should propose that the Article in the Statute of the Permanent Court which deals with arbitration (that is, the Optional Clause) should be very carefully examined by a Commission appointed by us, with a view to its being placed before this Assembly in a somewhat more accurate, expanded and definite form than it now has. It is the desire of the British Government to sign undertakings like the Optional Clause of the Statute of the Permanent Court, but before so great a step is taken, it is proper that the clause should be drafted in the most specific form possible. I have consulted my colleague and also the Governments of the Dominions with a view to considering the points to which I have referred.

An essential condition of security and peace is justice. Justice must be allowed to speak before passion. That is arbitration. (*Hear, Hear!*)

Parallel with this problem of arbitration is the direct problem of armaments themselves. I am very glad—and I think the Assembly will thank me for taking note of this—to see here my old friend the Prime Minister of Denmark (M. Stauning) whose declaration regarding the army and navy of Denmark has really led the way for sane countries all the world over.

As regards naval armaments, America has taken the first step. We came to an agreement there. Sometimes I have heard things said about a certain review at Spithead a week or two ago. I wonder what the gentlemen who object to the review would have said if I had kept all those ships in my pocket and assured the world that I had none at all. I challenge this Assembly on this question. We came to an agreement at Washington. We signed that agreement. No country which signed that agreement is fulfilling it in the letter and in the spirit with more accuracy and more determination than Great Britain itself. We have fulfilled that agreement as we fulfil all agreements of that character. I think that we might now go further. I hope that Washington is not "weary in its well-doing". I should be very glad to have further communications so that more explorations can be undertaken on the great problem of naval armaments.

Land armaments, however, are far more difficult to deal with, and they touch us here far more intimately. Let us be realists again. Supposing that this Assembly was here and now to convene an International Conference for the reduction of armaments. What would happen? Absolute failure. Why? Because the preparations for it have not been adequately made. We must prepare the way. We must have an atmosphere. We must have a confidence. We must have a machinery. There lies the opportunity for the League from this very moment onward. The London Conference has helped by restoring a reasonable national policy in Europe. If Germany were in the League what a tremendous help that would be! If we had the beginnings of arbitration, well devised terms of reference, Courts well considered and the larger Powers subscribing to the declaration, what a substantial step forward that would be! All this can be done this year. Why not? What is in the way? Our own fears and our own suspicions. If we would only take our courage in our hands, if the large nations and the small

represented here to-day would only meet, would only create the right commission, and inspire it with the determination that we had in London that no obstacles should baulk us, the success of that commission would be assured within a year, and the League of Nations would be able to summon the countries to a conference and then, by careful handling, by patient work and by reasonable consideration, would obtain a successful issue for that Conference.

One of the essentials is that all the nations must be included in the Conference. Another essential is that it must be held in Europe. It will be prolonged and if the really responsible men are to be present they must be not very far from the seats of their own Governments and be able to keep their hands on their national affairs whilst representing the interests of their countries at the Disarmament Conference.

I have one final proposal—and I apologise for the length of time I am taking in addressing you this morning. My final point is this. The Covenant of the League of Nations contains ample provisions for starting arbitration, for the sanctions that are necessary and for all other eventualities that may arise. Alas, the Covenant was drafted immediately after the war and before statesmen were able to see clearly the precise nature of the problems which the nations would have to face a year or two after the Armistice.

What we require now is that the Covenant itself should be elaborated. We do not want a new foundation. Before it is elaborated, it ought to be understood. I was very much surprised to find that some Members of the League of Nations took the view they did of a reference in the letter sent by the British Government to the Secretariat of the League regarding the draft Treaty of Mutual Assistance—the reference to the fact that the Council of the League in military matters could only recommend. I was surprised to find that some people imagined that the British Government was thereby trying to take from the Council some power which it now possesses. This is not true. There was never any such intention. What is wanted is an accurate reading of the Covenant. Those who signed the Covenant, Article 16 for instance, made it perfectly clear that on military matters the Council would only be an advisory body; on economic and other matters the signatories to the Covenant did not even call in the Council, but there and then took upon themselves directly the obligation of acting in a hostile way to nations that did not observe the provisions of the Covenant. Ah, the Covenant is very much stronger than some of our friends imagine.

The British Government thinks that the matter should now be explored, beginning with the Covenant, applying the Covenant to our present circumstances, and, in the spirit of the League of Nations, developing a policy that will give security and reduce armaments.

The British Government stands by the Covenant. The British Government has no wish to reduce the authority of the Council. It rather wishes to extend the authority of the Council consistently with the continued existence and the prosperity of the League. Articles 10, 12, 13, 15 and 16 of the Covenant might well form themselves into a charter of peace if we would only apply them and fill them out.

What is the position in which we find ourselves? We are here preparing, as I see it, for the International Armaments Conference. This ought to be our object. If we can remove the obstacles we shall have done a tremendous amount of work—work which, by its very nature, is bound to be permanent, once it is done, because the reason

and the morality of the world will stand by it so loyally.

Here, we are going to make speeches. We are going to lay down our views. The people who will speak are responsible men and women. We have a draft Treaty in front of us. We have the various Governments' criticisms upon that draft Treaty. We have, in addition, a most interesting and profitable American plan. Let us take those as our preparations up to date. Let us hand them over to a commission that will prepare for the Armaments Conference and let us see to it that even before we rise, before the Assembly breaks up, some substantial progress shall be made in co-ordinating these ideas and in producing from their apparent diversities some measure of agreement and consent.

During the next few months let us work in our own countries, hard and sleeplessly, to remove all obstacles; if that is done I am sure that the League will never require to apologise for itself in the eyes of the world. We here are practical men, responsible for Governments and responsible for the welfare of our nations and there is not a single one of us who will sacrifice national welfare. Fortunately, it is not necessary, because the higher the standard of welfare of any nation, the more valuable is that nation as a co-operator with other nations in the European system. The world expects much of us. Can we not have the courage to give the world what it expects ?

History is full of invasions, full of wars and of aggressions and there have always been pacts, always military guarantees and always military security. The history of the world is a history which shows the nations always ready for war and always at war, and the one is absolutely essentially and organically connected with the other. History is full of the doom of nations which have trusted that false security.

Above all, I appeal to the small nations, to the leaders of the small nations which maintain the frame of historical and personal individuality in a

military world. Pacts or no pacts, you will be invaded; pacts or no pacts, you will be crushed; pacts or no pacts, you will be devastated. The certain victim of a military age and the military organisation of society, is the small nation which depends upon its moral claims in order to live. Evil will be made upright and entirely free to do its work, if you fling yourselves once more into that security which has never made you secure since the world started.

Our interests for peace are far greater than our interests in creating a machinery of defence. A machinery of defence is easy to create but beware lest in creating it you destroy the chances of peace. The League of Nations has to advance the interests of peace. The world has to be habituated to our existence; the world has to be habituated to our influence; we have to embody in the world confidence in the order and the rectitude of law, and then nations — with the League of Nations enjoying the authority, with the League of Nations looked up to, not because its arm is great but because its mind is calm and its nature just — can pursue their destinities with a feeling of perfect security, none daring to make them afraid. This is the outlook, and this is the policy by which the British Government stands and to which it invites the League of Nations to adhere.

(Loud and prolonged applause. Mr. MacDonald left the platform amidst renewed applause and acclamations from all the delegates.)

The President :

Translation : Gentlemen, your applause is a tribute to the eloquence of the speaker, but I am sure it is at the same time a token of appreciation of the admirable way in which the speech has been interpreted. *(Loud and prolonged applause.)*

I propose that the Assembly should now adjourn. *(Assent.)*

If there is no objection, the next plenary meeting will take place at 4 p.m. *(Assent.)*

The Assembly rose at 12.45 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

SEVENTH PLENARY MEETING

THURSDAY, SEPTEMBER 4th, 1924, AT 4 P.M.

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President : M. MOTTA

26. — REDUCTION OF ARMAMENTS : CONTINUATION OF THE DISCUSSION.

The President :

Translation : The first item on the agenda is the continuation of the discussion on the reduction of armaments.

M. Skrzynski, first delegate of Poland and Minister for Foreign Affairs, will address the Assembly.

(M. Skrzynski mounted the platform amidst the applause of the Assembly.)

M. Skrzynski (Poland) :

Translation : Mr. President, ladies and gentlemen — I must confess that I rise to speak with feelings of deep emotion. Ever since the Assembly of the League of Nations first met, I have encountered each year ever-increasing numbers of my compatriots who look to this platform with heavy but expectant hearts, always hoping to hear words which would be no less than deeds.

In past years this place has been occupied by distinguished men who have one and all kindled a torch of faith, trust and idealisation that lights the way for all who are met here to-day, and who share the same noble ideals of peace and justice. The task imposed, however, upon the representatives of countries such as mine, when they rise to speak in this Assembly, is far easier.

There is no need for me to speak on broad and general issues. I wish to explain to you simply and frankly how my country, and public opinion in my country, interpret the abstract words that are on the lips of all; for even when we agree upon general ideas, we still have to reach agreement as to their application. Only thus can we avoid the error of those peoples who, in ancient days, assembled to erect a tower to the skies, and failed, because they could not reach an understanding.

Again, we cannot possibly offer the excuse that was theirs, and plead that we cannot all speak the same tongue. We all speak one tongue — some of us, perhaps, better than others. We are agreed, too, upon general principles.

I trust that my words will be received as the contribution of a humble workman adding some lesser stone to a great building which has been designed and planned by others.

Before explaining the attitude of the Polish Government and of public opinion in my country towards the problem of the reduction of armaments, I would remind the Assembly that Poland may be said to have had the mournful privilege of being the forerunner of this great idea. Disarmament was the daily topic in every political assembly. We said - and it was a truism - that a disarmed country could not possibly be attacked, since it could not arouse mistrust and ill-will on the part of its neighbours.

That was in the eighteenth century. We came too early into a world that was old. You know what happened.

I will merely remind you that Poland was partitioned by men who had works of peace upon their lips. Frederick the Great spoke of the necessity

of peace, and Poland must be partitioned, it was said, to prevent a war between two empires about Turkey. There were constant allusions to "equality" but never a word of "law". What was meant was the equality of the shares into which Poland was divided!

My excuse in turning back to history must be that history is, after all, the key to the future. Having said so much of the psychological history of my country, let me now turn to the present.

Before speaking of the Polish Government, I would beg you to realise Poland's position in regard to the question of peace. I will give you a brief survey of what the Polish people think. I will try, in a few words, to picture to you the silence that, above the roar of towns, the clamour of journalistic rivalry, and the din of factories, broods over the field whither the peaceful peasant betakes him day by day at dawn, to till the soil, ready, but only if compelled, to turn soldier — and one of the best soldiers in the world, if we may believe our friends or, for that matter, our enemies.

Of such is the soil of Poland; such is the psychological foundation of past and present, wherein the roots of the tree of peace are deep implanted.

This being so, no Polish Government can do otherwise than collaborate with the other nations in helping to bring about the reign of peace.

It is in this light that we view the grave difficulties that are menacing the world — the terrible crises in finance, in economics and in production, that have culminated in an appalling situation, in strife and contention between men who wish to work and cannot.

We feel that we are powerless to give effective aid in the search for a solution of the immense problem of labour. But that does not alter the fact that this problem must be solved, because upon it depends the power that drives the world. The power upon which man's future rests, the power latent in human energy is dependent upon this great problem, which can only be solved in a stable and secure world.

This leads us to the second great problem confronting the world: Disarmament.

Disarmament is impossible unless security and stability are general throughout the world. Only then can work be found for those who cannot use their energies unless they really feel the confidence that is born of complete security and stability.

The picture which I am attempting to present of the problems of to-day would be incomplete without a reference to the red line which divides the map of Europe. On our eastern border, the horizon is still tinged with red. Is it the dawn of a new day, or is it the red glow of fire upon a starless sky? The collective wisdom of the world must find an answer to the question.

I now come to the Treaty of Mutual Assistance. We have, of course, accepted it in deference to the distinguished men who planned it with a view to the practical application of the articles of the Covenant of the League regarding security. We have accepted it, although we consider that there are certain points, in particular, the definition of aggression, which require further precision. How could we reject it? The draft Treaty, as the British Prime Minister said this morning, is really an attempt to interpret and amplify the articles of the Covenant.

There is one point in the Treaty of Mutual Assistance which may give rise to controversy; I refer to the complementary agreements. Open to criticism though this part of the Treaty may be, it would not of itself have led us to reject the whole. Pacifists are entitled to argue that we

must at all costs avoid setting up anything resembling the international structure of the past. It is exceedingly difficult to give its due weight to such a controversial matter; but it is my impression that these complementary agreements can never be considered as a prime factor. They are, on the contrary, simply an effect of the present state of affairs, and the reason for their inclusion, their *fons et origo*, is that universal solidarity has not yet been realised, there are, as yet, no adequate guarantees of peace and security. (*Applause.*)

When once we have secured moral disarmament, when once the federation of the world is an accomplished fact, these agreements will lose their purpose, but until then a nation that is resolved to endure cannot be expected to neglect its security.

The theme of peace leads us to consider the problem of justice, which was so eloquently expounded by the British Prime Minister this morning. Lest there should be any doubts in your minds, I wish to declare at the outset, on behalf of Poland, that, when some formula has been found by means of which a would-be aggressor can be brought to his knees before the bench of international justice, we shall be ready immediately to sign such a formula. (*Applause.*)

But what is justice? Of course there is justice based on a recognised code of law; but there is another kind which is not based on any recognised law; it can also be called justice but it cannot be mentioned where peace is concerned, for justice in the abstract, without law, means revolution.

I look forward with confidence to the day when it will be possible to introduce into international life some such procedure as is practised in national life. The establishment of the Permanent Court of International Justice is an important move in the right direction. On December 13th, 1920, the Assembly formally approved the Statute of the Court of International Justice. That day was a memorable one in the evolution of international life, for it marked a definite breach with the old traditions by which, after the jurists had prepared their cases, the national interests were guided by certain fixed considerations.

There is one other point upon which the British Prime Minister rightly laid stress. All the incalculable political elements which lead to the outbreak of war must be taken into consideration, and we must see that a system of arbitration is organised here and now to prevent further conflicts arising from the present trend of events, the conflicting interests and the misunderstandings which cloud the atmosphere of Europe.

Arbitration: That is the watchword of the future. We believe in it, we consider it a factor that will make for security and stability. I rejoiced this morning when I heard the British Premier raise arbitration on high and proclaim its inviolability.

Arbitration means clearly-defined situations. We cannot, of course, begin to consider here and now in what manner we are to evolve the rules of international law; one point, however, we can discern even at this stage, namely, that it will be necessary to apply to international law the principles and ideas which have formed the basis of legal practice, according to the *esprit des lois* ever since the time of Montesquieu, and, first and foremost among these principles, the independence of judges.

What do we mean by the independence of judges? Not that they are proof against political or material influences; in that respect they are above suspicion. But the more closely a judge is bound by a fixed code, by an accepted law, the greater his independence.

In certain countries where there is no written code, custom is a yet more powerful law. In international life, however, we cannot rely on custom, for the main purpose of our Assembly is to break with tradition. The international judge, then, must owe his independence to the fact that he is bound by a fixed, recognised and clearly-defined code.

This recognised code is, of course, that constituted by the treaties. But if the peoples are one day unanimously to agree to entrust the settlement of political disputes to compulsory arbitration, and so to consent to transfer part of their sovereign rights to another authority — which must clearly be the Council of the League — they will naturally not do so unless the judge before whom they must appear can base his judgment on a clear and definite code, backed by sanctions, affording a guarantee to all countries and recognising the inviolability of established treaties and territorial statutes. To do otherwise would simply be to take a leap in the dark.

Such is the case for arbitration.

I may, of course, be told that all this is obvious; that no one would dream of disputing such matters. I do not maintain that they can be disputed and I am quite willing to admit that they are obvious, that public law is recognised, is valid and that it rests upon treaties which have been signed and are accepted by all. Nevertheless, it may occasionally be said that a treaty was a mistake, or that in view of the conditions under which it was concluded it must in course of time be amended. I will venture to cite a high authority, a great statesman at the Congress of Vienna in 1815, at which the affairs of the world were settled for a long time to come. The future was being discussed and he was told that precautions were useless, because the matter in question was obvious. His reply was: "If it is obvious when spoken, it will be still more obvious in writing."

In short, firmly though I believe in a peace based on justice, I do not think that any human tribunal can become a temple of peace unless it is built on the corner-stone that you have laid here in this Assembly.

And why? Because this temple of peace, to be a temple of justice, must guard within its walls the public law of Europe, the sacred charter written in the blood of soldiers and the blood of martyrs. (*Applause.*)

I must ask pardon for having detained you so long. I should like in conclusion to summarise the position in a few words.

Our attitude towards the problems of disarmament and peace is as follows:

We are convinced that disarmament will bring lasting benefit to mankind. We desire peace. But what is needed to bring peace and disarmament, what is likewise needed to solve the problem of under-production and the lack of markets, is stability, security.

Our ardent desire is that the nations should unite to solve this problem; but we are also convinced that, without such unity, we shall be faced with failure. It is through the League alone that unity will be achieved, the League alone can call the world in council on disarmament.

We must begin with moral disarmament. This League which you have built is like an arch, through which we see in the far but sunlit distance the generations of to-morrow. All can pass beneath the arch, but for no one shall it be the Caudine Forks; if, and only if, all the world works with a will to build the arch solidly and well, then, I am convinced that the League will become in very truth the arch of a triumphant peace. (*Renewed applause.*)

The President :

Translation : Mr. Matthew Charlton, delegate of Australia, will address the Assembly.

Mr. Matthew Charlton (Australia) :

Mr. President, ladies and gentlemen — I intend to be very brief in my remarks, confining myself to the question of disarmament. I have been a strong supporter of the League of Nations from its inception and I listened with pleasure to the eloquent opening address of the Acting President outlining what had been accomplished by the League.

I beg to congratulate the Right Honourable the Prime Minister of Great Britain on the very able address which he delivered this morning. During his few months of office he has done yeoman service in establishing better international relations, and his efforts are greatly appreciated by the people.

Considering the gigantic problems with which it has had to deal, the League has done valuable work during the five years of its existence. It must, however, be remembered that, at the inception of the League, the principal problem which concerned the people, was that of disarmament and peace, and we must ask ourselves the question as to how far we have succeeded in this connection, since Europe to-day is a much greater armed camp than it was in 1913, since there are over one million additional men under arms, notwithstanding the fact that the Treaty of Versailles provided for the reduction of armaments in some countries.

This state of affairs means a considerably increased military cost to be borne by the respective nations, in addition to the very heavy load of indebtedness incurred by the recent war, and leads the public mind to doubt whether the League will be able to achieve its object. It is therefore a matter of urgency that something tangible should be done at this meeting of the Assembly to deal with the paramount question of disarmament, which is the foundation upon which all other matters rest.

It is very difficult to solve such a problem when so many nations remain outside the League and it is very doubtful whether, at present, America, Germany, Russia and Turkey would be prepared to join the League if invited. In this connection I entirely agree with the remarks of the Right Honourable the Prime Minister of Great Britain as to the League issuing an invitation to Germany during the present session. In view of the recent agreement on reparations she may now be prepared to accept such an invitation.

It is, therefore, the duty of this Assembly to formulate some scheme for the purpose of bringing all nations together to discuss the question of disarmament; it is clear that so long as certain nations, adjacent to those which are members of the League, are armed to the teeth all must for their own security maintain a strong military organisation.

In this connection I agree with the suggestion of the Right Honourable the Prime Minister of Great Britain as to holding a World's Conference, but I differ from him in regard to procedure. I am strongly of the opinion that the atmosphere has been created and that this is the psychological moment for the League, which is composed of fifty-four nations, to issue an invitation to all countries to meet at a given date to discuss the question of disarmament.

Such an invitation, in all probability, would meet with a favourable response; representative men

would thereby be enabled to present their views. an atmosphere would thus be created which would tend to establish more cordial relations between nations, and bring about that spirit of sweet reasonableness which is so necessary if an agreement providing for a scheme of general disarmament is to be reached — a scheme whereby the nations would be relieved of heavy military expenditure and a scheme which might eventually induce all nations to come within the jurisdiction of the League.

Already much has been achieved outside the League. The Washington Conference, which was limited to nations interested in the Pacific, decided on the reduction of capital ships, but this decision does not relieve those nations of military expenditure, inasmuch as additions may be made to the other branches of the navy.

Neither did the Conference take any definite action on the question of air and military defences. These are questions that cannot be definitely settled except by the co-operation of all nations under a general scheme of disarmament.

Recently the London Conference was held under the very able guidance of the Right Honourable the Prime Minister of Great Britain and an agreement was reached in regard to the question of reparations which relieves the position considerably as far as France and other nations are concerned.

One cannot help but sympathise with France owing to the great devastation which she suffered during the recent war, and I can well understand her anxiety regarding her future security—an anxiety which, no doubt, has much to do with France's advocacy of the Treaty of Mutual Assistance.

This anxiety should be removed if a World Conference were held and provision made whereby every nation would be committed to a general reduction of armaments, leaving all matters of international dispute to be settled by arbitration or any other method that may be devised.

I earnestly appeal to delegates who, I am sure, have a sincere desire to eradicate the barbarous method of warfare and to institute some means of dealing, without recourse to war, with those international troubles which must inevitably occur from time to time.

If this is not done it will only be a matter of time when the public confidence in the utility of the League of Nations to secure peace will be dissipated and the energy and good work accomplished by those who played such a prominent part in the effort to obviate further wars will be of no avail; we shall then gradually drift back to the condition of things which existed in 1914, and, should another great war occur, it may end our present-day civilisation. (*Applause.*)

I want to say to my fellow delegates that I stand here to-day not as a representative of the Government. I have the honour to be the leader of the Australian Labour Party which is His Majesty's Opposition in the Commonwealth Parliament, and am here by invitation of the Australian Government. The Australian Government has set an example which, I think, should be followed by every country in the world. If you want to secure peace, you must realise that this is no Party question but is a matter which should be devoid of all Party significance and should be dealt with from a national point of view.

Governments come and Governments go—there are changes day after day—but in regard to this question it should remain for ever; that can only be done by recognising that every political force should be represented at these particular Conferences. I do not know to what extent this is the case as regards this Assembly. I am a stranger amongst you, but I want to say that,

in my view, if the League of Nations is to be a success, you must see that every line of political thought in your different countries is represented here so that all the different parties in your countries will be welded together and common action thereby secured in regard to this particular question.

I want to say, further, that if we are to live up to our promises, if the statements made by leading public men during the war and at its close, to the effect that it was a war to end war, are to be realised, we must act. If the statements then made to the effect that the sacrifices of those who took part in the war would not be in vain are to be realised, something must be done immediately. We cannot permit procrastination. Five years have gone by and the time has arrived when we should take some definite action. If we do not, we shall see the beginning of the end of one of the best institutions that has ever been created, for already I realise that four or five of your Members are not represented at this gathering.

We find that the cost of defence is increasing in every country and the expenditure of the League is also growing, but, if the latter spent double the present amount, it would be a mere bagatelle if it were able to bring about effective disarmament. The public sees that military expenditure is increasing year after year, and whilst we know that good work has been done and is being done, thanks to the gentlemen who have played such a prominent part in connection with this League, we cannot make the public feel as we feel. The people want to see something tangible done; they want to see a movement in the direction of disarmament; they want to see the load which they are carrying removed as far as possible. That can only be done by taking decisive action.

I do not know your form of procedure; I do not know whether resolutions can be moved here at this meeting, but I say this: It would ill become me, as I do not represent a Government, and have not taken a leading part in your deliberations previously, to move a resolution, but I think that a resolution should emanate in some way from this body calling upon the Council to take immediate steps to invite all the nations of the world to a Conference without delay for the purpose of discussing disarmament. The people in all parts of the world will thereby see that this League is living, that it is attempting something, and that, no doubt, something definite will be decided.

I only put those views briefly before you so that you may know the attitude which is adopted by the Party that I have the honour to lead in Australia. We are in favour of the League of Nations and we want to see it make good. But we do say that if there is to be delay year after year, disaster will overtake the League. This, therefore, is the psychological moment. Let us strike whilst the iron is hot! Let something be done towards the convening of a World Conference. You will thereby be laying the foundations of your League, and the questions with which you have been dealing and those with which you have to deal will be resting on a solid foundation. The only solid foundation is disarmament and a universal peace. (*Applause.*)

The President :

Translation : Jonkheer Van Karnebeek, first delegate of the Netherlands, Minister for Foreign Affairs and former President of the Assembly, will address the Assembly.

(*M. Van Karnebeek mounted the platform amidst the applause of the Assembly.*)

M. Van Karnebeek (Netherlands) :

Translation : Mr. President, ladies and gentlemen — The Netherlands Government has twice had the honour of setting forth its views on the problems of security and the reduction of armaments within the scheme laid down in the Covenant of the League of Nations. Its willingness to contribute its share towards the solution of this complex and difficult problem is unquestioned. The military organisation of the Netherlands is now being reduced but the Government would welcome an opportunity of reducing it still further and thus lightening the heavy burden of national expenditure.

As regards the Treaty of Mutual Assistance, the Netherlands Government has every respect for the motives of those Powers whose views are different from its own. It is ready, indeed, to admit the justice of those motives; but, as it stated in its last note, it cannot support them. My Government has given its reasons, and I will not recapitulate them. Most States have stated their views, and the question with which we are faced, the question which has given rise to this debate, is the course which the League is to take in these circumstances.

I do not claim to represent a Power which can produce a solution of the problem. Others, more authoritative and bearing greater responsibilities, have been called upon to show us the way. We have heard some and we have still to hear others, and I earnestly hope that they will point out a fresh road and show us whither it leads.

I do not propose to discuss the League in general terms. My feelings and views in this matter, and those of my country, are well known. The uncertainty which still hovers over the League does not cause me disquiet. The League will last because it lives. (*Applause.*) It lives because it was bound to be. It was bound to be, because mankind has entered upon an era of inter-relationship, and even States cannot stand aside. (*Applause.*)

But I venture to address you now because, whatever the practical outcome of our deliberations, we must not allow the nations which are listening to us to think that the Covenant, which is the fountainhead of our power, the foundation on which we stand, cannot provide the conditions essential to solve the problem of armaments and peace. We cannot allow them to think that the League is unequal to its task. This would be not merely a misfortune, but something worse—an unpardonable blunder.

What is the aim of the Covenant ?

In my opinion Article 12 of the Covenant is the corner-stone around which the whole edifice is built. Article 12 contains the undertaking that no Member shall have resort to war until the dispute in question has been submitted to arbitration or mediation by the Council, and until a period of three months after the award by the arbitrators or the report by the Council. Such is the law by which we are governed at present, and we must always bear it in mind.

The Peace Conference of 1899 produced a permanent organisation for the peaceful solution of international disputes, and at the same time left the Powers free to avail themselves of it or not at their own discretion.

The second Conference, held in 1907, improved the mechanism of that organisation.

Since that time ideas have progressed, and events have taken place that have awakened international consciousness.

In 1919, the Covenant of the League was drawn up, imposing upon an exhausted humanity the

alternative obligations of arbitration and mediation in any dispute likely to lead to a rupture.

Since that time we have therefore been under obligation to find a peaceful solution for all international disputes. Such is the progress we have achieved, and the League of Nations is its symbol. Temporisation, mediation and judicial procedure—these are the means imposed by the Covenant upon the Members of the League in order to prevent war. It is surely our urgent duty to elaborate and develop these means by special treaties.

You will realise, therefore, that even though war is not necessarily abolished in the Covenant, and even allowing for cases where it would still be legally admissible according to the Covenant, yet by virtue of the system established under the Covenant it is subjected to such conditions that there is virtually no longer any possibility of war, provided that the engagement we have all taken is observed and that our promises are kept.

But, some one will say, supposing the engagement is not kept ? Article 16 of the Covenant anticipates this case, but is that enough ? Is not the draft Treaty of Mutual Assistance evidence that some doubt seems to exist on this point ?

Permit me to ask a question. Assuming that the Treaty of Mutual Assistance had been accepted, have we reason to suppose that at the very moment when it was to be enforced, the serious obligations which it entails would be fulfilled, and that there would be no breaches and no defections ? Why should this Treaty be more immune from those doubts which you considered it necessary to take especially into account in connection with Article 12 of the Covenant ? Should we not sooner or later be driven to resort once more to a supplementary agreement ? And where would this end ?

When we are faced by a problem as vital to mankind as that with which we are dealing to-day, we are entitled to say all that is in our minds. I am afraid that if the Members of the League cannot keep the engagement provided for in Article 12 of the Covenant, no other agreement can save them. This must have been the idea in Lord Balfour's mind when he stated in the House of Lords last spring with reference to the draft Treaty of Mutual Assistance : "The draft Treaty, if carried out, was an attempt to buttress up one treaty with another. If all the signatories to the Covenant of the League of Nations acted in the spirit of that Covenant, there would be no war and no danger of war."

The observance of Article 12 of the Covenant will be found to constitute one of the chief guarantees of future international security. "No war without previous appeal to arbitration or mediation"—that is the first commandment; and the second : "After the arbitral award or the report of the Council, wait three months."

Whatever resolutions we may adopt, either at this Assembly or afterwards, whatever efforts we make, there is one thing upon which we are all agreed, namely, that we must be imbued through and through with the spirit of those commandments to which we have, of our own free will, pledged ourselves. They must be proclaimed aloud, so that all, and especially our children to whom we hand on our heritage, may know the real meaning of the League of Nations, and may hold that knowledge up before those in whose hands their destinies are placed. In so doing we shall be adding weight to the sanctions, for there is and can be no more powerful weapon than an enlightened public opinion.

We are on the hospitable soil of a country where, centuries ago, a solemn oath was taken, marking the beginning of the national liberty and of the common political life of the inhabitants. If at this fifth Assembly we declare our common determination to respect Article 12 of the Covenant, we take, as it were, an oath to obey its commandments; if, in addition, we all agree to accept the obligatory jurisdiction of the Permanent Court of International Justice, as provided for in Article 36 of its Statute, and if, finally, we succeed in enlisting in our ranks all the nations of the world, the Fifth Assembly will not have met in vain, and the world can look forward with renewed confidence towards the reduction of armaments which is laid down in Article 8 of the Covenant.

The Third Committee, which is now meeting again, profiting by the suggestions made in the course of this discussion, will press forward with its all-important work, and will seek to bring conflicting opinions into line and explore new possibilities, thus bringing nearer the reduction of armaments prescribed by the Covenant.

This is a heavy task—heavier perhaps than is generally realised—but we must never forget all that the Covenant means to us, nor the ground we have already won, nor the pact to which we have set our hands. Not until we look deep into the Covenant do we see its great wisdom and its moderation. The resources which it offers are immense and are adequate to provide, as time requires, all that is necessary to complete that work of peace for which it was created. The outlook affords us every ground for hope.

27. — COMPOSITION OF THE DANISH DELEGATION : COMMUNICATION BY THE PRESIDENT.

The President :

Translation : Ladies and gentlemen—We have the privilege of having with us M. Stauning, the Prime Minister of Denmark, a member of the Danish delegation.

At the beginning of the meeting the Danish delegation informed me that M. Stauning would act as first Danish delegate as long as he stays in Geneva.

Accordingly, the third regular delegate, M. Borgbjerg, Minister of Social Affairs, becomes a substitute delegate as long as the Prime Minister of Denmark is here.

May I take this opportunity of extending as hearty a greeting to M. Stauning as I did yesterday to the heads of the Belgian, French and British Governments. (*Applause.*)

28. — REDUCTION OF ARMAMENTS : CONTINUATION OF THE DISCUSSION.

The President :

Translation : M. Stauning has expressed a desire to take part in the discussion, and I will now ask him to address the Assembly. He prefers to speak in his native tongue, thus availing himself of the privilege granted by Article 16, paragraph 2, of the Rules of Procedure. He has provided a French translation of his speech.

M. Stauning, Prime Minister of Denmark, will address the Assembly.

(*M. Stauning mounted the platform amidst the applause of the Assembly.*)

M. Stauning (Denmark) :

Translation : Mr. President, ladies and gentlemen—It is with feelings of keen pleasure that I have attended the first meetings of the Fifth Assembly, and I would like to make a few remarks on the eloquent speech which the Prime Minister of Great Britain delivered this morning.

I regret that I have not been able to prepare my own speech in French or English, and that, owing to the pressure of my public duties, I must leave Geneva to-morrow morning; to my deep regret, therefore, I cannot attend the whole of the discussion on the important question now before us. I therefore crave your indulgence if I speak to-day in my own language.

The pleasure which I feel in attending your meetings is all the greater, because I regard the League of Nations as the realisation of the great ideal of peace, justice and international co-operation.

The hopes of all mankind centre around the vital issue which we are now discussing, because the nations throughout the world are hoping to see the horrors and cruelties of war brought to an end for ever.

Like Mr. MacDonald, I hope that we shall soon see representatives of all nations assembled in this hall to solve the great problems of justice, and so to secure world peace.

The serious economic evils that have arisen in every country, even in neutral countries, have in these last years been fraught with most serious consequences. It would therefore be a blessing indeed if all peoples could be brought to discuss these problems together and so find a satisfactory solution.

It gave me great satisfaction to hear the Prime Minister of Great Britain emphasise so forcibly the principle of compulsory arbitration.

The small States have long cherished the hope that this principle would be generally adopted, and they see in the triumph of this idea the only effective guarantee for their cultural and economic development.

In my own country all political parties have for long been striving to secure the settlement by arbitration of all international disputes; Denmark, by the treaties of arbitration which she has concluded, has evinced her firm intention of contributing her share towards the realisation of this principle.

In the name of the whole Danish nation; therefore, I give my support to the eloquent words that were pronounced from this platform.

The present Government of Denmark, guided by the principle of arbitration which, as Mr. MacDonald has said, forms the only really effective guarantee of peace, has considered the possibility of a complete reform of its military and naval system. I am absolutely convinced that all nations have only one desire, the maintenance of peace. The whole Danish nation is inspired by this desire and the Danish Government, therefore, hopes that Parliament also will acquiesce.

The plans are not yet complete, but it is intended to effect a radical transformation of our military forces. They will no longer be instruments of war; the army and navy will be replaced by an arm

which will simply maintain the surveillance of the frontiers and territorial waters. (*Applause.*)

Such is the plan that the Danish Government proposes to submit to the next session of Parliament. We trust that the path that we are about to follow will lead us to the exalted goal towards which all our efforts are directed: disarmament and compulsory arbitration—that is, the end of the

regime of wars and victory for the principles of universal peace and justice. (*Applause.*)

The President :

Translation : If there is no objection, our next meeting will be held at 10.30 a.m. to-morrow. (*Assent.*)

The Assembly rose at 6 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

EIGHTH PLENARY MEETING

FRIDAY, SEPTEMBER 5th, 1924, AT 10.30 A.M.

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28. REDUCTION OF ARMAMENTS : CONTINUATION OF THE DISCUSSION.

Speeches by M. Herriot (France), M. Salandra (Italy), and Lord Parmoor (British Empire).

• President : M. MOTTA.

28. — REDUCTION OF ARMAMENTS : CONTINUATION OF THE DISCUSSION.

The President :

Translation : According to the agenda we should now continue the discussion on the Reduction of Armaments.

M. Herriot, first delegate and Prime Minister of France, will address the Assembly.

(M. Herriot mounted the platform amidst the loud, prolonged applause of the Assembly, all the delegates rising in their seats to greet the French Prime Minister.)

M. Edouard Herriot (France) :

Translation : Mr. President, ladies and gentlemen —It is with the profoundest sentiments of respect for the majesty of this assembly that I now come before it to speak in the name of France.

More than ever since the recent general election my country has displayed its desire for peace, not only for itself, but for all nations, and more especially for those represented here by their chief representatives; nations which claim the right to work in peace and honour; nations, all of them, with equal rights, the smallest having the right to the same consideration as the greatest. (*Loud applause.*)

Within the family of States leagued together to protect themselves against the terrible scourge of

war, France offers her wholehearted collaboration. Her own destiny has frequently been interrupted by the shock of arms. She knows only too well the sacrifice, the mourning, and, it must also be said, the injustice which result from war. She knows only too well how, if war gives birth to heroism, it also brings in its train immorality: her one desire, in fulfilment of the solemn oaths which were sworn at the close of the last great conflict, is to see the end of this barbarism. (*Applause.*)

France, then, is strictly faithful, not only to the letter but to the spirit of the Covenant which is placed in the fore-front of the Treaty of Versailles and is guaranteed by the most honourable signatures in the world: it is a Covenant of co-operation, a Covenant of security, a Covenant of justice, a Covenant of right, founded upon a series of correlated ideas which cannot be separated without mutilating the whole. It is in the development and the fullest possible application of the articles of this solemn instrument that France seeks for the rules which are to guide her future action and her foreign policy. (*Applause.*)

First of all let us be just to the work that has been done. As a newcomer among you, I see and appreciate it perhaps better than you yourselves.

The idea of peace is not new. We see it imprinted on the minds of the noblest men of all ages, and, at the end of the great convulsions of history, even on the minds of realists. The originality of the League of Nations consists in this: that in four years it has rendered important services and has peacefully settled the most critical disputes with an authority which no one has seriously been able to contest.

Undoubtedly, it has not yet attained the zenith of its power, but France believes that to strengthen the League we must observe the laws that govern all organic evolution, that is to say, we must take the greatest care not to destroy the achievements and the hopes that are the outcome of its early years. (*Applause.*)

When, after a long discussion, the Third Assembly adopted, with the signature of the

adherent States, the famous Resolution XIV of the Third Committee, which was the origin of the draft Treaty of Mutual Assistance, its action was based on Article 8 of the Covenant, which provides for the reduction of national armaments to the lowest point consistent with national safety. Thus, disarmament and security are united together in the Covenant itself.

On this idea was founded the Treaty of Mutual Assistance, which makes a war of aggression an international crime. The Treaty thus marks enormous progress—the introduction into public law of the conception of crime which hitherto had existed only in private law; the creation of a bond among the Powers which are the victims of aggression, provided that they really are the victims and have fulfilled all their international obligations.

I would further observe that Article 3 of the draft Treaty covers not merely actual war but policies likely to lead to war—not merely aggression, but the threat of aggression.

It is an important fact that eighteen countries have already accepted the scheme and that most of the replies have been in favour of the principle of assistance. If there are still some who object, France, so far from being discouraged, feels—and I trust you will agree—that a study of the difficulties before us, if undertaken in that spirit of cordial collaboration to which my friend Mr. MacDonald alluded yesterday and of which he at once proceeded to set the example, should enable us to go forward and to resolve the deadlock at which, it is suggested in some quarters, we have arrived.

A number of objections have been raised to the draft Treaty. I will deal only with the more important.

One objection is that the guarantees provided by the scheme appear to be inadequate; another, that the obligations to be assumed by each country are left indeterminate; a third, that under the terms of the draft Treaty it is not possible to determine with certainty, or even to determine at all, which State is the aggressor.

I may say at once that, in our view, the most serious of these objections is that concerned with the determination of the aggressor State. It is urged that even the report of the Third Committee itself does not provide a satisfactory definition, and the best proof of this is that M. Benes' admirable work has had to be supplemented by a commentary on the definition of a case of aggression.

The author of the commentary admits his difficulties. Mobilisation has become an extremely complicated affair. The horrible part of modern war, of the possible war that we are anxious at all costs to avoid, is that on the first day on which it raises its head it takes sole and undisputed possession of a country. It demands not merely that country's power, but even its raw materials; it seizes its industries, even those which had always seemed adapted only for purposes of peace. The violation of frontiers used to be the sole and final touchstone; but it is no longer sufficient. There are no frontiers to warfare in the air, not even to the atrocities of chemical warfare.

We admit that it is an extremely intricate and perplexing task to determine which State is the aggressor. For that reason, France was gratified yesterday to observe that Great Britain gave her powerful support to the idea of arbitration—an idea which we ourselves recently urged in London since we were convinced that it was the only means of exploring and solving the formidable problem of reparations.

Our action in accepting the idea of arbitration is wholly in accordance with the peculiar tradition of our country, which was magnificently upheld

at The Hague conferences by my eminent friend, M. Léon Bourgeois. (*Loud and prolonged applause.*)

Moreover, as M. Van Karnebeek, the Netherlands Foreign Minister, pointed out yesterday, the notion of arbitration is already embodied in Article 12 of the Covenant, whereby all Members of the League agree that, if there should arise between them any dispute likely to lead to a rupture, they will submit it either to arbitration or to enquiry by the Council.

We earnestly hope, therefore, that one of the acts of the Fifth Assembly will be to accept the principle of arbitration which will once again settle our difficulties, since henceforth the aggressor will be the party which refuses arbitration. (*Renewed and prolonged applause.*)

How can the principle which we have postulated, the principle which is to govern the discussions of the Fifth Assembly be applied? It is not for me to define its application here or now; that task rests with your Committees. There is still much to be done in this direction, and you may rely upon the co-operation of the French delegates. It is for your representatives to work out a coherent system of arbitration. I do not think that there is any need for a special Committee; your ordinary bodies—the First and Third Committees—are, to my mind, so constituted that the matter can be left to them. Here, again, France remains faithful to her axiom, her golden rule: "Never destroy, but always improve." (*Loud applause.*)

Turning to another subject, I need hardly say that we firmly support all the measures proposed for the control of the traffic in arms with a view to restricting and hampering those secret preparations for war which are our main anxiety at a time when war is so largely dependent upon industry, however peaceful the latter may superficially appear. (*Renewed applause.*)

Nor do we raise any objection to the reconsideration of Article 36 of the Statute of the Permanent Court of International Justice; I refer to the article which authorises States to recognise the jurisdiction of the Court as obligatory. Mr. MacDonald was quite right in urging that this clause should be amended; but this again is a delicate task, requiring detailed work on the part of the Committees.

France, therefore, having proposed it in London, views with the utmost satisfaction the extended application of the principle of arbitration, which must henceforth be made the keystone of international public law.

Only the other day we worked in an atmosphere of what I may call brotherly co-operation for the introduction of this principle into a diplomatic instrument. It would be to our credit if at this Assembly we could do something towards the application of the same principle to the solution of infinitely vaster problems, for on their solution depends the future peace of the nations, which it is your duty, at least your moral duty, to assure. (*Applause.*)

Clearness and candour, however, are essential, and before this high Assembly, which has assumed such heavy moral responsibilities, it is necessary courageously to face all the elements in the problem of peace.

Arbitration is essential, but it is not sufficient. It is a means, but not an end. It does not entirely fulfil the intentions of Article 8 of the Covenant, which, if I may again remind you, are security and disarmament.

We in France regard these three terms—arbitration, security, and disarmament—as inseparable; and these three words would be but empty abstractions did they not stand for living realities created by our common will.

At all times and for all peoples war has been a dreadful reality; we must now make a reality of peace. I use definite terms because I feel that we are now faced by the greatest of all our duties to mankind, if we wish our work to be regarded by posterity as something more than the barren proceedings of some vast and sterile academy. Arbitration must not be made a snare for trustful nations. (*Loud applause.*)

If upon the foundation of this trust you desire to establish a final charter to govern international relations, you must, of your free will, afford protection to all countries that loyally observe their bond—if necessary, the smallest country—against the deceit and menaces of force. A great nation can, if need be, protect itself unaided, a small nation cannot. (*Loud and prolonged applause.*)

We Frenchmen believe—and in speaking thus I am expressing a moral rather than a political idea—we Frenchmen believe that a nation which accepts arbitration, which, notwithstanding the uncertainties and risks that still exist in the world, set this example of willingness to accept the dictates of justice; we Frenchmen believe that such a nation, be it great or small, has a right to security. (*Applause.*)

Arbitration, as my friend Mr. MacDonald has said, is justice without passion. In that I recognise the nobility of his mind. But justice must not be divorced from might. (*Applause.*) Might must not be left in the ruthless grasp of injustice.

In this Assembly, where nothing should be said that is not serious and noble, nothing that is not the outcome of thought and good sense, let me recall to you the sublime thought of Pascal, whose intellect has not only dominated France, but all countries where thought and faith are held in honour.

Pascal said—and his words should, I think, serve as a watchword for the League of Nations—"Justice without might is impotent. Might without justice is tyranny. Justice without might is unavailing, for the wicked are ever with us. Might without justice stands condemned. We must therefore mate justice with might and to that end we must ensure that what is just is mighty and that what is mighty is just." (*Applause.*)

To mate justice with might is, I believe, the highest duty incumbent upon us, if we desire to create a work which shall not be merely that of a barren idealism, however excellent its intentions, if we wish to afford the nations that reality which they demand of us with an anxiety born of their losses, their sufferings, their sorrows and their fear of future troubles. (*Applause.*)

I need no arguments to show that innocent intentions are not enough to safeguard a nation. The proofs are here before our eyes. They speak to us. Let us listen to them!

The great and renowned nation whose guests we are has held aloof from the disputes that have drained the blood of Europe. Are we to ask that nation to abandon, without compensation, the protection assured to her by the hardy valour of her stout-hearted sons?

Again, did not Belgium give evidence of her desire to stand apart from the clash of arms? Did she not endeavour to serve as a link between the great nations of Europe and of the world? Was she not, by her initiative, her intellect, her nobility and her charm, the chief centre of international life? But remember the sequel. Can we a second time ask a nation to wait, if necessary, four long years in exile?

No, we do not believe that force alone can bring security. We do not under-value the importance of the economic and financial sanctions prescribed in Article 16 of the Covenant. We must strive

to create in all countries a new spirit which will feel for the public crime of war the same abhorrence as is now felt for the crimes of individuals.

In one of the replies to the draft Treaty—that of the Netherlands, I think—it is stated that the international community must be created. I agree. But the gospel doctrine of peace and brotherhood taught to mankind at the dawn of our era—the kindest, the most potent message ever received—has never yet sufficed to avert the bloodshed of war.

To-day more than ever before, on the morrow of the world war, we are passing—if I may repeat what others have said—through a period of transition and we must observe the utmost caution. To temper realism and idealism with wisdom, to hold the balance between them with calm reason, to adjust them, to reconcile them—this is assuredly one of the most difficult tasks of the League, but, to fulfil it, all that we need do is loyally to observe Article 8 of the Covenant. This is what the people of France unanimously desire, most of all those who fought in the war. This is, I am convinced, what all countries desire when they ask you, when they ask us all, to give them, at long last, security to earn their daily bread in peace. Let us, then, give them this daily peace which they have earned in the bitterness of their suffering and the sufferings of past ages. (*Applause.*)

Arbitration, security, disarmament: the three words are, we hold, closely inter-connected. Without real international solidarity we shall, we believe, never attain that international community which we passionately desire, which we are resolved to create, to perpetuate, to organise conformably with the laws which govern life and being. Without international solidarity there will never be international peace. Through international solidarity alone shall we attain disarmament, which is our goal. (*Renewed applause.*)

France, too, believes that we must prepare for a general Conference on disarmament; but, as has rightly been said, such a Conference, hurriedly improvised, is doomed to failure. Whatever we do, we must not repeat the error of these who essayed to build the Tower of Babel. We must prepare the ground if we are to succeed; it is so easy to do wrong, so hard to do right. In any case, it is essential that this work should be entrusted to the League of Nations, which alone has the necessary organisations to achieve success. No one who reasons logically and clearly can conceive of an international conference on disarmament without—in other words, against—the League of Nations. If—and it is unthinkable—a new institution were created, there would be danger of war between two organisations founded to ensure peace. Could anything be more illogical? (*Hear, hear!*)

What arguments can be raised against this plan? It may be objected that the League is not sufficiently world-wide in character; on this point, as on all others, France, who desires above all things sincerity and clearness, would like to explain her position frankly.

In the first place, we cannot think that the United States, who recently rendered us such valuable service in London—and I offer them my thanks—will refuse to collaborate with us, especially when they find that the just and pregnant principle of arbitration is now the corner-stone of our policy. Certain distinguished Americans have already submitted to us schemes which merit careful attention.

As regards Germany, our position is clear and unequivocal. In fighting Germany we were combating destructive militarism and that criminal doctrine, openly proclaimed in her Parliament,

the antithesis of all that we who are here affirm and believe, the doctrine that "necessity knows no law". But we have never wished to see the German people in misery. (*Applause.*) France knows no hatred; France does not live on hatred, or in hatred. (*Loud applause.*)

We are ready to welcome any genuine proof of a desire for conciliation. What we ask is sincerity.

In the last few weeks we have witnessed an important new event. Germany, with whom we have entered into direct negotiations, freely undertook in London to meet her reparations obligations. I may add that Articles 1, 8 and 9 of the Covenant, which presuppose the fulfilment of engagements regarding disarmament, define the conditions under which any State may be admitted into the League. These articles apply to Germany as to all other nations. In our League there must be neither exception nor privilege; respect for treaties and pledges must be the common law.

This policy of absolute impartiality, this sincere desire for a peaceful settlement, this determination to see at least the unity of Europe restored, if possible—this is the aim of the French Government. It is a clear and definite aim, and I express it without any ulterior motive. (*Applause.*)

I would say the same of Russia. A lasting reconstruction of Europe is inconceivable without the collaboration of that great nation which has gone through such trial and suffering. The Russian nation often use harsh words to us, or rather, harsh words often reach us from Russia, but we know that hate has never cast out hate. A policy of freedom, a return to normal conditions of life, mutual intercourse and, above all, patience and steady caution must be our weapons in the struggle against excesses, for are not we of the League as much the enemies of civil war as of war between nations? Our watchwords are: to oppose war in all its forms, to preach peace, unity, freedom. We have but to abide by these in all our international dealings. (*Applause.*)

Such, ladies and gentlemen, are the guiding motives of France in her collaboration in your work. I said so at the outset; I say so again at the close. We stand by the Covenant, but we wish to make it a living Covenant. We simply claim for each nation the rights conferred upon it by the Covenant, no more and no less.

Peace, for the sake of which we are meeting here; peace, for which we are working, and towards which we have duties—not all of them perhaps fully realised as yet, but for the accomplishment of which we shall later be called to account—this peace must be no abstract notion, no barren desire. To win it calls for courage as great as, perhaps greater than, the courage of the soldier.

Arbitration, security, disarmament—these are, we hold, the three main columns in the temple which you, my colleagues, are called upon to erect. Its foundations must be solid indeed if it is to tower high in the light of heaven.

France, in whose name I speak, offers as her tribute to the common task her heart and her mind, her passionate desire for clearness and frankness and an experience bought at the price of centuries of suffering. She knows the cost of weak frontiers. Her dearest hope is for peace with honour, peace and toil. But she does not think only of herself; if she did, she would be false to her traditions. Innocent yesterday—yes, I swear it—to-day, still wounded, she stretches a sister's hand to all your countries.

Despite her suffering she is eager to know the sorrows of all the nations of the world so as to bring aid and comfort. She would rejoice if, amidst the wreckage of the war, among her own sorrowing

ruins she could see growing, planted by our hands—your hands, my colleagues, and mine—the divine flower of peace. (*Unanimous and prolonged applause.*)

(*As M. Herriot resumed his seat, the speaker was greeted by renewed applause.—The delegates rose and greeted the French representative with loud and prolonged acclamations.*)

The President :

Translation : M. Salandra, former Prime Minister and first delegate of Italy, will address the Assembly.

(*M. Salandra mounted the platform amidst the applause of the Assembly.*)

M. Salandra (Italy) :

Translation : Mr. President, ladies and gentlemen—The Italian delegation fully sympathises with the sentiments expressed in their speeches by the heads of the British and the French Governments. I am proud to state that we cordially agree with what they have said, and I am convinced that in so doing I voice the thoughts of the Italian Government and people.

We share heart and soul in your common endeavour to ensure, so far as lies within man's power, the maintenance of international peace. Opinions may differ concerning the appropriate means to attain this end; they are bound to differ on account of the variety of national character and the divergence of national interests, on account of differences of historical tradition and of racial and geographical conditions in our own times. It is, however, of the utmost importance that all of us who have met here should be of one mind. The spirit of concord in itself, if only it be sincere, if only it be persistent—and I do not doubt but that it is so—will gradually lessen and dispel every difficulty in our path.

We are justified in saying that, ever since the Great War, into which Italy was forced by an inexorable, historical destiny, the policy of the Italian Government has been consistently animated and governed by this spirit.

Italy has to-day no other ambition than to maintain the position within her natural boundaries which she has gained by her valour, and to promote social progress and the peaceful expansion of her large and industrious population. (*Applause.*)

As soon as the war was over, Italy set herself to reduce the strength of her forces, on land, sea and air; this she did to such an extent that protests were raised by some who had become alarmed for the country's safety, and some reconstruction has been necessary.

Further, the Italian Government has made a determined effort to eliminate the various international difficulties which were not fully solved by the Treaties of Peace. Our method has been to conclude direct agreements in which loyal co-operation has been substituted for ancient and perilous rivalries. These agreements, and we have concluded many, deal with territorial as well as political and economic matters, and all have been presented to the League of Nations for registration.

Immediately after war the Italian Government actively co-operated in the first-aid measures for the relief of the defeated countries, and it has subsequently played an important part in the beneficial work undertaken with entire success under the auspices of the League for the financial and economic restoration of some of those States.

The Italian Government is therefore prepared, as always, to collaborate in the practical extension of the principles laid down in the Covenant for the peaceful settlement of all conflicts, which may

hereafter threaten the peace of the world, and for the progressive reduction of armaments.

The States Members of the League, by the Covenant itself which bears their signature, have already provided for a Treaty of Mutual Guarantee and Assistance, which can be both strictly and effectively applied provided that the will to carry it out and the means to apply it are forthcoming. We have, nevertheless, assisted in carefully drawing up more definite agreements and in formulating more concrete rules of procedure, though we have been under no illusion as to the difficulties. These difficulties, briefly described, consist in the danger of entrusting to the Council of the League of Nations a stupendous, a prodigious task for which it is unsuited by its constitution, and also in the danger that special agreements may result in the formation of groups of States that would probably be rivals or perhaps even hostile to one another, with the inevitable consequence that armaments would not be reduced but increased.

Perhaps we shall discover an easier method of rapidly attaining effective results if we extend and define more exactly the principle of compulsory arbitration which is also embodied in the Covenant. Italy prepared to follow this course and, in so doing, we shall but be true to our traditions, as I will show you in a few words.

The idea of making arbitration the regular practice in international justice was first embodied in the theory and practice of international law in this city of Geneva in 1872, when an arbitral tribunal presided over by a distinguished Italian jurist and statesman, Count Sclopis, decided the famous question of the "Alabama". (*Applause.*)

As long ago as November 24th, 1873—that is, more than 50 years ago—M. Mancini, one of the most notable pioneers of modern international law, brought forward in the Italian Chamber a motion which was unanimously adopted. I venture to remind you of the wording of that motion:

The Chamber recommends that arbitration should be the recognised and regular method of arriving at a just settlement of international disputes in questions which are arbitrable, and that a clause should, whenever expedient, be inserted in treaties, providing for the reference to arbitrators of any questions that may arise in regard to the interpretation and application of such treaties.

Since then arbitration clauses have been inserted in numbers of treaties concluded and renewed between Italy and various States, for example, that of 1903 with France and that of 1904 with Great Britain.

Our present task is to discover how far and in what manner arbitration can be made compulsory in questions which, not being of a strictly juridical or technical nature, have hitherto been considered as not judiciable. Our next duty will be to devise some means of assuring that, in every case, the decisions of the arbitrators will be put into execution. (*Applause.*)

These are difficult problems but they are not beyond the knowledge or the zeal of our lawyers who only wish to imitate their forerunners, to whom belongs the glory of having inaugurated the reign of uniform and progressive law in the greater part of the civilised world.

If new great international gatherings are convened with a view to attaining a simultaneous reduction of armaments, we will take part in them, as we have already done in the past, with a keen desire to offer an active and sincere collaboration.

We must certainly lose sight of the fact that it will never be possible, either for us or for anyone else, to renounce the duty of maintaining those forces which are necessary to guarantee the

security and independence of each State. In consequence, the problem of disarmament cannot be separated from that of security.

It is possible—since it is always dangerous to entertain illusions—that neither the one nor the other of these problems will be completely and finally settled; it will always be possible, however, to arrange by small and rapid steps that these problems shall weigh less and less upon the life of the peoples.

The Fifth Assembly may be proud of the results obtained if, on this solemn occasion, some progress is made, if the means is found for more effectively adapting to the noble aims for which they have been created the different organisms of a League of Nations, which should unite as soon as possible under its peaceful flag all the civilised nations, and for adapting the provisions which govern the competence and action of these different organisms.

The new Italy, who wishes, for her own good and that of the rest of the world, to serve as an element of justice and peace, proposes to contribute thereto in this spirit of universal solidarity, which does not at all suppress, but reinforces and renders more sublime, that love of country for which our populations have so courageously thrown away their lives and their property. (*Loud applause.*)

The President :

Translation : I call upon Lord Parmoor, Lord President of the Council and delegate of the British Empire, to address the Assembly.

Lord Parmoor (British Empire) :

I am speaking to the Assembly under the spell of the great speech which we have heard from M. Herriot, and I desire, on behalf of the British delegation, to express our gratitude to him for stating in such admirable terms many of the great principles in favour of peace. (*Applause.*)

We must be under no illusion to-day as to the responsibility which rests upon this great meeting of the Assembly of the League of Nations. It is essential that we should find a remedy for the existing dangers which threaten, not this country nor that, but the whole fabric of European civilisation.

I believe that a remedy can be found in faithfully following the directions of the Covenant. The obligations are stated there in words which cannot be misunderstood, and their application is directed by various articles which appear to me to be exhaustive in their definition and capable of immediate and general application. (*Applause.*)

I do not approach this question in any pessimistic spirit. I believe in the triumph of right and in the triumph of morality. Although we may have to wait in patience, we can look forward to the certain success of those great principles of Christian ethics and Christian charity which alone can bring peace and comfort to the various nations of the world. (*Applause.*)

I think it would be convenient for me to deal with the principles enunciated by M. Herriot, mainly with a view to showing how nearly they agree with the principles enunciated by Mr. MacDonald, but not avoiding, as M. Herriot would desire me not to avoid, a perfectly frank reference to those matters on which there may appear to be some little difference of opinion.

Frankness is absolutely necessary. Frankness and courage ought to be the basis of all our discussions. Unless we are frank and courageous we may agree in words, but we shall go away without agreement on fundamental principles.

M. Herriot, if I understood him aright—and my only desire is to interpret him with perfect accuracy

—desires that there should be the same treatment of the smallest country as of the largest. I am in entire agreement with the principle thus enunciated; but I want to say, and to say it with all possible emphasis, that you will never get that equality of treatment if you rely on the basis of military force.

So far as military force is concerned, inequality will always be with us, and the same evil agencies which have wrecked the chances of equality of treatment in the past will wreck any attempt at equality in the future, unless we have the courage to eliminate from our consideration the element of military and unequal force.

I want now to express what I consider to be the only principle upon which we can proceed. I desire not the application of force but the supremacy of and obedience to international law under the constituted authority of an International Court. It is in law that we can find equality; it is in law that we can find justice and equity. In military force we can never find either the one or the other.

If I understand M. Herriot aright — and again I say I desire to interpret him with great accuracy — he has referred with approbation, in the same way as Mr. MacDonald did, to putting into further operation what is known as Article 36 or the optional clause of the Statute which constituted the Permanent Court of International Justice at The Hague. I myself think that there is an absolute and pressing liability upon the more powerful countries to adopt this principle, subject, as I admit, to the reservations made both by Mr. MacDonald and M. Herriot to the effect that further enquiry and further definition may yet be necessary.

In adopting this principle let there be no mistake. Let the words be such that the plainest man can understand them. We want to appeal to the peoples of the world and make them understand what we mean when we talk of justice and peace as opposed to violence and war. I find in the proposal to adopt this article the touchstone of sincerity. Here I find a real test; not a test of words and phrases. I find a real test as to whether the stronger and more powerful nations are prepared really to adopt the policy of equality and in every instance to place justice before force in their relationships with their less powerful neighbours.

It must not be forgotten — and I am sure that the members of the Assembly will not forget it — that numerous countries, mostly what we call the smaller countries, have already accepted the obligation of compulsory reference of disputes to the jurisdiction of the Permanent Court.

The acceptance of the principle of application to this Court means nothing less — and this is of the utmost importance — than taking the first effective steps towards the creation of a great international common law with the same authority over nations as the great common law in England has over her own people. It gives authority to a court which holds the scales of justice evenly and which is blind to all considerations except that of strict impartiality and the supremacy of equity and which does not enquire or know whether the applicant for its jurisdiction is strong or weak, armed or disarmed, or belongs to the category of the more powerful or the less powerful of countries.

The greatest Chief Justice whom England has ever produced expressed his view of the importance of the supercession of force by law in a much-quoted phrase which I venture again to quote this morning: "Ruat cælum, fiat Justitia". Never mind what else may happen, give justice, and equal justice, to all countries under all conditions.

If we adopt this great principle of the supremacy of international law, I hope that we should ostracise for all time the wastefulness incident to modern

warfare and that we should insist—I am now quoting the words of the Preamble of the Covenant — that what are now called the understandings of international law should prevail as the actual rule of conduct in respect of the relationship and intercourse of nations one with the other.

If these results can be obtained—and they can be, as I hope—under the joint influence of the two Prime Ministers who have spoken, one this morning and one yesterday, then there would be a widespread assurance of what is really meant by national security. It would be a national security founded on the experience of all mankind in all civilised countries, a security which, in my opinion, can never be obtained by any form of assurance such as we find in the draft treaties to which reference has been made, and still less in any treaties which require for their success a military basis connected with pre-arranged military plans.

That I think is one of the first points on which I noted the same view expressed by the two leaders and I venture to emphasise my own view in the same direction.

What is the next point? What do we find next in the great statement of M. Herriot? Faith in the Covenant; a foreign policy founded on a recognition of terms of the Covenant. This is a great statement. It is a statement which, if carried out to its logical conclusion, ought to bring about what every man in this Assembly must desire, namely, the substitution, for the old days of arms and force, of the settled principles of peace and security which we can find, as I believe, within the terms of the Covenant itself. (*Applause.*)

There is no great difficulty; there is no great mystery. On the one side, there is the old system which culminated in the terrible and disastrous war of 1914, on the other, a term of the Covenant, a term which every nation, signatory to the Covenant, is under the most solemn promise to observe to the utmost of its power. Why should not we do so? What is the difficulty? What is the obstruction? If you want peace, go to the Covenant which gives you what you want, if only, in truth and in sincerity, you will at once accept its terms and promise obedience to the agreements concluded. (*Applause.*)

No one who has experience of such matters will deny the enormous importance of general arbitration procedure. There is no question as regards the general adoption of this procedure. We were told of its value at the London Conference. Those who know the history of the question can understand the enormous influence for peace which, during the last century, the principle of arbitration has had upon the relationship of nations.

There are two matters on which, as I understand it, some doubt may be felt regarding what is called the basis of security. I want, if I may, to deal with those two questions because they appear to me to be of the utmost importance. You want security in two stages, and these two stages must be kept carefully apart when this great matter is under consideration. First of all you want security, so that when a dispute arises and one party is perhaps ready to go to arbitration the other party, which is not willing to go to arbitration, can be dealt with, as I think it can be dealt with, under the terms of the Covenant.

What is the position? Let me adopt M. Herriot's own definition which he put forward so clearly. If this general system of arbitration is adopted, an essential condition is that a nation, which seeks to act without applying to the Arbitration Court, is an aggressor.

From the moment that a nation becomes an aggressor, under this simple test—I agree myself

that the tests such as we find in the Treaty of Mutual Assistance are entirely valueless—why should not that nation, which has shown itself to be the aggressor by refusing to resort to arbitration, be regarded as an outlaw? Why should it not be regarded as an enemy of the human race? Why should it not at any rate come under the economic sanctions which would be applied to it, *ipso facto*, without any other corroboration than that of the Covenant itself? I can see no reason whatever for doubting that the sanctions contained in the Covenant are adequate and sufficient.

It has occurred to me that in some respects those sanctions go very far, and I cannot doubt that they are ample and sufficient. Suppose that when a nation became the aggressor by failing to apply to the Arbitration Court, then *ipso facto*, without any other act or deed, or without any question of what particular methods may do, the sanctions were applied which are at present contained in the Covenant. They are economic sanctions which mean economic death—sanctions of boycott which mean the suppression of all international intercourse and there are other sanctions of that kind—and I do not believe any nation or country would face them if a proper system of international arbitration was once established. (*Applause.*)

There is also the other side of this question, which must also be carefully examined. There are those who suggest—and no doubt with perfect *bona fides*—that even if an arbitration is held without adequate sanctions of a very specific character, sanctions, I presume, which are above and beyond those to be found in the Covenant, there is no security.

Let me answer that objection. If adequate securities are not to be found or if existing securities are found to be inadequate and it is thought that further sanctions are required, the matter must, no doubt, be discussed further.

I want, however, to put this point of view before the Assembly. In the nineteenth century—I am afraid I have not my library here for reference, but I have quoted the figures more than once—there were several hundred arbitrations, I believe there were more than 700 in all, though I would ask you to accept my caution that the actual figure may not be accurate, nor does it matter. What I want to predicate is this, that in respect of all those arbitrations, many of them dealing with matters of infinite importance to the countries concerned, none of them, as far as I know, providing what we call an adequate force of sanction, I can find no instance whatever—not a single case—in which the award or the decision of the arbitrator has not been accepted by the parties concerned. (*Applause.*)

I do not desire to make an exhaustive negative go too far, but I say without any hesitation that history shows that people who are willing to accept and have accepted arbitration have always been sufficiently loyal to accept the decision, even when it has not been in their favour.

I do not myself believe in the importance of what are called sanctions in matters of this kind. The important matter is the agreement of the nation to accept arbitration; when that has once been agreed, the need or necessity for sanctions becomes secondary.

I notice that M. Salandra in his eloquent speech referred to the Alabama arbitration. The Alabama arbitration, as you know, was an arbitration between the United States of America and England. England undoubtedly thought that the award was hard and harsh as regards her interests, but she accepted it; she carried out the obligations; and from that day to this not only has the general

influence of arbitration been increased but a friendship has grown up between the great United States on one side of the Atlantic and Great Britain on the other, a friendship with which nothing in the future, I hope, can ever interfere.

Arbitrations do not lead to dissension, they do not lead to controversy; they lead to settlement, to conciliation, to peace; they are the real substitute for the horrors of war. When I read, as in the Preamble of the Covenant, that all the signatory nations accept obligations not to resort to war, I ask myself whether there is any other alternative but arbitration, as I have indicated, or, what to my mind is still better, a Permanent Court imposing the supremacy of international law?

There are one or two other matters to which M. Herriot referred in his great speech with which, so far as I can understand them, the British delegation is, I believe, entirely in accord.

M. Herriot spoke of the International Conference and referred to the bad precedent, as I think I may call it, of the Tower of Babel. I, personally, think it essential—perhaps I may try to press this a little further—I think it absolutely essential, if the vigour, authority and influence of the League are to be sustained, that this International Conference should be summoned through the agency of our great international Secretariat. It would be unfortunate, it would not be right, for an International Conference of this kind to come into conflict with the League as if it were an independent and separate authority. (*Hear, hear.*)

The questions which will come before the Conference are just those which are entrusted to the League and for which the Covenant has provided. I heartily rejoice that M. Herriot, if I understand him rightly, shares this view. Speaking here as one of the great advocates of the League, as one who believes in the League and in its work, speaking, in that connection also as British delegate, I sincerely hope that every one will come to adopt the view that this great International Conference must not be summoned apart from the League but as part of the League machinery and through the agency of our international Secretariat. (*Applause.*)

Perhaps before I conclude I may be allowed to say a few words with regard to the Treaty of Mutual Assistance. I have read that Treaty, and re-read it, with a sympathetic desire to find in it a solution for those questions of disarmament and security.

I think it was Aristotle who said that whatever else you may command, you cannot command the conclusions which you will reach if you are sincere, logical and courageous in the methods which you adopt. However much I may have desired to feel sympathetically towards the Treaty of Mutual Assistance, my judgment led me to the inevitable conclusion that it was not only valueless, that it was not only founded on wrong principles, that it was not only impracticable in its application, but that—what is much more important to my mind—it involved the League in a mass of wrong principles and in the mire of militarism.

We all know, of course, that the whole basis of the Treaty of Mutual Assistance is militarism. It is framed on the idea that force, in the long run, is the guiding principle. It is based on the suggestion that in the limitation and the arrangement of force you may find something like a balance between the Powers involved. Force, and force alone, is at the basis of the Treaty of Mutual Assistance; it is no good disguising the fact. Would any advocate of the Treaty here stand up for it for one moment if it were not based on military force?

In the terms of the Treaty itself, reference is made to "prearranged military plans". I beg the

Assembly not to lose sight of this element in the Treaty of Mutual Assistance. If you believe in force, I agree that the regulation of that force may have its advantage, but if you disagree with force then the very regulation of it, the very acknowledgment of it as the basis of the relationship, is to my mind absolutely destructive of all that we really care for in the Covenant of the League and in the work of its Council.

I do not know how far you have studied the actual terms of the Treaty itself. What do they say and what do they do? They elevate the Council of the League, which ought to be the emblem of peace and through whom the golden rule of peace and justice ought to be placed on our standard, into a sort of informal military council, unsuited though it is for the purpose, a council which is not only to direct what is to be done and what Members are to contribute forces, but which has even to take the responsibility—which I, as a Member of the Council, could never take—of deciding what Commander should be appointed and how the war should be carried on.

I hope the Members of the League will study this document. I hope they will realise its essential defects, and that when we come to consider what should be the solution of this problem, what solution we should uphold, they will remember what has been said in favour of arbitration. Let us strengthen it in every possible way; let us promote conciliation wherever we can, and by that means, and by the supremacy of law. I hope we shall find the solution which we so earnestly seek.

I only want to say one word more on disarmament. I think M. Herriot himself recognised that, if conditions allow it, the question of disarmament is really a question of special terms and instructions.

I know, of course, that his view is that arbitration may not be a sufficient basis; this point I am not going to discuss again. The Covenant itself, however, together with the conditions in the four Treaties of Peace, contains a proposal that, when the time comes, disarmament can properly be placed under the investigation of the Council of the League. That, I think, is satisfactory.

I am not now discussing the question of when the time may arrive. It is a provision of the Treaty, and it is that provision for which endeavour is being made to put into operation, on the initiative of Great Britain with the full co-operation of France, in the case of Bulgaria, Hungary and Austria. I do not want to say more than this: It seems to me that our Council might be the general staff of a peaceful world in contrast to its being brought into operation in order to direct military forces and military power.

I think I have dealt with the question to which M. Herriot referred in such splendid terms. Let us think of the great quotation which he made from Pascal. Let us think of the great passages in which he describes so eloquently what the world desires and what the world hopes, and let us take those thoughts to our heart. I say for myself that I am not despondent; I do not despair. I believe in the divine guidance of the Prince of Peace, and although we may require patience the triumph of peace will certainly come. (*Applause.*)

The President :

Translation : The Assembly will now, I think, desire to adjourn. This afternoon's meeting will begin at 4 p.m.

The Assembly rose at 12.50 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

NINTH PLENARY MEETING

FRIDAY, SEPTEMBER 5th, 1924, AT 4 P.M.

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President: M. MOTTA

29. — REDUCTION OF ARMAMENTS: CONTINUATION OF THE DISCUSSION.

The President:

Translation: The item on the agenda for this meeting is the continuation of the discussion on the reduction of armaments.

M. Theunis, Prime Minister and first delegate of Belgium, will address the Assembly.

(*M. Theunis mounted the platform amidst the loud applause of the Assembly.*)

M. Theunis (Belgium):

Translation: Mr. President, ladies and gentlemen—On this, the first occasion on which I have had the honour of addressing this Assembly, I cannot help reviewing the events of the past and measuring the distance we have advanced in the last ten years.

Ten years ago, each one of us, statesman, lawyer, man of business, was familiar with the idea of a league of nations and with the propaganda carried on by some of the most distinguished men of our age on its behalf; it was then, however, nothing more than a lofty and sublime idea. By many it was considered a mere Utopian ideal.

At length your work has emerged from the realm of academic speculation. It exists. We have seen its earlier achievements; we hope for

greater, more comprehensive, achievements, and, if our hopes are realised, we shall be able to say that the outcome of the most unjust, the most disastrous of wars, was one of the greatest advances in the annals of mankind.

I have spoken of what has been achieved hitherto. One achievement towers above the rest—the creation of a new spirit, the habit, acquired by men who have come together from all quarters of the globe, of striving, if I may say so, to bring a new mind to bear upon the great problems confronting them. What they desire is a deep understanding of the thoughts and feelings of the representatives of other countries and races, while remaining true to the traditions and the good qualities of their own countrymen.

When I rose to speak, I hesitated to enunciate truths which some may consider truisms, but my excuse is that they strike me perhaps more forcibly than they do you, who have been accustomed for some years to move in this international atmosphere that you have yourselves created.

The few years that have elapsed since the formation of the League of Nations have strengthened its authority and enabled it to examine the most intricate and important problems, the solution of which will restore the world to its normal economic condition and to that state of peace which is the aspiration of all the countries represented in this hall.

Such a state of peace cannot be produced merely by signing treaties. Before the world can continue its normal development towards a wider, a loftier, civilisation, confidence must be restored and nations must actually enjoy a feeling of security. Need I explain the special situation of my country in this matter?

Nature has given us a favourable geographical situation from an economic point of view; but I need not remind you that, for the same reasons, our country occupies a particularly exposed position in the event of war. If we examine the maps of Belgium drawn up by our National Institute, we shall observe among the various

forms of notation used by the cartographers many special signs that are employed to denote the various features of the country. Two small crossed swords are meant to remind us that an important battle was fought at such-and-such a place. For centuries past, Belgium has been one of the principle battle-grounds of Europe.

You know what that means. Our people have always suffered from these conflicts, but, with the increased efficiency of modern weapons, war has assumed an even more terrible aspect than ever before. Apart from the armies engaged, the civilian population is subjected to unimaginable distress. Modern warfare spells total destruction and the complete devastation of the whole countryside in which hostilities take place.

You will readily appreciate how, since the last war, the mere idea of fresh aggression, a new occupation, has become a nightmare to my fellow-countrymen. We are essentially a peaceful nation. Peace is perhaps more vital to us than to any other country, since peace alone can allow our industries and trade to feed our teeming population.

Need I assure you that we cherish no thought of conquest or of territorial aggrandisement? I need hardly remind you, too, that our finances, over-burdened as they are with reparation expenditure, have only been restored at the cost of heavy taxation; our military expenditure has been reduced to as low a level as is compatible with the present position in Europe.

This burden is, however, one which cannot possibly be increased and one which we earnestly desire to lighten. I have given you all the reasons why we desire peace, peace in security.

Peace in security, I say, for, besides the ethical motives and material reasons which impel us to strive for international disarmament, we, like all other nations, have a higher duty, a duty dictated by elementary foresight; we must look to our security, a duty which, for a nation, corresponds to the instinct of self-preservation in the individual.

If the old order changes, if good-will, collective goodwill, can devise new guarantees of security which shall supersede those on which men have hitherto relied, the whole world will heave a sigh of gratitude and relief. I need not say, however, that the security afforded by these new measures must be a genuine security; they must not be mere measures on paper bringing disaster upon those nations which loyally respect the bond contained in them. (*Applause.*)

In their speeches the British and French Prime Ministers have made an eloquent appeal for co-operation. They have asked us one and all to collaborate in order to find a settlement that is to-day the most fervent desire of man. The British Prime Minister told us of the remedies which he conceived might be effective. In eloquent terms he pointed out how, apart from military action, it would be possible to minimise the risk of war. I wish to deal briefly with some of the points he raised.

Mr. MacDonald made it clear that the London Agreement has relaxed the strain. That is true, and no one is more glad than the Belgian Government. In the words of one of my colleagues, London was a stage on the road; it acted as a stimulus. Need I say that, like the French Prime Minister, I have but one desire, that we may continue on that road?

Mr. MacDonald and M. Herriot warned us of the danger inherent in the private manufacture of arms and in the traffic in arms. We will give sympathetic consideration to proposals on this particular point.

The British Prime Minister pointed out that the peace of Europe would be advanced if States disarmed simultaneously.

Further, he suggested an extension of the principles of arbitration already laid down in the Covenant; for instance, all States might adhere to the optional clause relating to the jurisdiction of the Permanent Court of International Justice. M. Herriot, this morning, whole-heartedly endorsed this suggestion. I have no doubt that, if the Great Powers are resolved to take this step, it will result in an immense increase of confidence among the nations, and I can assure you that Belgium for one will be ready to follow their example. (*Applause.*)

General arbitration is an idea which is bound to make a special appeal to small nations. It will be great advance. The risks of war will certainly be lessened.

But will they be abolished?

If we, as one of the "threatened" countries, were to give concrete proof that our policy is a peaceful one, what would be the position if a State were to arm in secret, if it sowed in the hearts of its children the seeds of ambition and hate?

What would be the position if that State tore up its bond of arbitration or if, after stating its case before the Court, the Tribunal or the Council, it derided their award?

Who among you would dare to say that such an assumption is unreasonable?

Who would assert that no State will ever again be tempted to resort to force for the satisfaction of its interests or passions?

I have a firm and confident belief that the work of peace, which is our object, is founded on the growing support of the great masses of people in every country. But how many years will it be before we are free from the fear of sudden outbursts of selfishness, greed or pride?

Yes, right is stronger than might. Might without right is barbarism, as M. Herriot so eloquently said, but might employed in the service of right, that is the supreme goal towards which jurists have for centuries been striving. It is the very essence of the Covenant.

Allow me to remind you of the words of Woodrow Wilson, of him whom you honour as the founder of the League of Nations, of that just man who passed away early this year. Clearly and lucidly in the last of his fourteen points he defined the very essence of the League of Nations.

"A general association of nations must be formed under specific Covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike."

This idea has not been omitted from the Covenant, and I support the appeal made by the French and British Prime Ministers and by M. Van Karnebeek to the supporters and opponents of the draft Treaty of Mutual Assistance not to undervalue what the Covenant has already established.

May I, too, say a few words on the system of sanctions contained in the Covenant? The Covenant provides not only for economic sanctions, which operate automatically and are generally applicable to all States, but also, in case of need, for military sanctions, in which, of course, not all States are required to assist on every occasion, but in which certain States, according to the circumstances of the case, are legally bound to co-operate. What, otherwise, would be the value of the League's guarantee, of that unconditional pledge taken by the States in Article 10, to preserve as against external aggression the political inde-

pendence and the territorial integrity of all Members ?

The Covenant, of course, does not, and could not, make provision for all possible disputes, or specify which States must intervene in every case. The Council, again, can do no more than make recommendations in the matter ; but it will be the duty of all Members of the League to give a loyal interpretation of their pledges.

Not only was the legality of their pledges, even on the military side, unanimously recognised by the last Assembly in its resolution regarding the interpretation of Article 10, but also, in Article 8, the Covenant itself stipulates the existence of *international obligations* for the purpose of *common military action*.

This is what the Covenant has to offer us. We value it, we cleave to it and we trust that all Members of the Council will ever keep in mind the duties and responsibilities that it imposes upon them.

But, is it enough ?

I must beg your indulgence if once again I evoke the tragic picture of my country. A country of plains and hills, but with no natural defences, it was overrun by the invading hosts within the short space of a few weeks. Liège fell on the fourth day, Brussels was occupied on the sixteenth, Namur fell on the same day, then Antwerp and Ghent.

Naturally we accept with gratitude the protection which the League of Nations affords us ; it allows us to hope that in the event of subsequent aggression we shall succeed, even though it may be after years of endeavour, in mobilising the conscience of the nations, in recovering all the pristine prosperity of our ruined country. You must realise, however, that we were asking for something more, that, after giving you every guarantee—and did you need a guarantee?—of the sincerity of our peaceful intentions, and before curtailing our preparations for war, which alone, at present, hold an invader in check, we asked for assurances that the other nations whom you represent will give us prompt, effective and whole-hearted support. (*Applause.*)

In making this request I speak not only on behalf of the Belgian Government but on behalf of the entire Belgian delegation, including as it does the authorised representatives of all our political parties. I speak on behalf of the Belgian people, whom the ordeal of the war has taught to think and feel as one upon the problem of security. In asking you for further guarantees, I believe that I am serving not only the interests of my own country but the interests of other countries and of peace itself, for the tragic events of recent history should have taught the nations that, in the event of a dispute, each may fall a victim to the caprice of military strategy; and I believe that no better guarantee could be found to assure the maintenance of peace than the certainty that aggression will invariably be opposed by a coalition of the civilised nations. (*Applause.*)

As I am the first representative of a small country to address you after M. Herriot, I would venture, on behalf of the small countries to whom he just now referred, to thank him for having affirmed in this place their sacred right to life and independence. (*Unanimous applause.*)

In seeking these additional guarantees for which we ask, we do not limit ourselves exclusively to any particular formula. The draft treaty to which we have agreed in principle is certainly not above criticism. We also admit that it was a mistake to substitute the notion of a war of aggression for the unequivocal notion of "resort to war without previous reference to arbitration or enquiry",

or of a war of annexation as contemplated in Article 10. We unconditionally approve, however, the provisions for general assistance which strengthen the powers of the Council and prevent an anxious period of hesitation and uncertainty.

I have no doubt that, with a more careful study of the document, many objections will be overcome.

Must we rely on treaties ? Or may we hope that one day amendments to the Covenant will be unanimously adopted by all States. I would suggest that the Third Committee should work on these lines. The League of Nations and the Council must prepare themselves to discharge the duties entrusted to them by the Covenant, the prompt detection of breaches of the Covenant and the application of economic or military sanctions. These duties are the *raison d'être* of this new international organisation.

In addition to the stipulations for general assistance, the draft Treaty makes provision for partial treaties. These are to determine the defensive groups which will be formed to meet specific cases of aggression in the future. They are the only means for ensuring the prompt intervention of the relieving armies of one State on behalf of another. These partial treaties, which are of a strictly defensive nature, are at present considered by many States to be inevitable, as is shown by the list of treaties already registered with the League of Nations.

I admit that this defensive organisation may involve the risk of certain groups abandoning the peaceful purpose for which they were founded. But how can the dangers inherent in the new political constellations in Europe be averted otherwise than by bringing them within the compass of the League, by co-ordinating them, adjusting them, making them subject to the control of the Council, a control that, according to the French Government's proposal, should become yet more rigorous ?

Surely you realise that once the risk inherent in partial treaties has been removed, the proposed organisation will render valuable service to the cause of peace in that it affords the Council a "secular arm", the weapon that is essential to it, though God forbid that it should ever have occasion to use it!

Ladies and gentlemen, I beg you to regard my small contribution to the study of the great problems with which we are confronted as proof of our earnest desire for the success of your endeavours, whether it be in this fifth Assembly or in the Committees which will work in accordance with your instructions ; as proof, too, of our confidence in your ultimate success.

The task is both arduous and delicate; but never did those who of old fought the good fight of peace strive in a better cause. (*Loud applause.*)

(*On returning to his seat, M. Theunis was congratulated by many of his colleagues.*)

The President :

Translation : Dr. Benes, Minister for Foreign Affairs and first delegate of Czechoslovakia, will address the Assembly.

(*Dr. Benes mounted the platform amidst the applause of the Assembly.*)

M. Benes (Czechoslovakia) :

Translation : Mr. President, ladies and gentlemen—the Fifth Assembly of the League of Nations will unquestionably be a political event of the first importance in the annals of the League.

Never before has the Assembly brought together so many responsible statesmen speaking in the name of their countries ; never before have we

discussed a question fraught with such possibilities for good or ill, a question of such moment, a question so vital in the politics of to-day.

The eyes of all Europe are upon Geneva; it is being asked whether there will result from all our meetings and discussions something which will mark a real advance, and whether those who have such high hopes of us to-day will not become our severe critics if we fall short of their expectations or prove unequal to our task.

Last year I was Rapporteur of the Third Committee for the question of disarmament and the Treaty of Mutual Assistance, and accordingly I feel in a sense responsible for the document which is now being so severely criticised. It is therefore solely from a sense of duty that I venture to speak in this august Assembly, and to ask permission to add to this memorable discussion a few observations on the work of the past four years.

I have taken part in all this work and the Third Committee showed its appreciation of my efforts by appointing me Rapporteur when its work at length bore fruit. We have heard the results of that work criticised, and so I now venture to recall the theme which has taken the foremost place in our discussions during these years, while paying due regard, of course, to the personal opinions of my colleagues of the Committee. I will also touch upon the results of the present discussion.

It is four years since the Third Committee of the Assembly first dealt with the question of putting into application Article 8 of the Covenant of the League, by which Article the Members of the League were pledged to carry out a progressive reduction of armaments.

For two years in succession we wrestled with the problem. After prolonged, detailed and sometimes heated discussion, we succeeded in establishing one definite principle which has since played an important part in the policy of the League and, indeed, in European policy. This principle is that the reduction of armaments goes hand in hand with the establishment of some system providing security for countries which have hitherto been obliged to protect their national independence and liberty by means of armaments. In place of this heavy and dangerous burden they wish to substitute guarantees of security based on reciprocal engagements between States Members of the League.

Accordingly, the Third Assembly adopted the well-known Resolution XIV, which reads:

"In the present state of the world many Governments would be unable to accept the responsibility for a serious reduction of armaments unless they received in exchange a satisfactory guarantee of the safety of their country."

After thus laying down the principle of the interdependence of security and of the reduction of armaments, Resolution XIV continues as follows:

"Such a guarantee can be found in a defensive agreement which should be open to all countries, binding them to provide immediate and effective assistance in accordance with a pre-arranged plan in the event of one of them being attacked,...

"This reduction could be carried out either by means of a general Treaty, which is the most desirable plan, or by means of partial treaties designed to be extended and open to all countries..."

The Assembly at the same time decided to request the Temporary Mixed Commission to prepare a draft Treaty on these lines, to be submitted to the fourth Assembly.

Thus the draft which the Third Committee of the fourth Assembly was called upon to examine had been prepared in full detail. This draft was discussed at length, amended and finally submitted to the fourth Assembly.

I had the honour to be Rapporteur of the Committee on that occasion, and you will remember that, when submitting our plan for your approval, I made, on my own behalf and on behalf of the Committee, all necessary reservations. As you will no doubt remember, I said that no one could be more conscious of the shortcomings of the scheme for mutual assistance than the Rapporteur himself and his colleagues on the Third Committee.

The fourth Assembly passed a resolution to the effect that this draft Treaty should be submitted to the Governments of Members of the League, with a request to communicate their views, so that the Fifth Assembly might be in a position to examine the question again, discuss the replies received, consider the various opinions expressed, endeavour to reach some conclusion and thus to weld the proposals into a general plan for security and to begin at once to devise some definite method of effecting a progressive reduction of armaments.

That, gentlemen, is the outcome of four years of work. It forms what I may perhaps term a complete philosophic system, a system of logic by which we have essayed to solve that formidable world problem, the achievement of disarmament and the founding of a lasting peace.

We have already received a number of replies both from States which are and from States which are not Members of the League. We have also heard a number of speeches analysing the question, some in support of others criticising, the draft Treaty. The speeches of Mr. MacDonald and M. Herriot are all-important, because they offer us not merely observations or objections, but a complete and comprehensive policy.

Some of the replies state that the draft Treaty prepared last year has so many drawbacks as to render it wholly impracticable and unacceptable.

The Treaty of Mutual Assistance has been criticised for its complicated and clumsy machinery. It is impossible, they say, to define a case of aggression; the process of determining the aggressor is necessarily slow; complementary treaties are dangerous, because they are largely a replica of the treaties of the old alliances. It is held that we must seek our future policy either in disarmament pure and simple or in compulsory arbitration, combined, perhaps, with measures of partial or special security, such as the establishment of demilitarised zones and so forth.

Such are, in broad outline, the chief criticisms of the draft Treaty and of the work carried out by the League during the past four years.

Let me examine these criticisms for a moment.

It is said that it would be better to have disarmament pure and simple. But, I ask, how can we adopt this somewhat crude suggestion when we have been discussing the matter for the last four years and have unanimously concluded, after earnest discussion, that disarmament and security must be dealt with as one? How can we shut our eyes to the fact that the League of Nations was created to prevent war and that the reduction of armaments is only a means to that end? It is surely just as possible to start a war with reduced armaments as with the armaments of to-day. There are countries with highly-developed industries which, in the event of an unexpected conflict, would be able to prepare for warfare on modern, technical and scientific lines, with armoured cars, aeroplanes and asphyxiating gases, and in the short space of days or weeks could overwhelm their non-industrialised neighbours. In

such a case a reduction of armaments pure and simple would actually prove an immense advantage to them and might even tempt them to embark upon a policy of adventure.

Responsible statesmen will thus think twice before accepting this course, since for them it fails to provide any solution of the problem of disarmament and of the abolition of war.

There is one decisive argument which we must never forget. All the Members of the League of Nations have already signed a document which is of capital importance for all, a document in which they solemnly proclaimed their adherence to the principle of the interdependence of security and the reduction of armaments. I speak of the Covenant of the League, of which M. Herriot spoke this morning with far greater authority than I could speak.

According to Article 8 of the Covenant, Members of the League are required to reduce their armaments to the lowest point, be it noted, consistent with national safety. This article does not, it is true, refer specifically to a combined mutual and general guarantee, but it may rightly be regarded as entitling those States who are asked to reduce their armaments to an extent inconsistent with national safety, to lay claim, by way of compensation, to a corresponding degree of security.

We cannot abandon a principle to which we are committed under the terms of the Covenant, by four years of work and by a unanimous resolution of the Assembly. It is a principle, too, which is vital to the political requirements of a number of countries, which frankly declare that, unless the reduction of armaments is accompanied by some kind of guarantee, they cannot reduce their armaments to any appreciable extent.

I hope you will pardon this somewhat blunt statement of the question. It is essential that, at this important point in our discussions, we should reach the heart of the matter; only by so doing shall we arrive at a true solution. I am particularly glad to note that the British Prime Minister, Mr. Ramsay MacDonald, although he has not expressed himself quite so definitely as I have done, does seem to take account of the facts. It is in this sense that I interpret his statement that the time is not yet ripe for a conference, that we must first prepare the way for the elaboration of a procedure for the reduction of armaments, and that, as regards the guarantees of security in the Covenant, closer definition and further development are necessary.

There is another, an indirect, criticism of the Treaty of Mutual Assistance. Your Treaty, say its opponents, is an engine of war and destruction, of self-styled "legitimate" warfare. But force will never bring final peace on earth. You must adopt methods of peace, develop the various international organisations which can settle disputes between nation and nation by understanding, conciliation, arbitration. In a word, you must settle disputes not by armed force but by compulsory arbitration.

The establishment of compulsory arbitration is very desirable and very necessary, and I particularly applauded the admirable words spoken on this subject by Mr. Ramsay MacDonald, by M. Herriot and by earlier speakers, including our President, M. Motta, and Dr. Nansen. I entirely agree with them. I have said so in my reply regarding the draft Treaty of Assistance, and I have accepted this principle in several treaties which I have signed on behalf of my country.

Nevertheless, I should like to make a few observations on the matter.

First, from the standpoint of theory; there are cases in private as in public life, in the relations

between man and man, as in those between one nation and another, when it is a crime against morality, to refrain from the use of force to secure the triumph of right. Evil must be resisted, and it is the duty of us all, it is due to our self-respect as men professing the beliefs which unite us in this hall, to resist evil in all places and at all times.

Then there is the practical side of the question. If the Treaty of compulsory arbitration is signed only to be violated, and war breaks out, what will our attitude be? If, as a result of our discussions regarding disarmament, we agree that armaments must be reduced, since we have the guarantee of compulsory arbitration—if, in spite of all that, a weak country is attacked and invaded, what then? Are not all of us here, if we have persuaded each other by our desire for peace to reduce armaments and place our trust in pledges—are we not, I say, to some extent responsible if an attack is made upon an unarmed country, and should we not in consequence be under an obligation to come to the help of the victim, seeing that he had only followed our advice and been led on by hopes which we ourselves had encouraged; seeing, too, that we had given a kind of assurance that our pledged word would be kept? (*Applause.*)

In other words, effective guarantees and the promise of assistance are not only a necessary condition but they are also an inevitable consequence of arbitration.

Suppose that a treaty of compulsory arbitration has been concluded and then violated. Does that not call for sanctions? Is the case not much worse when one country attacks another, having given jointly with other nations solemn promises in writing, than when it is not bound at all and the question at issue is merely some ordinary quarrel or chance dispute affecting national honour?

From the point of view of international morality the case is much more serious and sanctions are an absolute necessity. The principle of the repression of international crime must also be established, on grounds of public morality as well as on those of practical policy already mentioned, as a necessary consequence of the general adoption of arbitration as the normal means of settling international disputes.

To return to the Covenant: As M. Van Karnebeek and M. Herriot have already told you, it contains all these ideas. We have undertaken to abide by them; we are solemnly pledged to them. Under the terms of the Covenant each Member, before resorting to war, must apply to the Council for some means of conciliation, and it is only the application of this very principle of the repression of international crime which gives the Council the right to take severe measures against any Member that does not obey its decisions in matters of war or in disputes.

I might use the same argument with regard to methods of preventing conflicts other than arbitration, such as the establishment of demilitarised zones, the special protection of threatened frontiers, and so on.

The question always takes the same form: What will happen if war breaks out despite pledge and treaty? We cannot evade the issue. Sanctions must be provided for crimes against international law.

It is clear that neither Mr. Ramsay MacDonald nor M. Herriot nor the other advocates of compulsory arbitration regard the question in any other light, I believe in arbitration; but, like Mr. MacDonald, I realise that the question is complex, that it must be closely studied, that texts must be prepared and that the competence of the arbitral tribunal must be clearly established. This is a

lengthy task, and we should take it in hand at once.

If the larger countries accept compulsory arbitration, the safety of the small is half assured. If effective sanctions could be provided to deal with the violation of the arbitration clause by a great Power in a dispute with a small Power, then, speaking as the Minister of a small country, I acknowledge that the safety of small nations would be assured.

We are, then, practically agreed. Differences of opinion may, of course, arise regarding the fixing of the sanctions, their scope and nature, the question whether economic sanctions are sufficient or not, and the question of military sanctions. Lord Parmoor referred to this in his eloquent words this morning. If we are to discuss the question, however, we must do so frankly, determined at all costs to arrive at some concrete result; we already have, I think, sufficient material for discussion to warrant the hope of agreement.

If we reach an agreement, an immense advance will have been made in our great endeavour to bring about the peace of the world.

Lastly, the objection has been raised with regard to the Treaty of Mutual Assistance drawn up last year, that complementary or regional agreements are dangerous. I have said that I acknowledge the shortcomings of these agreements; but I have also said that I dare to choose the lesser of two evils. (*Assent.*) We have to do so in private life, and I feel convinced that in this respect morality in national affairs does not differ from private morality. Treaties of this kind already exist and will continue to exist; we have no means of preventing or abolishing them and I would therefore prefer to place them under the control of the League and of international public opinion. (*Applause.*)

I will not weary you by recapitulating all the arguments in support of these agreements which I brought forward last year and which I still support. The lengthy discussions which took place in the Third Committee are highly instructive.

Mr. Ramsay MacDonald, in speaking yesterday of the fate in store for small nations, was referring in part to the question of partial agreements. I know from personal experience the keen interest Mr. MacDonald has taken in this question for a long time past; his interest goes back to the days before he had assumed the great responsibilities which he now bears, and to-day that interest is greater than ever. I know from personal experience, too, that M. Herriot, during the war, was one of the men who were most closely associated with the great struggle for the independence and liberty of small nations, and his words this morning show that he is still faithful to that great tradition. (*Cheers.*)

Mr. Ramsay MacDonald said yesterday that in any great conflagration in the future the small countries would necessarily be devastated and ruined, notwithstanding any treaties they might have signed. Treaties of this nature and military treaties, he said, are not sufficient to ensure the security of nations. If that were so the future lot of the small nations would indeed be an unenviable one, for in politics we must reckon with every possibility, and consequently with that mentioned by Mr. MacDonald. I however, do not share this view, although I realise that the signatures at the foot of a treaty cannot, of course, alone suffice to ensure permanent security.

Mr. MacDonald is right. We must create a new atmosphere and a new psychology; we must restore pacific, aye, and friendly, co-operation, between all nations, ex-enemy and others alike; we must have compulsory arbitration if we are to

have peace and security. But even this is not enough.

There are formidable abstacles confronting us in our progress towards the ideal depicted yesterday by Mr. Ramsay MacDonald in his eloquent speech.

The war destroyed the four great autocratic Empires of Central and Eastern Europe and wrecked the entire political, economic and social structure of those Empires. With the aid of our friends and neighbours in Central Europe we were forced to enter in those countries upon a campaign which is perhaps unparalleled in history. What would have been the outcome if the hatred and resentment kindled by the war, the hot wrath of chauvinism, the collapse of economic prosperity and the chaotic conditions of administration, the active propaganda for a so-called social world revolution that was to spread from revolutionary Russia and envelop us, Russia's nearest neighbours, in insurrections and local risings, the militarist *putsch* led by Kapp at Berlin, that threatened to demolish the structure which the new States had scarce had time to complete—what, I ask, would have been the outcome of all this but anarchy for us and war for Europe? (*Applause.*)

At that moment we united in groups of States and concerted with a view to a common effort on behalf of stabilisation and reconstruction. By local agreements and treaties we and our friends in Central Europe laid down the broad lines of our reconstruction policy and not only preserved our own States and peoples, but made safe the peace of Europe and so aided her to recover from the war. If we had not done so, the position might well have been such that we could not have come here to-day to discuss the more or less distant ideals of a permanent peace, the possibility of an early reduction of armaments and the conclusion of a treaty on compulsory arbitration. (*Renewed applause.*) Who knows whether these dangers have yet vanished?

In order to show that the ideals held by Mr. MacDonald and by most of you in this Assembly were never absent from our minds, I would add that, even in those dark days, we realised that, unless we first created a new atmosphere of goodwill between ourselves and those of our neighbours who were our adversaries both during the war and up to the time of which I am speaking, and unless we first established on a permanent basis friendly relations and a sense of solidarity and co-operation, we could never secure permanently stable conditions, even if stability were attained; we realised that, in the work done for the maintenance of order by means that are little better than blind force it is impossible to dispense with those new moral and psychological forces without which there can be no reconciliation between the peoples.

These are the reasons for which we have collaborated in a friendly, nay, in a brotherly spirit, in giving assistance to Austria, and—let me tell you this also—these are the reasons for which Austria and Czechoslovakia, after three centuries of enmity, concluded, three years after the signature of the Treaty of Peace, which was the outcome of that enmity, the treaty of friendship and compulsory arbitration, of which no mention has been made until to-day. (*Loud applause.*) My Austrian colleague will certainly not contradict me when I say that this treaty is not a dead letter, but is being applied in a loyal and friendly manner.

For the same reasons we are endeavouring to pursue an identical policy with regard to our other neighbours, by considering that all of us who inhabit Central Europe, whether former allies or no, are equal members of the same community, demanding of one another nothing save the moral

guarantees that are conveyed by good faith, confidence and respect for the plighted word.

Such, in my view, is the part that should be played by our regional agreements, and such are the benefits we have derived from them in times of difficulty.

The part to be played by these agreements changes as time goes on, and my idea was that they would gradually be assimilated into the general framework of the Covenant and of the Treaty of Mutual Assistance. The need for them will become less and less as the general guarantees either of the Covenant or of a Treaty of Mutual Assistance are established, consolidated and defined. As soon as we begin seriously to contemplate an effective general guarantee we shall find that we are confronted by the inevitable law of evolution.

I have given these examples in order to make it clear that in all our efforts on behalf of peace and disarmament we must never lose sight either of the immediate needs of the moment or of the distant goal; we must strike a middle course and combine these two opposite but equally necessary policies. It is a struggle between realism and idealism, and to ignore either would mean losing both; it would mean present disaster and nothing but despair for the future.

A moment's thought must surely reveal to us all that, as may be seen in the Scheme of Assistance drawn up by the American group, when once compulsory arbitration is adopted, the whole system of partial treaties is radically changed and these treaties, if brought under a scheme of arbitration, at once shed all their defects and are freed from their dangerous elements, while at the same time they retain their advantages; above all, the guarantees offered by these treaties are additional to those contained in the Covenant or in the Treaty of Mutual Assistance.

In his admirable speech of yesterday our colleague M. Van Karnebeck pointed out that the Covenant already embodies practically all the principles upon which the draft Treaty of Mutual Assistance is based, and can be taken as a solid foundation for security. As has rightly been said, too, the Treaty of Mutual Assistance is simply an extension of the Covenant; thus, interdependence, guarantees, the reduction of armaments, conciliation, sanctions—all these find practical expression in it.

Accordingly, the objection that the Treaty of Assistance would be inoperative on account of the slowness of the Council's method of voting applies with equal force to the Covenant itself.

If, therefore, we wish the Covenant to work satisfactorily, we should endeavour to find some means of remedying this defect.

Several prominent members of this Assembly have already indicated during the discussions—and Mr. MacDonald gave added weight to the assertion by pronouncing himself, as the representative of the British Government, definitely in favour of the economic and financial sanctions contained in the Covenant—that it would not be found necessary in practice to solve our difficulties by concluding a new treaty. Why, it is asked, can we not rest content with the one Treaty of Guarantee that we have already concluded and signed, namely, the Covenant itself? Why should we not develop, simplify, explain and consolidate it on the logical basis of its own principles and of the desiderata set forth in the Treaty of Assistance? Moreover, Mr. MacDonald suggests that we could devise a new system by amalgamating the available material, namely, the draft Treaty drawn up last year, the Covenant, and the replies from the Governments, and that this system should include compulsory arbitration. This duty would fall to the Third Committee.

In answer to this proposal I would refer you to what I have already said in the reply from the Czechoslovak Government to the Secretariat regarding the Treaty of Mutual Assistance. We attach no importance to the form and the diplomatic instrument used for embodying the principles that we advocate. The Covenant in itself can be regarded as a Treaty of Mutual Assistance.

To my mind the force of certain articles in the Covenant has, whether tacitly or explicitly, been weakened rather than strengthened in recent years. The events of last year have given rise in various quarters to doubts concerning its effectiveness. We shall, however, be satisfied if it is thought better to increase the efficacy and particularise the scope of the instrument that we already possess, so that with a perfected instrument at our command we may be able to discharge our duties as Members of the League. Nevertheless, I fully realise the difficulties which may be encountered in so doing, difficulties which will become apparent and will require discussion in the debates of the Committee.

As I have already said, I do not insist on the text of the draft Treaty prepared by the Third Committee. I am prepared to accept any other solution which would attain the same purpose. Quite recently a group of distinguished Americans has submitted another important and interesting draft.

But, pending concrete proposals for defining the scope of the Covenant, I shall adhere to the conclusions reached as a result of our four years' work. I would prefer a treaty of assistance based upon the Covenant to any kind of new treaty.

Let me speak quite candidly. We must show public opinion in all countries whether or no the present League of Nations is able to solve the problem of international co-operation by an undertaking to furnish assistance in case of unprovoked attack, and the problem of the repression of crime against international law.

In the political world to-day there are two categories of men who consider the problem to be altogether insoluble.

The one category, seeing in the League differences in social, political, economic and ethical conditions, differences of race, geographical differences and, generally speaking, different degrees of civilisation, considers that in these circumstances it will be almost impossible to adjust the sacrifices to be made by some to the advantages to be derived by others from a general undertaking of mutual assistance.

Obligations of this nature might well entail risks that were too heavy for certain States and that might prove an obstacle to the success of such organisations in the world to-day. Some States, again, fear lest such obligations, if accepted, might be disregarded at the critical moment. Their view shows prudence and foresight, but, in my opinion, an excessive scepticism, although it has some justification in certain special cases.

Another class of thinkers considers the question in a different light. They say quite frankly that our discussions are idle and illusory, that human nature is selfish, ruthlessly selfish, often cynical, and that, after all, ever since the beginning of human society force has always been, and always will be, the deciding factor in international relations. They make no secret of their opinion, they profess it openly and draw the logical conclusions.

I have always been opposed to this doctrine of force, just as I am, and always have been, opposed to the excessive scepticism of the first category of men to whom I have referred. I stand for the happy medium. We cannot, to my mind,

disregard the special circumstances of certain countries and nations; we must not disregard those, and they are many, who persistently preach the doctrine of force.

In this matter I am a practical idealist; I believe that we shall succeed in discovering a means of adjusting the advantages enjoyed by some to the sacrifices made by others. I believe a check can be found for those who are ever ready to make an unwarrantable use of force. I think that the work of the League and the statements that we have heard here give us every reason henceforward to cherish this belief. If it were not so it would be better to say so openly.

I believe that an illusion that is shared by many is invariably the cause of peril, is no less perilous than the hope of finding salvation in armaments. The old adage runs: *Si vis pacem para bellum*. Both are equally illusory.

If I speak at some length, I feel, as I have said, that it is my duty to do so, since I acted as Rapporteur for the Treaty of Mutual Assistance drafted last year.

Such is the doctrine that I have upheld during the discussions of the last four years, and such is the doctrine on which the draft Treaty of Mutual Assistance and the Covenant are founded. The debates that have been held in this Assembly and the criticisms that have been levelled against the Treaty demanded, in my opinion, candour and plain speaking.

But, although the theory I have advanced is a precise and definite theory, do not imagine that I am merely a doctrinaire. If I contrast the two more or less separate arguments that have been advocated in this hall, I realise that they can be reconciled and combined and that the one is bound to be the complement of the other.

This morning M. Herriot emphasised in striking and eloquent words the close connection between three great principles. Mr. Ramsay MacDonald developed the same ideas, viewed from a different angle. If I attempt to summarise their statements and those of M. Salandra, M. Theunis, Lord Parmoor and others of my colleagues, I think that we can even now describe the main features of the work that we have to do.

First, we must consider all the available material, the Treaty of Mutual Assistance, the Covenant, the replies from the Governments, and so forth. We must discuss them and afterwards state in clear and final terms the manner in which we propose to define the guarantees of security.

Secondly, we must at once set to work to draw up some plan for the reduction of armaments that

will be compatible with security, in preparation for the Conference on the reduction of armaments to be convened by the League of Nations at a suitable time.

Thirdly, we must immediately undertake the requisite preliminary work in order that we may ourselves examine, define and elucidate and finally sign the clause on compulsory arbitration. If that clause can be expanded to include sanctions, it will be a sure guarantee against the possibility of unwarranted aggression.

If after this debate we can agree on these three important points, we shall have made an immense advance in the great fight for peace. I am aware that much remains to be done, but we may be satisfied if these three great principles are established before we leave Geneva this year.

The gratitude of posterity will be the supreme reward of those who at the critical moment had the courage to afford some chance of peace and tranquillity to their countries, to Europe exhausted by war, to the whole of tortured humanity. (*Loud applause.*)

30. — TIME OF MEETING OF THE ASSEMBLY: COMMUNICATION BY THE PRESIDENT

The President :

Translation : There are still six speakers on my list for the present debate. Accordingly we shall probably have to hold two meetings to-morrow in order to finish the discussion. I do not wish to curtail the debate, but I think it would be well if the Committees could begin work on Monday afternoon. (*Hear, hear!*)

I feel sure that in these circumstances delegates will agree to a meeting of the Assembly at 10.30 prompt to-morrow morning. As it will probably be necessary to continue the discussion in the afternoon. I would also suggest that we begin our second meeting to-morrow at 3.30 p.m. and continue until the close of the debate. We should be able to finish in good time, for the discussion is general and many of the questions which have been dealt with or touched on will come up again before the Assembly after the Committees have submitted their reports.

Are there any objections ?

The next meeting is fixed for 10.30 a.m. to-morrow.

The Assembly rose at 6.40 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TENTH PLENARY MEETING

SATURDAY, SEPTEMBER 6th, 1924, AT 10.30 A.M.

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President : M. MOTTA

32. — WORK OF THE ASSEMBLY : PROPOSAL BY THE PRESIDENT

The President :

Translation : Before we proceed with the debate on the reduction of armaments, I wish to remind the Assembly of the intentions of the General Committee with regard to the agenda.

There are still six speakers on the list for the debate on the reduction of armaments. It is improbable, therefore, that we shall be able to conclude this morning, and it will be necessary to hold a meeting this afternoon. I would suggest that the Assembly should adjourn at 1 p.m., and before rising should decide the time for the afternoon meeting.

The General Committee is anxious that the debate should be concluded this afternoon. We shall then be able to continue the general discussion on the report on the work of the Council on Monday. As I pointed out yesterday afternoon, we are at

present discussing the question of the reduction of armaments in its broad outline. The subject will recur later in another form, when the Third Committee submits its report on the various suggestions and proposals referred to it.

The Assembly might meet in the morning on Monday and Tuesday, and we should then finish the discussion on the report on the work of the Council; the Committees would thus be able to begin work on Monday afternoon.

If, as we hope, the general discussion on the report on the work of the Council is concluded on Tuesday, the following days will be devoted exclusively to meetings of the Committees and the Assembly would adjourn until the end of next week or the beginning of the following week.

I trust that delegates will approve the General Committee's suggestions. (*Assent.*)

33. — REDUCTION OF ARMAMENTS : CONTINUATION OF THE DISCUSSION

The President :

Translation : The next item on the agenda is the continuation of the discussion on the reduction of armaments.

The Maharajah of Bikaner, delegate of India, will address the Assembly.

(The Maharajah of Bikaner mounted the platform amidst the applause of the Assembly.)

The Maharajah of Bikaner (India) : Mr. President, ladies and gentlemen—May I preface my remarks by stating that I deem it a high privilege to take part in the proceedings of the Assembly of the League of Nations. Although this is the first occasion on which it has been my good fortune to attend this Assembly, I do not come as a total stranger, for my association with the League of Nations dates back to the Peace Conference, when it fell to my lot to conduct the negotiations for the inclusion of India in the membership of

the League. It is therefore a matter of special gratification to me to be present on this occasion; and on behalf of the Princes of India, whom I have the honour to represent, I would also take the opportunity of expressing their high regard for this association of the peoples of the world and their ardent interest in its great work to secure permanently the reign of peace and justice. (*Applause.*)

On behalf of India I desire to express our entire concurrence with the letter of the Prime Minister of Great Britain on the subject of the proposed Treaty of Mutual Assistance and with his powerful advocacy of the principle of arbitration.

Soldiers, I submit, are the best judges of the horrors of war. (*Hear, hear!*) The fire-eaters are not always to be found in the ranks of the soldiers who bear the burden of the fight, but sometimes in those of the civilians who stand and wait. (*Applause.*)

I have seen much of war in three continents and I would give my right hand in support of any effective scheme to reduce both the danger of war and the armed peace which is the precursor of war. (*Applause.*)

But we have to be jealous lest in our anxiety to reduce the pressure of armaments, without effective guarantees for security, we produce amongst the nations of the world that sense of uneasy fear which is the seed-bed of war. Whilst, therefore, we associate ourselves with the ideals of those who framed the proposed Treaty of Mutual Assistance, we associate ourselves no less with the Government of the British Empire in rejecting it, because we feel that the guarantees are so illusory that effective disarmament would leave a sense of insecurity which might revive the spirit of aggression.

To the general arguments advanced in the letter of the Prime Minister, to which we subscribe, there are to be added special forces arising from the geographical position of India. I state them now because they must govern our attitude not only towards the proposed Treaty but towards any amended proposal for disarmament which may come before this Assembly.

In India we have a frontier problem of exceptional difficulty and complexity. Our border line stretches from the Indian Ocean near Karachi to the confines of China and Siam. Much of that frontier is peopled by hardy and turbulent tribes who know no law but the blood feud, no higher ambition than to raid the peaceful dwellers in the plains. These tribes are saturated with arms and ammunition imported from Europe and, despite costly preventive measures, this illicit traffic has, as Mr. Ramsay MacDonald told us, not yet been brought fully under control. They contain within their clans some of the finest fighting material in the world.

Other sections of the frontier consist of dense and almost pathless jungles occupied by restless tribes, who, if they have not the exceptional military qualities of those of the North-West, are nevertheless a considerable military pre-occupation.

Not in our time can the serious menace to the security of India contained in the frontier position be mitigated by the use of economic sanctions or the spread of the principle of arbitration; we are bound to take account of this in fixing our standard of military strength at the minimum point which will ensure the safety of India.

There is a further consideration to which I must invite the attention of the Assembly. Whilst we hope that the present cordial relations with our neighbours may long continue, yet the fact remains that all are not Members of the League of Nations, and all are not, consequently, susceptible to the

moral and economic pressure which the League may be in a position to exercise.

Again, the nations of Asia which are Members of the League are so situated geographically that even if they accepted the responsibilities proposed under the draft Treaty, commanded the means to give India effective assistance, and had the will promptly to use them, they are not in a position to render to India that immediate effective assistance which would be essential to her security with a reduced military establishment. The immediate effect of such a reduction of armaments in India would, therefore, be to weaken the guarantees for the security of the Indian people.

On these general and specific grounds, therefore, we have been driven to follow the action of the Government of the British Empire in rejecting the proposed Treaty of Mutual Assistance. But because we do so, I would not have this Assembly or any member of this Assembly conclude that we are behind any nation in the world in our desire for peace. We harbour aggressive designs towards none. We desire nothing more than to be allowed to work out our destiny undisturbed by the shock of war or the threat of war. By instinct and tradition we are a pacific people.

I have stated our position frankly because of my conviction that if we ignore facts we shall not ensure peace, but rather induce the feeling of insecurity which may lead to war. But, subject to the recognition of the conditions which I have sketched—a recognition essential to the discharge of our responsibilities for the security of 319,000,000 of people, or one-fifth of the entire human race—we associate ourselves wholeheartedly with the principle of arbitration, and with any measures which this Assembly may take for the reduction of armaments, for the establishment of the rule of law, and for guaranteeing to the nations of the world the untold blessings of a secured peace. (*Loud applause.*)

34. — WELCOME TO THE PRESIDENT OF THE SWISS CONFEDERATION AND CERTAIN MEMBERS OF THE FEDERAL COUNCIL: MOTION BY M. PARRA-PÉREZ (VENEZUELA).

The President :

Translation : M. Parra-Pérez, delegate of Venezuela, desires to bring forward a motion. With your leave, we will suspend the discussion for a few minutes.

M. Parra-Pérez (Venezuela) :

Translation : Gentlemen, the Venezuelan delegation feels sure that it is expressing the wish of all delegates in proposing that the Assembly should offer a hearty welcome to His Excellency the President of the Swiss Confederation and a number of members of the Swiss Federal Council, who are with us to-day. Like true democrats they have taken their seats among the general public.

We wish to take this opportunity of expressing our gratitude once again to the members of the Federal Government for the great interest they show in our work; it is a sure sign of the growing attachment of the noble Swiss people to the League of Nations.

(*The delegates rose in their places and greeted with prolonged applause the President and members of the Swiss Federal Council.*)

34. — REDUCTION OF ARMAMENTS : CONTINUATION OF THE DISCUSSION.

The President :

Translation : We will now return to the agenda. M. Garay, Foreign Minister and first delegate of Panama, will address the Assembly.

(M. Garay mounted the platform amidst the applause of the Assembly.)

M. Garay (Panama) :

Translation : Mr. President, ladies and gentlemen — We statesmen and diplomatists from America who believe that our national interests, of which we are the guardians, are in no way incompatible with the wider interests entrusted to the stewardship of the League of Nations, do not, when sent by our Governments to represent them at the Assembly of the League, confine ourselves merely to our official instructions. Before setting out for Geneva we endeavour to get into close touch with the main currents of public opinion at home. Each time we do so, the good sense and judgment which we everywhere find are a source of pride and gratification.

What do our people say when we ask them their views on the Assemblies of the League of Nations and the part which we are to play in them ? They say this : Do not let us interfere, in matters that are of no real interest and of no practical concern to us ; there is no occasion for us to intervene in a discussion on questions which affect only other continents.

In asking leave to speak on the schemes proposed for disarmament and for treaties of guarantee or mutual assistance, which are the subject of our discussions, I do not think that I am exceeding the instructions of my Government or assuming a role for which I have no warrant in expressing the wishes of my country.

These questions are of supreme importance for the whole of mankind, and indeed my country is one which is fully conscious of the perils of isolation and the disadvantages inherent in a policy of national egotism.

Twenty-one years ago, in 1903, the newly-founded Republic of Panama concluded with the Government of the United States the Treaty of Hay-Bunau Varilla. That Treaty is something more than an agreement for the construction of the inter-oceanic canal ; it is a political treaty of guarantee. According to Article 1 the United States, in return for concessions made by the Republic of Panama in the subsequent articles, undertook to guarantee and maintain the independence and sovereignty of Panama. Accordingly at the time when my country became a part of the community of nations, the vital problem of its security was solved.

The Government then decided to free the people from the burdens and dangers involved in the maintenance of a standing army ; it commenced dishandment within a few months after the signing of the Treaty of Guarantee with the United States of America and the promulgation of our political constitution. All that was retained was a gendarmerie, an armed police for the needs of our internal security and for the maintenance of public order.

The sums thus released from the public treasury have been employed in the development of education, in the construction of new roads and in different public works. Our policy has been to rid the country of militarism and to instil in the people the love of peace and the spirit of industry. *(Applause.)*

There was nothing in the Hay-Bunau Varilla Treaty or in our Constitution compelling us to adopt the policy of moral and material disarmament that we have followed from the first. On the contrary, our Treaty with the United States provides for the free passage through the Canal of all ships, troops and munitions of war belonging to Panama. In the same Treaty Panama undertakes not to impose compulsory military service on persons employed by the Government of the United States on canal services or on the auxiliary railway. Our country has thus preserved freedom of action as regards military preparations and, if we have disbanded our army, we have done so without constraint and of our own free will.

Our Constitution lays down, in the chapter on the armed forces of the State, that all citizens of Panama shall be called to the colours in case of political emergency, that the conditions of exemption from military service shall be determined by law, that the military and police services shall be organised by law, that the country shall have a permanent defensive force, that offence committed by soldiers serving with the colours shall be tried by courts martial and military courts, and that the Government has the sole right to import and manufacture arms and munitions of war.

When, therefore, in May 1923, my distinguished colleague, who is with us to-day, M. A. de Mello-Franco, chief of the Brazilian delegation, in a stirring speech delivered at one of the last meetings of the Fifth Pan-American Conference of Santiago, extolled the example set by Panama in the matter of disarmament and added that our Constitution forbade us to maintain an army, I felt I must correct him and state that we had waived the exercise of our Constitutional right to maintain a standing army, not by virtue of a provision in a treaty or of an article in our Constitution, but of our own free will and in application of our sovereign rights, by a free and spontaneous decision which adds to the merit of our action.

The Prime Minister of Great Britain has told us of his warm approval of the Danish Government's proposals for the reduction of that country's armaments and the Danish Prime Minister has himself confirmed this most gratifying report. I feel that the Assembly may also be interested to know, not what Panama proposes to do, but what she has actually achieved, since in the matter of disarmament she has anticipated by more than twenty years the boldest steps yet taken by any Power, great or small, in any continent.

Though we have long since solved the fundamental problem of our security and its corollary, disarmament, that is no reason why we should ignore the troubles of other nations or turn a deaf ear to the countries that are still groaning beneath the burden of taxation imposed upon them by the armed peace and the fear of further aggression.

Far from it. Our delegation, fully conscious as it is of its duties of co-operation and solidarity, will closely follow the proceedings of the Third Committee and will endeavour by all means in its power to hasten the dawn of a new era of justice and international confidence that shall gradually dispel the tragic memories of imperialism and war. *(Loud applause.)*

(On returning to his seat, M. Garay was greeted by renewed and unanimous applause.)

The President :

Translation : M. Politis, former Minister for Foreign Affairs and first delegate of Greece, will address the Assembly.

(M. Politis mounted the platform amidst the applause of the Assembly.)

M. Politis (Greece) :

Translation : Mr. President, ladies and gentlemen—At the point which we have now reached in this important discussion, after the lofty and eloquent speeches that you have heard, there is no need for oratory. Allow me, however, to submit a few general remarks which will, I hope, help to elucidate the two principal points that appear to have emerged from the discussion.

The first of these two points is that we must take into account the text of the Covenant. The second is that there is a general desire—I trust a unanimous desire—to employ arbitration and international justice as the basis on which to erect our edifice of peace.

We are unanimous in thinking that first and foremost we must bear in mind what is written in the Covenant. But whereas some regard its provisions as a complete and perfect charter of peace, giving every desirable security and guarantee, others consider that the Covenant only provides an incomplete system, which must be strengthened if—to use M. Herriot's expression—the Covenant is to be made a "living" thing.

This divergency of views is more apparent than real, nothing more, in fact, than a simple misunderstanding, for we have only to read the Statutes by which we are governed, without adding anything to them and without omitting anything from them, to realise the truth in the matter.

The Covenant of the League of Nations does not, as is commonly supposed, forbid all wars. It does not abolish the right, which States have long considered to be their elementary right, to resort to force of arms. The Preamble of the Covenant merely states that the High Contracting Parties accept obligations not to resort to war. Thus the Covenant does tolerate certain wars, namely, wars declared three months after the expiry of the moratorium imposed by Article 12. If such wars are tolerated, others are expressly forbidden; for instance, wars which constitute a breach of the Covenant in disregard of the obligations established in the conditions laid down in Articles 12, 13 and 15.

Thus, only some wars, not all wars, are prohibited and it is against such wars that the Covenant provides for certain sanctions.

The problem is, therefore, twofold: Should we extend to all wars the prohibition laid down by the Covenant with reference only to certain wars? Are the sanctions that it lays down against those wars which it does prohibit, really adequate?

These sanctions are firstly economic sanctions, those mentioned in Article 16. Proof has already been given, and there is no need for me to repeat it, that, useful as they are, these sanctions are far from adequate. We may even visualise the possibility of the aggressor State being rich in raw materials, a country with vast exports, on which many other countries depend; in this case, the enforcement of economic sanctions would, I consider, be liable to do more harm to the country enforcing them than to the country against which they were enforced.

In addition to economic sanctions the Covenant provides for certain military sanctions. This is a point which we must not overlook.

The Covenant establishes the principle of these sanctions in what I will call the kernel of the matter, namely, the clause in which the countries are invited to consider in what way they can reduce their armaments. In determining the lowest point to which armaments can be reduced Article 8 takes account not only of the requirements of national safety but also of the execution of the obligations imposed by common action.

In the second paragraph of Article 16, again,

provision is made for the military forces to be contributed by the States Members of the League to the armed forces to be used to protect the Covenants of the League.

Lastly, and most important of all, Article 10 which is a vital article, enjoins mutual respect and guarantee for territorial integrity; it invests the Council with power to advise upon the means by which this obligation shall be fulfilled.

Without concrete rules for its enforcement, the capital obligation established in Article 10 is far from being effective in practice. When, in the discussions in this Assembly last year, we attempted to sift the meaning of this article, the interpretation accepted by the majority of the States was that the Council only had power to recommend, and that the final decision upon the expediency and extent of the military support to be furnished by the members to the Council fell within the sovereign competence of the States.

In these circumstances can it be said that the system of economic and military guarantees provided for in the Covenant furnishes adequate security to make it possible to invite the States to abolish or reduce their military forces? I am quite certain that no State which felt that it was actually threatened would be in a position to accept so shadowy a guarantee in return for that afforded by its own resources.

It can therefore be concluded that, on the basis of the Covenant alone, there is complete and entire justification for the conception of a treaty of mutual assistance which is intended to make the Covenant an effective and a vital instrument.

That is the first observation that I wish to make.

Proof that we are unanimous in thinking that the Covenant in its present form is inadequate, and that we all consider that it must be completed to allow for the claims with regard to security, is to be found in the advocacy in all quarters of the idea of compulsory arbitration and judicial procedure.

I was extremely glad when I heard the distinguished heads of the Governments of the Great Powers represented here declare that they were prepared to accept compulsory arbitration. I was extremely glad, I say, when I heard these noble words upon their lips, for the nations must be brought to follow the path of justice. But, at the same time, I could not help wondering if it would not be wise to sift this idea a little more closely, if it was not our duty to ascertain whether this magic formula contained a genuine reality. I myself feel it my duty to do so, because I realise that in pacifist propaganda the notion of arbitration has often proved a mirage which has prevented even men of sound judgment from seeing the facts confronting them. (*Applause.*)

Let us speak out with candour and conviction. There is nothing more misleading for men, and especially for nations, than to indulge in high hopes; hope has too often plunged us in the perilous slough of illusion. (*Renewed applause.*)

What, now, do we mean when we advocate compulsory arbitration? How far does our plea imply amendment of the Covenant?

Arbitration is not new to the Covenant. Article 12 introduces it: Article 13 provides the machinery. By combining these two provisions we shall gain a clear idea of the manner in which the system works.

Whenever a serious dispute arises between two Members of the League, they are bound to submit it to pacific procedure. The nature of the procedure varies according to the nature of the dispute. If the dispute is of a legal nature the States are recommended to resort to arbitration. If the dispute is of a nature other than legal they are invited to appear

before the Council, and to accept its good offices and mediation.

Observe with what caution, with what prudence and wisdom, Articles 12 and 13 were worded. Even in the case of a juridical dispute the Covenant does not *ipso facto* bind States to compulsory arbitration. The obligation only comes into play if both parties agree as to the legal nature of the dispute.

Four years ago, at the time when the Statute of the Permanent Court of International Justice was being drawn up it was proposed that we might build up the breach in the wall left unfilled until then, in view of the caution shown in this matter by those who drafted the Covenant. The eminent jurists who were entrusted by the Council with the elaboration of the preliminary draft Statute unanimously agreed to include in it the compulsory jurisdiction of the Court.

The Council, however, was averse to so bold an innovation, and, notwithstanding the cogent pleas advanced in the 1920 Assembly, the advocates of compulsory arbitration were obliged to accept a compromise, optional jurisdiction, supplemented by the compensatory clause contained in paragraph 2 of Article 36 of the Statute. This article lays down that there should be an open Protocol whereby the States would undertake to accept the compulsory jurisdiction of the Court for the three classes of legal disputes mentioned in Article 13 of the Covenant.

What has happened? Three years have elapsed since this clause entered into force. Only fifteen States have accepted the optional protocol on compulsory jurisdiction and not a single great Power is included in the number. In saying this I do not mean to criticise, I wish merely to record the fact before asking the following question. After all the hesitation, the uncertainty and the apprehension that the States have shown in regard to compulsory arbitration, can we in a single day cover the long road that lies ahead before we can reach our final goal, namely, justice through the enforcement of the obligation on all States and in all cases?

I sincerely wish it were possible, but I strongly doubt whether it is.

When, the other day, I had the pleasure of listening to the masterly speech of the Prime Minister of Great Britain, I was extremely glad to hear him declare that he was prepared to accept the jurisdiction of a court before which all nations would be able to explain their policy and to reveal their most secret wishes. But whilst I warmly approved his statement, I could not but wonder of what judges this court could be composed? On what basis would a Court entrusted with this solemn duty render its award?

An allusion dropped by Mr. MacDonald has, I believe, enabled me to perceive what was at the back of his mind. He alluded to the possibility of setting up several courts of different kinds and of varying composition to be entrusted with this mission of peace and mediation. It seems to me that the practical result of this suggestion would be the following: there would be an organ—a court, if you will—before which any country that felt itself menaced would be entitled to summon its presumptive adversary; and if the latter failed to appear, or if he appeared but refused to comply with the decision or recommendation of that body, he would *de jure* be considered the aggressor and would be held responsible for subsequent disturbances of the peace.

It is a most valuable idea. The proposed system is an attractive one. It is, I believe, also a practicable one. But though this be so, it has nothing to do with arbitration or with justice; it is purely a system of mediation and conciliation; and if I

have read aright what was in the mind of the author of this felicitous proposal, I would ask you another question. How do you propose to reconcile this system with that set forth in Article 12 of the Covenant? Are you determined to transfer to a new body powers of mediation at present vested in the Council? I merely ask a question; I am not raising an objection.

I have one more point, the most important of all.

Whether the system we are discussing consists of arbitration or of mediation, is it in itself an adequate system? Are not sanctions required? Are there not guarantees to be observed? What would happen if a State that was cited refused to appear before the international court, or refused to conform to the award rendered?

Lord Parmoor told us yesterday that guarantees were of but little importance to us, since history shows that arbitration has been tested and found sufficient in itself, and since it had the peculiar property of enforcing its awards by the will of the parties. He added that in the long list of awards given during the nineteenth and at the beginning of the present century, there is no single instance of refusal to accept the arbitrator's decision.

I have no desire to quibble on matters of detail; it is a fact, however, that there have been cases of refusal, sometimes justifiable but sometimes entirely unjustifiable. There was one case, which took place not long ago—a few years at most—in the New World. In this case one of the States was obliged to resort to force to ensure the execution by the other State of the award pronounced against it. It is the exception, however, that proves the rule. Lord Parmoor's statement is correct. In the vast majority of cases, arbitral awards have been loyally accepted. And why? What is the explanation of this loyal observance of arbitral decisions? Simply that arbitration was an optional matter.

What is optional arbitration? It is a suit brought on the basis of a special agreement which is known as a *compromis* or arbitration clause and which only becomes operative after the inception of the dispute, that is to say, at a time when the Governments concerned are in a position to know the responsibilities which they will incur by going to law. It is an agreement by which the States pledge themselves, with their eyes open, loyally to accept the judgment of the court. (*Applause.*) When judgment has been pronounced, perhaps some weeks or months later, a State cannot honourably evade obligations of such recent date. In optional arbitration, guarantees are needless because they are useless.

Is the position the same as regards compulsory arbitration? What do we mean by compulsory arbitration? Here the pledge to submit disputes to the tribunals is given before any dispute arises. It is given in anticipation of future disputes. The Contracting States, when concluding their treaty, have no idea when the conflict will break out, how it will arise or how serious it will be. They agree to a kind of lottery, if you will excuse the word; and they display a remarkable amount of confidence in international justice. A long time may elapse between the date of the arbitration treaty and the date when an award is delivered. Very likely the same men will no longer be in power. Public opinion will have changed. There will no longer be that sense of newness which adds weight and sanctity to the pledge. The determination to abide by it weakens and wavers—and the door is opened to a refusal to carry out the award.

I am not merely theorising; I will give you a characteristic example of the necessity for proceeding with caution along the road to compulsory justice. A few years ago the five republics of Central America, at the suggestion of the Great

Republic of the United States, concluded a treaty establishing a Court of Justice for a period of ten years in the first instance, the period being renewable at the end of that time. The Court had powers of compulsory jurisdiction to deal with every conceivable case, without exception, both for political and juridical questions. Eight years later a political dispute arose between two of these republics and a third over a treaty which the latter had made with another Power. The first two republics maintained that the treaty entailed a serious infringement of their rights, and asked the third not to ratify it. As they did not receive satisfaction in this respect they brought their complaint before the Court.

The Court did its best. The case proceeded with a wealth of legal argument and judgment was eventually given against the signatory of the treaty. The State concerned refused to carry out the award and as a result the Court was entirely discredited and thereafter left alone; on the expiration of the first period of ten years its mandate was not renewed.

The sequel was that the States concerned, realising that they had been too ambitious and had aimed too high, made a new treaty at the beginning of last year, establishing a new tribunal with a much more limited jurisdiction.

This is a lesson of the first importance, and it bears out the theories which I put before you just now. It shows that when arbitration is optional guarantees are useless, but that when arbitration is compulsory, they are indispensable. (*Loud applause.*)

Moreover, the power of imposing sanctions in international judicial procedure is not inconsistent with the terms of the Covenant. At the end of Article 13 the Covenant states—in somewhat vague and indefinite terms, it is true—that the Council is competent to adopt measures for ensuring that the awards are carried out. There is here a system of sanctions which is barely outlined but which will, undoubtedly develop in the future.

In the International Labour Organisation the idea has reached a somewhat later stage of development, and it is laid down in Article 419 of the Treaty of Versailles, and in the corresponding articles in the other treaties of peace, that Members of this Organisation are entitled to carry out reprisals—which are a kind of sanction—against any country which refuses to accept an adverse decision.

This idea stands as a landmark to guide us on our road, and it is my profound belief that this idea will develop into a system of sanctions, commensurate with the obligations assumed.

Why, after all, should the principles of international law differ from those of national justice? Why should justice as the handmaiden of international peace, possess some higher virtue enabling it to dispense with those safeguards which have

at all times and in all countries been considered as indispensable for the preservation of internal peace and order? (*Applause.*)

A few more words, and I have done.

Whatever aspect of the problem we examine, we find that it is impossible to lay a solid foundation for international peace unless the nations are sure of the necessary security, and we realise that the structure of the League of Nations cannot be different from that of other human societies. In no human society, at no time and in no country have men been able to trust to the dictates of moral virtue or the force of law alone to safeguard their lives, their honour, their property and their freedom. In primitive times the savage armed in self-defence against his neighbour; only by degrees could he venture to trust to other than his own resources, as in the process of time the community, by its organisation, that is to say, its laws, its judges and its police, substituted its collective force for that of its individual members. (*Loud applause.*)

The same holds good with regard to the League of Nations. No State which has a proper regard for its life, its dignity and its honour, will ever consent to surrender the guarantee it holds in virtue of its own power, unless and until the community of nations can offer it an equally sure guarantee. (*Renewed applause.*)

The League provides us with the framework of an international organisation, but, unlike the goddess of old, it has not sprung fully armed from the brain that conceived it. The power it can offer us is not as yet sufficient to justify us in surrendering our own power. But at any rate it ought to co-ordinate the individual forces of States, so that, with those combined forces, some adequate guarantee may be provided which will induce States to give up at any rate part of their own armaments.

It is not sufficient that the splendid tower of peace which we are one and all working with eager hearts to erect should be given the good and solid foundations of justice.

It is necessary in order that it may bear the weight of that burden of armaments which one day we shall place upon the summit, that the walls, should be strongly built of the granite stone of security.

(*Loud and prolonged applause. On resuming his seat the speaker was congratulated by a large number of his colleagues.*)

The President :

Translation : I propose that the Assembly now adjourn until this afternoon at half-past three o'clock. (*Assent.*)

There are still four speakers on the list for the discussion on the reduction of armaments, but I hope we may conclude the discussion at this afternoon's meeting.

The Assembly rose at 12.30 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

ELEVENTH PLENARY MEETING

SATURDAY, SEPTEMBER 6th, 1924, AT 3.30 P. M.

CONTENTS:

36. REDUCTION OF ARMAMENTS : CONTINUATION OF THE DISCUSSION. RESOLUTION.

Speeches by M. de Mello-Franco (Brazil), Mr. Dandurand (Canada), M. Quinones de Leon (Spain), M. Villegas (Chile), M. Urrutia (Colombia), Mr. MacDonald (British Empire) and M. Herriot (France).

Président : M. MOTTA

36. — REDUCTION OF ARMAMENTS : CONTINUATION OF THE DISCUSSION. RESOLUTION.

The President :

Translation : The first item on the agenda is the continuation of the discussion on the reduction of armaments.

I have the honour to ask M. de Mello-Franco, Ambassador and first delegate of Brazil, to address the Assembly.

(M. de Mello-Franco mounted the platform amidst the applause of the Assembly.)

M. de Mello-Franco (Brazil) :

Translation : Mr. President, ladies and gentlemen—There is a natural inequality among nations, due to chance variations in geographical or ethnical conditions or to the fact that they have reached different stages of civilisation. But there is one factor which places all on the same level and requires each of them, great or small, strong or weak, to show the same respect for all the others. This factor is that they are all alike in being sovereign nations.

Some nations may be more cultured, more wealthy or more powerful than others, but the world is no longer divided, as in mediæval times, between

an all-powerful aristocracy of States on the one hand and, on the other, an almost nameless multitude of countries whom the stronger States merely allowed to exist on sufferance.

Through that great organisation, the League of Nations, weaker States have at length found a platform from which to address the whole world.

We are to-day the witnesses of a great achievement: each one of fifty-four States can ask the opinion of all the others upon a draft Treaty of Mutual Guarantee, which is considered the *sine qua non* for the reduction of armaments, and this reduction in its turn has become one of the essential conditions of peace, as is recognised and proclaimed by Article 8 of the Covenant.

It is clear from the replies already received from Governments and communicated by the Secretariat that the idea of the formation of a body capable of establishing general security for all the States has, in principle, gained their support. The whole world, in fact, is eager for peace and condemns war in so many words as the most heinous of international crimes.

On the other hand, every Government has made reservations regarding the draft prepared by the Temporary Mixed Commission on the basis of the proposals submitted by Lord Robert Cecil and Colonel Réquin. Several countries have rejected it altogether. It may therefore reasonably be claimed that this first attempt does not appear likely to succeed. But the idea itself has in no way suffered from this setback. Fortunately, as the Prime Minister of Great Britain declared in his eloquent speech on Thursday, the great Powers have not said their last word on the subject, and it is they who are most directly responsible for the maintenance of world peace. It is they, too, who have most urgent need of relief from the crushing burden of the military machine.

The Members of the League of Nations have undertaken to respect and preserve as against external aggression the territorial integrity and existing political independence of each one of their number. In the draft Treaty, however, an attempt

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The Members of the League of Nations have undertaken to respect and preserve as against external aggression the territorial integrity and existing political independence of each one of their number. In the draft Treaty, however, an attempt

was made to devise some organic form for this mutual assistance and the obligation to assist a State in the event of attack was, in principle, restricted to other States in the same continent. This restriction, which would have left Australia without assistance, would also have rendered the Treaty inoperative as far as the American States are concerned. This becomes strikingly evident when we remember that the United States do not belong to the League.

Moreover, the American countries that are Members of the League are not armed, and would in the event of aggression be unable to give any assistance to the country attacked, whoever the aggressor might be.

It is also absurd to imagine that any American State would attack another American State. But supposing, for the sake of argument, that it were possible, the assistance upon which any American State could rely in the event of attack would clearly be negligible. Such assistance would necessarily depend upon the period of mobilisation of the assisting State, its transport facilities, the organisation of its supplies and the existence of special bases of operation. But as a general rule the American States could not fulfil these requirements, and in the absence of the necessary resources it would be impossible on practical grounds for them to render any assistance at all.

As regards naval assistance, the American countries, with the exception of the United States, could give none, for few of them possess even a small navy. Several, indeed, are specifically bound by special treaties not to maintain a navy. How then could they be expected under the terms of a general treaty to give naval assistance, seeing that many of them possess no naval forces whatever?

The same may be said with regard to the air. It is generally regarded as an axiom of air warfare that military aircraft must, to operate effectively, start from aerodromes situated within 250 kilometres of their objective. This arm cannot be used for greater distances unless its transport and supplies have previously been organised for that purpose. Immediate action from the point of view of defence is essential in order to prevent the passage of the enemy's bombing machines and, from the point of view of attack, to prevent a concentration of these machines. Thus, in view of the topographical conditions obtaining on the American continent, the air forces available will usually be limited to those which can be supplied by neighbouring countries. Obstacles such as the gigantic and almost impassable wall of the Andes would obviously render it impossible, in most cases, for American countries to afford each other assistance in the air.

I do not intend to enter upon a criticism of the draft prepared by the Temporary Mixed Commission, but I would like to remind you of the statements made by delegates of my country in previous years on certain aspects of the question.

In our opinion the great merit of the draft is that it defines the guarantees provided for in Articles 10 and 16 of the Covenant with regard to the economic, financial and industrial assistance to be rendered to the State attacked. Unfortunately, however, the promise of military assistance would not prevent the opening of hostilities. This assistance, as conceived by the system adopted in the draft, could not become effective until the actual development of military operations; it could not prevent the first attack or invasion.

Such a method would have brought us no nearer to our ideal of abolishing war; all we should have done would have been to bring into action by degrees the forces necessary to win a war.

These defects in the draft Treaty can only be remedied by means of partial or regional treaties supplementing the original treaty. But there are numerous objections to partial treaties. It is claimed, in particular, that they are closely akin to the old treaties of alliance, which were a source of mistrust, which led to reprisals in the form of counter-treaties of the same kind and gave rise to competitive armaments and so bred wars.

This draft is admittedly imperfect as regards general assistance, since Article 6 expressly states that in order to make that assistance immediately effective the contracting parties may conclude, either as between two of them or as between a larger number, agreements complementary to the Treaty, exclusively for the purpose of their mutual defence and intended solely to facilitate the carrying out of the measures prescribed in a general treaty, determining in advance the assistance which they would give to each other in the event of any act of aggression.

Whatever the dangers and drawbacks of partial treaties, it is undeniable that, when a State examines the possibilities of future wars, it can, within certain limits, foresee which opponent is likely to attack it, and it accordingly organises its armaments with an eye to the nature and gravity of the danger to which it is exposed on any given frontier. For the same reason, a State will take care to conclude regional treaties in order to secure the support of other States with a view, in particular, to the protection of its most threatened frontier.

Thus, even though we object to partial treaties from the psychological standpoint, the essence of the problem before us is, after all, to assure national security, and it would be most unreasonable to reject such a solution altogether without finding some other means of offering security to threatened States and of allaying their anxieties by affording an effective guarantee of peace and an assurance of protection against external aggression.

Failing such security there can be no disarmament and without disarmament it is impossible to remove for ever the perils of war.

For four years we have been vainly seeking a solution of this problem, but this does not mean that it cannot be solved. The long-sought solution will, nay, must be found in time as we draw nearer to those lofty ideals which guided the illustrious authors of the Covenant. It will be found in a new world conscience and a moral atmosphere more favourable to the development of those institutions—chief and greatest among which is this Assembly—which have so profoundly modified the structure of the former international law.

When we search the horizon to-day, the one light that we see to guide us towards the goal of peace is our faith in justice. Justice indeed is the primary condition for security both in our private life and in our relations as citizens of the same nation, in the community of men that forms a State and in the community of States. Without justice we can have no security.

That is why we must encourage States to resort to arbitration. The evolution of States must be such as to increase the number of those which accept the compulsory jurisdiction of the Permanent Court of International Justice. To do this they must bind themselves by a special declaration in conformity with the motion submitted by the Brazilian delegate, M. Raul Fernandes, to the Third Committee of the 1920 Assembly; that motion had previously been presented by the Swiss delegation at the Hague Conference of 1907.

Brazil has consistently pursued this policy in international affairs.

Having settled the more serious of her frontier disputes by arbitration, Brazil inserted in paragraph 11 of Article 34 of her Constitution a provision by which the Federal Congress can only authorise the Government to declare war in cases where recourse to arbitration would be inadmissible or in cases where this procedure has been tried and failed. Again, Article 88 of the Constitution provides that the United States of Brazil shall in no case embark, either directly or indirectly, upon a war of aggrandisement either on its own account or by virtue of an alliance with another nation.

Allow me to add that Brazil has concluded arbitration treaties with more than thirty States. I may remind you of the circumstances in which the Brazilian delegate, who was a member of the Third Committee of the First Assembly, rendered valuable assistance when, faithful to the traditions of our international policy and animated by the spirit of our Federal Constitution, he proposed an amendment to the draft approved by the Council, which was based on the preliminary draft of the international Committee of Jurists appointed to draw up the Statute of the Permanent Court of International Justice.

You are aware that the preliminary draft provided for the compulsory jurisdiction of the Court for all Members of the League and that the Council, considering that this measure was too extreme, proposed optional jurisdiction. It was at this point that the Brazilian delegation, through M. Raul Fernandes, suggested in the Third Committee that the Members of the League and the States mentioned in the Annex to the Covenant should be permitted to declare that they recognised the jurisdiction of the Court as compulsory *ipso facto* and without special agreement, but only in relation to another Member of the League or another State accepting the same obligation.

This collaboration on the part of our delegates with a view to increasing the prestige of the Court is evidence of our faith in the success of that institution. It should, however, be observed that the Statute does not invest the Court with powers to render awards in all disputes between States. In accordance with the spirit of the Covenant the States retain the right to decide, by virtue of their sovereign rights, questions which are not strictly juridical in nature.

Compulsory arbitration, the essential principles of which are contained in Article 13 of the Covenant, is a necessary premise to the compulsory jurisdiction of the Court; compulsory arbitration may, however, exist in such a form that it does not include the compulsory submission to arbitration of all kinds of questions which may arise between States.

Article 15 of the Covenant also conferred upon the Council the duty of arbitrator, and, in the exercise of this high duty of mediation, the Council can render great service to the cause of peace.

No one, however, can fail to recognise the truth of the formula enunciated with such energy and such deep appreciation of the realities of life by the Prime Minister of France.

Compulsory arbitration, to be practicable and effective, requires a court endowed *de iure* with competence to hear all questions provided for in the arbitration clause; and the organisation of the Court would remain imperfect so long as its decisions could not, in case of need, be carried into effect by the forces placed at the disposal of the law.

Only by this method shall we obtain the security of the law, which is the final aim of the arbitration system.

It is, therefore, indeed true that arbitration, security and disarmament are the three essentials of peace.

Brazil has signed the optional clause recognising the compulsory jurisdiction of the Court in questions of a juridical nature defined in Article 13 of the Covenant; and the only condition which she makes to the ratification of the clause is that it shall be approved by at least two of the Powers permanently represented on the Council.

The important statements made by the representatives of the Great Powers during the present debate are proof of the development of this valuable doctrine in the last four years. We may, perhaps, regard these declarations as the beginning of its final transformation into a splendid reality.

Our eminent colleague, the first delegate of Italy, reminded us of the treaty signed at Washington on May 8th, 1871, to settle the serious dispute between the United States and Great Britain with regard to the "Alabama", which was armed in English ports by the Southern Confederacy for service against the North.

The award promulgated here at Geneva on September 14th, 1871, was also signed by a Brazilian, Viscount Itajuba, who was one of the five arbitrators appointed, and the name of Brazil is thus linked with those of the United States, Great Britain, Italy and Switzerland in what is one of the most important documents in the legal history of arbitration.

Brazil was the first American State to ratify the Continental Treaty signed at Santiago de Chile in May 1923, by which eighteen American nations pledged themselves to submit to the examination, investigation and opinion of a Commission constituted under the Treaty all questions which for any reason might have arisen between two or more of the High Contracting Parties and which had not been solved by diplomatic means or submitted to arbitration.

This Treaty, which was ratified by several other States, including the United States, really renders it needless for the American States to adhere to the Treaty of Mutual Guarantee as a protection against the danger of an act of aggression in that continent on the part of an American country.

Notwithstanding this circumstance, so fortunate for the American continent, Brazil is willing to render every assistance in the preparation of a general formula of mutual assistance and guarantee, and we trust that we are thereby giving proof of our devotion to the League of Nations.

Moreover, we are not forgetting what is most essential—the establishment, either with or without complementary regional treaties, of a treaty of mutual assistance and guarantee between all nations. This is a condition which is vital for disarmament. It is, in fact, not enough that this assistance and guarantee should be based entirely upon continental systems. They must be based on a world-wide organisation, for the right to security—to that real security which should now be the final object of our endeavour—is the sacred right of all the peoples of the earth. (*Applause.*)

The President :

Translation: Mr. Dandurand, Minister of State, first delegate of Canada, will address the Assembly.

(*Mr. Dandurand mounted the platform amidst the applause of the Assembly.*)

Mr. Dandurand (Canada):

Translation: Mr. President, ladies and gentlemen—I am not going to discuss to-day the merits of the Treaty of Mutual Assistance. I have listened from the beginning of this debate to the many objections which have been formulated. I feel that a solution of the problem which has been

submitted to us will perhaps not be reached speedily. So I am thinking of the present moment and the peril of this hour.

What are the guarantees for to-morrow? Before the departure of the official representatives, the Prime Ministers of Great Britain and France, it has seemed to me that it would perhaps be well to express an opinion. Although I am a newcomer among you, I may have some qualifications for presenting it. The thought which it contains is not a growth of yesterday—it is of long standing. But I have been struck by the manifestation of Thursday last, which appeared to show that this idea was shared by the whole Assembly.

When the two Prime Ministers of Great Britain and France entered this hall, they were greeted in respectful and attentive silence; it was only at the moment that they shook hands that loud applause broke out. I understood that you were acclaiming therein a clear evidence of the existence of the "Entente Cordiale".

The world has lived through three years of anguish. We have been asking ourselves to what shores we were drifting. Now the agreements reached at London have given widespread satisfaction. What was our joy when we realised that a good understanding had been re-established there. So far as I can see there is no possibility of peace in the minds of men in Europe to-day without the continuance of that friendly understanding.

Fifteen years or so ago I had the opportunity of hearing a very distinguished Hungarian orator, whom I am glad to see with us to-day, state that war never achieved any final settlement, and that one bloody chapter in the record of history always called for a sequel. Now, ladies and gentlemen, we desire to put a full stop to this barbarian fatalism. Is it not our imperious duty, in the years that are to come, to seek to appease the passions, to bring back peace into men's hearts?

How are we to obtain that end? It seems to me that the great nations face a duty—the duty of setting an example. Misunderstanding between them cannot but postpone and compromise peace; misunderstanding between them must arouse and maintain evil hopes. For three years now, every eye has been turned anxiously toward London and Paris. If a fog appear in the English Channel, immediately we feel a depression of spirit; but when the sun of the "Entente Cordiale" clears it away the whole world is delighted. I said the whole world; but I do not include in that term the spirit of evil which thrives only upon discord.

As one who comes from afar, I recognise that the problem which besets us is mainly a European problem. But it is also a world problem. I come from North America, and have the distinguished honour to represent here the North American continent. There as elsewhere we feel that safety can only come through a good understanding among the Great Powers.

I know that it is often difficult to reach agreement. Each of us has his special interests, his nerves, his idiosyncracies. But there come to my mind some words out of a sermon which I heard an old *curé* give at Thun some years ago: "I am not going to preach to you any great virtue that will make saints of you; I am going to suggest to you one little domestic virtue which may add to your happiness. In the morning one feels keenly the burden of the tasks of the day. I am going to ask you, living among friends as you do, to remember to greet with a smile the first person you meet after getting up in the morning. Smile, and the smile will call forth a smile in answer, and the temperature will become distinctly milder."

I believe that if these great nations, conscious

of their responsibilities, realising that they must blaze the way, determine to maintain peace and the spirit of peace in Europe, they can succeed.

Canada is inhabited by people of two races, living harmoniously side by side. A considerable proportion are of French blood. In the words of one of our most illustrious statesmen, Sir Wilfrid Laurier, I may declare: "I love France which gave me life; I love England which gave me liberty."

We are grateful to Mr. MacDonald and M. Herriot, who have re-established a good understanding between these two great countries. I believe that I have the right to ask of our two mother-countries, Great Britain and France, that they remain linked together for the well-being of the Canadian family and for the good of all humanity. (*Loud applause.*)

The President:

Translation: M. Quinones de Leon, Spanish Ambassador in Paris and first delegate of Spain, will address the Assembly.

(*M. Quinones de Leon mounted the platform amidst the applause of the Assembly.*)

M. Quinones de Leon (Spain):

Translation: Mr. President, ladies and gentlemen—If I venture to speak in a debate to which so many distinguished statesmen have lent the weight of their authority, I do so in order to state the views of my country briefly but with the sincerity and goodwill which Spain has ever shown and will always show in promoting the course of justice and peace.

Though Spain is among those who have raised objections to the draft Treaty of Mutual Guarantee communicated to the Governments by the Fourth Assembly, she has not done so from indifference or from desire to evade her international obligations. No one who knows the traditions of my nation could credit that for a moment.

There are among us in this hall many masters of international law, all of whom will tell you that the creative conception of international law on which the League of Nations was founded sprung from the brains of those Spanish jurists whom Grotius, with the characteristic modesty of great men, acknowledged to be his teachers and fore-runners.

It is and always has been recognised that we owe to those Spanish jurists the clear distinction that is made between a just war and an unjust war, a distinction which is the chief canon in international life, and is now at last, thanks to the League of Nations, restored to its place among our articles of faith. Spain remains true to the doctrine of her ancient masters, that without this distinction there can be no real peace. For these reasons Spain desires to associate herself with those countries which have declared the only basis for peace to be the Covenant of the League of Nations, a charter which is the fruit of the wisdom and ripe thought of men who combined the highest idealism with tried political experience.

Spain, who of her own free will signed the Covenant, will loyally observe her pledge; she considers that the nations will find that the best guarantees of security consist in a strict application of its principles.

She also believes—and her long historical experience entitles her to speak with authority—that institutions, whether international or national, can only be developed with time.

The letter of the law must be slowly quickened by experience before the spirit can enter into possession.

M. Herriot has hit the mark; we must endeavour to make the Covenant a living thing. Only so can it be made effective.

Arbitration is a policy that commands our entire approval.

Arbitration, that is to say, broadly speaking, the pacific and equitable settlement of disputes, has long been a rule in the diplomatic relations of my country. We are bound by arbitration treaties with several countries in Europe and America.

The Spanish Government is therefore convinced that we may work in this direction, that with agreements of this nature, in which States pledge themselves to compulsory arbitration, we may pave the way for the brotherhood of man and strengthen the Covenant which is its symbol.

We must, the Spanish Government considers, persevere in the work that has been begun. It offers its wholehearted co-operation in the attainment of the ideal before us, namely, that the passions of war must be checked at the outset by united action. This will be the most valuable and the most effective guarantee of peace.

It was with this intention that the Spanish members of the Temporary Mixed Commission, among them my eminent friend the Marquis de Magaz, suggested, as long ago as June 1923, several amendments to the draft Treaty of Mutual Guarantee proposing that aggression should be defined as a refusal to accept arbitration. In view of the importance attached by the Fifth Assembly to this idea, I will venture to quote the principal passages in these amendments :

"At the request of any Member of the League of Nations, the Council... may declare that the political situation between the two States Members is such that precautions with a view to preserving peace are indispensable. The following precautionary measures may be applied :

"(a) Both Parties may be asked to withdraw their troops to a certain distance, to be determined by the Council, on both sides of the frontier ;

"To abstain from flying over a certain neutral zone between the two countries;

"To abstain from allowing their navies to enter the territorial waters of the other State.

"Shall be presumed to be the aggressor :

"Any State which has refused to submit to the Permanent Court of International Justice or to the Council of the League of Nations the dispute which is the cause of the state of war ;

"Any State which has refused to take the precautionary measures stipulated above when the Council has recommended their application."

Accordingly, Spain fully endorses the proposal to strengthen the Covenant by the application of arbitration. The League of Nations can rely on our loyal co-operation in any special work which may be thought desirable for this purpose.

Lying between two countries to which she is bound by age-long ties of friendship and kinship, Spain has no fear of surprise attack or invasion; but this is not the reason why she takes an impartial view of the problems by which Europe is tormented to-day.

Situated on the edge of Europe, facing towards the new continent, Spain will always be prepared to do her share in the work of international collaboration from which the Powers across the Atlantic cannot hold aloof. I allude to the United States and the other American Republics, particularly those whose help we specially appreciate on account of their Spanish origin, not only those which are already Members of the League but also those which, we hope, will join the League ere long.

Spain, need I remind you, has repeatedly responded to your call. In the future, as in the past, she intends to pursue a policy of peace because she has consistently pursued a policy of good-will. (*Loud applause.*)

The President :

Translation : M. Enrique Villegas, former Prime Minister and delegate of Chile, will address the Assembly. (*Applause.*)

M. Villegas (Chile) :

Translation : Ladies and gentlemen.—The Chilean delegation has followed with keen interest this important debate in the Fifth Assembly. The part taken in it by the distinguished statesmen who are with us to-day has lent lustre to our discussion, but it is of special significance because we all feel that we must reach some conclusions which will hasten the approach of the long-awaited hour when peace shall have a permanent abiding place on the earth.

We all realise that this debate on arbitration, security, disarmament, and mutual assistance in cases of unjust aggression, although, of course, of universal interest, is at the present time of more immediate and urgent concern to Europe.

The Chilean delegation does not therefore propose to discuss the fundamental questions involved, but to restrict itself to the statement that the Government and the people of Chile, conscious of their responsibilities as a Member of the League, will collaborate with faith and good hope in the task of discovering a formula which, while taking into account the legitimate interests and no less legitimate fears of each country, will finally establish the principle of the settlement of disputes by arbitration on the basis that every State shall have a reasonable amount of security and shall effectively disarm, both from a military and from a moral point of view.

As Chile is one of the three countries in South America that possesses both land and sea forces of relative importance, I wish to take this opportunity to reiterate the declarations made by the Chilean delegation at previous Assemblies regarding the reduction of armaments.

This problem, so far as our continent is concerned, differs both in aspect and in urgency from the problem confronting Europe. Statistics show that there is not a single State in South America the strength of whose armaments is out of proportion with the area of its territory, its population and its internal requirements. We in South America need agreements for the limitation of armaments rather than agreements for the reduction of armaments.

I may remind you in this connection that Chile and Argentina were the first two countries in contemporary history to conclude an agreement of this nature. In 1902 our two Governments signed a treaty concerning the equivalent strength and the limitation of their naval armaments, which was warmly approved by the other South American countries and has been loyally observed by the countries concerned. (*Cheers.*)

The Governments of Brazil and Chile also took part in the special meeting of the Naval Sub-Committee of the Permanent Advisory Commission of the League, which was attended by countries not represented on the Sub-Committee and was held at Rome in February of this year. The subject under discussion was the limitation of the naval armaments of countries not signatory to the Treaty of Washington. The declarations made by the representatives of these two countries at the Rome meeting and the semi-official statements

which appeared in the Argentine Pressen courage the hope that the limitation of the naval armaments of these three great countries is not a particularly difficult problem to solve. As representative of Chile I desire to express our ardent hope that an agreement on this question may soon be reached under the auspices of the League of Nations.

Our delegation notes with great satisfaction the declarations concerning arbitration which have been made by the heads of the Governments of the principal European Powers. We fully appreciated their importance. They constitute, we believe, a decisive advance towards that moral disarmament which must necessarily precede the material disarmament that we all desire.

The explanation which the distinguished delegate of Brazil gave to the Assembly concerning the special position of the South American peoples, both as regards the immense area of their territory and the inadequacy of their military and naval forces to guarantee the execution of treaties of mutual assistance of the kind contemplated for the European countries, makes it unnecessary for me to set forth in detail our own view on this question, since our opinions, both on this matter and on the principle of arbitral jurisdiction, are identical with those expressed by my Brazilian colleague.

I would remind you on this important occasion that the most serious problems that have confronted South America in the last forty years have been settled by arbitration. At the beginning of the present century the King of England graciously accepted the position of arbitrator and settled the long-standing and serious frontier dispute between Chile and the Argentine Republic. In 1922 the Governments of Chile and Peru signed a protocol submitting for decision by the President of the United States of America difficulties in the execution of one of the clauses of the Treaty of Ancon, which terminated the War of the Pacific. The Governments of Ecuador and Peru have just taken similar action to solve their long-standing frontier dispute.

Although the Brazilian delegate has already referred to the Treaty signed in a friendly spirit of co-operation by sixteen American States at Santiago in May 1923, I would venture again to draw your attention to this Treaty, which may be said to mark a definite stage on the road towards the pacific settlement of international disputes. Under this Treaty, which is due to the initiative of that eminent Paraguayan statesman, M. Gondra, each signatory undertakes not to mobilise or concentrate its troops on the frontier of the other party, nor to commit acts of hostility nor acts preparatory to hostilities, as soon as arrangements have been made for convening a Commission of Enquiry consisting of five members appointed under the auspices of certain permanent commissions which have been specially set up with full guarantees as to impartiality and competence. The Commission of Enquiry may be convened at the request of any one of the countries concerned.

The fact that this Treaty has already been ratified by the United States of America, Brazil, Paraguay and other American States gives it very special significance, and I would venture to point out to the Assembly that the Third Committee might advantageously study it, hoping as I do that some of the ideas contained in it may be of real help in the task entrusted to the Committee by the Assembly.

I make this proposal the more readily in that this Treaty would appear to offer an example, that might well be followed, of that equality between great and small Powers which was so eloquently advocated by M. Herriot.

Equality between great and small Powers is the

fundamental principle underlying the pan-Americanism which unites the republics of America, great and small, in their pursuit of a common ideal.

This ideal is in all respects in keeping with that of the League of Nations and no more striking proof of this could be found than the fact that many American States are represented here and are actively and wholeheartedly co-operating in the work of this Assembly, the most important that the League of Nations has yet held, perhaps the most important Assembly that the world has ever seen. (*Loud applause.*)

The President :

Translation : Before the last speaker on my list addresses you, I should inform the Assembly that the British and French delegations have submitted a draft resolution which would, they consider, form a fitting conclusion to the great discussion opened three days ago.

I will read the resolution as soon as the English translation is ready.

M. Urrutia, former Minister for Foreign Affairs, delegate of Colombia, will address the Assembly. (*Applause.*)

M. Urrutia (Colombia) :

Translation : Mr. President, ladies and gentlemen—The discussions held in our recent meetings are of good omen not only to the League but, I venture to think to the entire world, which has followed our proceedings with the keenest interest and has moment by moment received the solemn words that have been spoken from this platform.

We cannot fail to recognise that the elevation of the principle of compulsory arbitration to be the keystone of international law, enunciated by the Prime Ministers of France and Great Britain—the two great liberal Powers of Europe who have done so much to advance the civilisation of the world—is a fact of the first importance, the most important fact, perhaps, in the history of international relations since the League of Nations founded the Permanent Court of International Justice.

As I listened to Mr. MacDonald's eloquent appeal for compulsory arbitration, I called to mind those memorable days a century ago when Canning, another Prime Minister of Great Britain, opposed the schemes of the Holy Alliance and enunciated the right of American countries to sovereignty and independence (*applause*), and prophesied that the group of free nations that had arisen in the New World would one day have the mission of restoring stability in the old.

I called to mind, too, the words which Gladstone spoke in connection with the historic Alabama Treaty.

He said that arbitration is the solemn consecration on international ground of that feeling of justice which has made men seek for a better means of settling disputes between States than the ruthless decision of the sword.

When, again, I heard M. Herriot proclaim here the right of the small nations to life and independence on equal terms with the great, my whole heart went out in homage to France and her noble traditions, France who has proclaimed the rights of man, who has consistently and vigorously defended the loftiest principles of right and justice in Assemblies where the nations have met together.

As representative of a country which, ever since the first days of its independence, has made arbitration an article of its creed, I cannot refrain from mentioning the immense satisfaction with which the statements to which we have listened in the last few days will be received by the Colombian people. I venture, too, to believe that the speeches

of the delegates of Chile, Brazil and other American countries are the strongest evidence that this sentiment is shared by all the American States, which place implicit reliance upon the principle of arbitration. From the earliest day of our independence to the last Conference of Santiago, where the principle of arbitration was solemnly confirmed, arbitration has been for us Americans not a vague doctrine but a living reality, a reality whereby we have been able to put an end to a number of international disputes, particularly boundary disputes. By arbitration we have settled almost all our disputes; two very important disputes have been submitted to arbitration during the last two years, and in this way the moral unity of the continent has been restored and justice, liberty and democracy have become the first canons of our political faith.

Gentlemen, in our Committees we shall be able to discover formulas enabling us to develop the ideas that have been outlined here and to reconcile conflicting views. We shall discover the means of realising our hopes. For the moment, however, we should let nothing diminish those hopes.

Let us pay a solemn tribute of gratitude to the statesmen who have come to take part in our proceedings and to share in our responsibilities, thus lending added lustre to the prestige of the League of Nations.

After the speeches we have heard during the last few days, we may make bold to think that those who assert that the work of the League of Nations has failed and those who still hope that it will be a success in the future cannot deny that it has taken a great step forward along the path of international justice. After all the declarations we have heard we may claim to have made a definite advance towards peace and justice, towards the abolition of the use of brute force which has brought misfortune and disgrace on the community of nations and death and untold misery upon the peoples—and when I say the peoples, I am thinking first and foremost of those who toil and suffer in time of peace and who, when war comes, still toil, still suffer, and give their lives for their country. (Applause.)

The President :

Translation : The discussion is closed. I will now read to the Assembly the resolution submitted by the French and British delegations. We will then consider how far Rule 17 of the Rules of Procedure applies to this resolution; after that I will call upon the first delegate of Great Britain and the first delegate of France to explain the resolution. I will then ask the Assembly to take a decision regarding it.

The resolution reads as follows :

“ The Assembly,

“ Noting the declarations of the Governments represented, observes with satisfaction that they contain the basis of an understanding tending to establish a secure peace,

“ Decides as follows :

“ With a view to reconciling in the new proposals the divergences between certain points of view which have been expressed and, when agreement has been reached, to enable an international conference upon armaments to be summoned by the League of Nations at the earliest possible moment :

“(1) The Third Committee is requested to consider the material dealing with security and the reduction of armaments, particularly the observations of the Governments on the draft Treaty of Mutual Assistance prepared in pursuance of Resolution XIV of the

Third Assembly and other plans prepared and presented to the Secretary-General since the publication of the draft Treaty, and to examine the obligations contained in the Covenant of the League in relation to the guarantees of security which a resort to arbitration and a reduction of armaments may require.

“(2) The First Committee is requested :

“(a) To consider, in view of possible amendments, the articles in the Covenant relating to the settlement of disputes ;

“(b) To examine within what limits the terms of Article 36, paragraph 2, of the Statute establishing the Permanent Court of International Justice might be rendered more precise and thereby facilitate the more general acceptance of the clause ;

and thus strengthen the solidarity and the security of the nations of the world by settling by pacific means all disputes which may arise between States.”

Rule 17 of the Rules of Procedure reads as follows :

“ 1. Resolutions, amendments and motions must be introduced in writing and handed to the President. The President shall cause copies to be distributed to the Representatives.

“ 2. As a general rule, no proposal shall be discussed or put to the vote at any meeting of the Assembly unless copies of it have been circulated to all Representatives not later than the day preceding the meeting.

“ 3. The President may, however, permit the discussion and consideration of amendments, or of motions as to procedure, without previous circulation of copies.”

We have, therefore, to determine whether the third paragraph of Rule 17 applies to the present case. I think that this can be decided in the affirmative because, though the questions involved are of supreme importance, the resolution proposed really does no more than refer them to certain Committees of the Assembly. The reference to the summoning by the League of an international conference on disarmament is merely a premise of the resolution. If the Assembly accepts the resolution it will not definitely bind itself to summon a conference.

In these circumstances I think that paragraph 3 of Rule 17 of the Rules of Procedure does apply, and the discussion of the proposed resolution which I have just read is therefore in order.

Accordingly I call upon Mr. Ramsay MacDonald, Prime Minister of Great Britain and first delegate of the British Empire, to address the Assembly. (Loud and prolonged applause.)

Mr. Ramsay MacDonald (Great Britain) :

Mr. President, ladies and gentlemen—By agreement between our French friends and ourselves the Assembly has now before it a resolution which we believe will give effect to the debate that has been continued during the last days on the question of the reduction of armaments. Briefly, the resolution assumes that a Conference will be summoned by the League of Nations to deal with armaments, that, in preparation for that Conference, the Third Committee will consider all the documents that have been produced through the activities of the League and its various Committees and that the First Committee will be charged with the consideration of the form of that clause regarding arbitration which was embodied in the Statute of the Permanent Court of International Justice. The resolution ends with a prayer that thus might be strengthened the solidity and the security of the nations of the world by settling by pacific means all disputes which may arise between States

Mr. President, I am going to add nothing to the discussion. It has been admirable. It has exposed the needs of States in very varying conditions and no agreement by the League of Nations, however good it may be upon paper, however desirable it may be morally, can be satisfactory unless it relates to the actual facts of the situation in which each State finds itself. (*Applause.*)

It has been our business to face with courage but with caution recondite problems that have taken the nations of the world generations and generations not to settle but to face honestly, as we at last are doing here.

The question of peace : What are the conditions of peace ? The question of national security : What is national security ? The question of arbitration : What is the scope of arbitration ? The question of disarmament : Under what conditions is disarmament safe ?

Sir, they say that "the mills of God grind slowly" : the mills of Man grind still more slowly.

I see in front of me an old master though a new friend, M. Léon Bourgeois. (*Applause.*) I was young and my hair was black when M. Léon Bourgeois, honouring his own name and the name of the nation to which he belonged, proposed, at an International Conference, that the question of arbitration should be scientifically discussed.

Here are we assembled to-day. The years have gone, disputes have accumulated, wars have been fought, millions of precious lives have been sacrificed, thousands of millions of treasure have been dissipated, and my friend, grown old and grey in the cause of international peace, still sits considering this question in its very first stages. It is a disgrace to us all.

Sir, if this meeting of the Assembly could only be recorded in the pages of history as the Assembly which, for the first time gave not only lip-service to peace, but brain-service, it would be distinguished above all the assemblies of mankind that have met hitherto.

My friend, M. Herriot, delivered an admirable speech yesterday. M. Herriot and I very often start on the same road, on the same journey, he on one side of the road and I on the other. The road is the same, the end is the same, and as we are good friends we do not go very far before we move together and continue our journey arm in arm in the middle of the road. (*Loud Applause.*) It is not that our opinions have been reconciled; it is that the meaningless difference in distance and in position has been bridged by our common-sense and our desire for human companionship.

The French Premier, M. Theunis, Dr. Benes, M. Van Karnebeek especially, but others also, delivered speeches yesterday characterised by that calm, faithful sagacity which is so essential in councils like this. We dream our dreams. We have our visions. Ah, my friends, that is not enough. We have to discover the way. We have to find how we are going to get through all the forests that lie between us and our destinies, how we are to remove barriers, how we are to destroy obstacles.

I wish to give the assurance to my friends that so far as the British Government is concerned it has no intention whatever of shutting its eyes to obvious dangers in order to indulge in a pleasant gesture—it desires no traps for the small nationalities in matters of disarmament, no weakening of their opportunities to live, no sacrificing of the security which I consider to be their best security, namely, their liberty to express themselves, their liberty to be, their liberty to enjoy themselves in possession of their historical traditions which they are glorifying and beautifying

by the contributions which they are now making to those traditions.

We have just the fear—and I express it quite sincerely—we have just the fear that we may slip back. Let me explain. You find upon old roads, unused for generations and generations, that the ruts get deeper and deeper, and the habits of those who pass along them become more and more ingrained; every other road becomes haunted with ghosts, with fears, with terrors and then something happens that shows that the old road is not a safe one—a war, a revolution, a great disturbance comes and stops it up for a moment. You know that when the wheels begin to go round on the top of a rut the great danger is that unless the hand that guides is a steady hand steering towards the new and the better, down you may go into the rut, and another war and another revolution are necessary to enable you to get out of it. This, frankly, is the fear that we have in our hearts—lest we go back.

But, sir, this resolution, and the material that will be produced by the carrying out of this resolution, will secure us against falling back into those methods of almost superstitious security which really have no reality associated with them at all. I hope, ladies and gentlemen, that this resolution is going to be carried with unanimity and that the whole of the Assembly will do what I appealed to it to do two days ago.

The world expects much from us. Let us have the courage to give it that much by adopting this resolution, by carrying on the work, by seeing to it that we shall not sleep until we have discovered the way to secure peace. We shall then be writing the name of this Assembly in letters of gold for the history of mankind. (*Loud applause.*)

The President :

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

(*M. Herriot mounted the platform amidst the loud applause of the Assembly.*)

M. Herriot (France) :

Translation : Mr. President, ladies and gentlemen,—I shall not detain you long. The best of all speeches is action ; and it is an action that I wish to perform here in following my dear friend, Mr. Ramsay MacDonald, upon this platform.

We both arrived here only a few days ago with a deep sense of our responsibilities and a keen anxiety to know whether we could be useful or not to the great cause of peace of which we, like all of you here, are the devoted servants. We have both spoken freely. We have explained our ideas, our fears, our methods and our conceptions of the way in which your work should be carried out. But, while we explained our ideas, we were both actuated by the desire, I would even say the determination, not to leave this Assembly without having achieved complete unity of understanding, without setting the example of two men with heavy responsibilities joining hands in an effort to effect an agreement which will prove of value to all. This agreement is contained in the resolution we have submitted to you.

I could wish that we might have had time for fuller and longer consultation. All that I have been able to do myself is to ensure the concurrence of my very dear friends from Belgium, who authorised me to speak on their behalf, and of my no less dear friends from Italy, who have been so good as to grant me the same permission.

But, my dear colleagues, my words are addressed to all of you, and I am sure that in a short while you will one and all unanimously respond to our President's appeal.

It would indeed have been—I will no longer say it would be—deplorable if the great debate which has lasted here for three days had been nothing more than an academic discussion. It would have been, as it was termed just now, a disgrace. At the very least, it would have been a matter for keen regret.

We have heard, in turn, the broad views of Lord Parmoor, inspired by a lofty and wide philosophy, the recommendations so eloquently put forward by some of the highest authorities in Europe or the world—you will excuse me if I only mention a few of them—M. Van Karnebeek, Dr. Benes, M. Theunis, M. Salandra, M. Politis, who spoke this morning, and many others whose cogent pleas we shall certainly not forget.

We must now come to a conclusion. The conclusion is the joint note which we have the honour to submit to you. I believe that we have chosen the right way. It would have been deplorable if four years of endeavour had had no result. Once you have adopted our text, the Committees of the Assembly will be in a position to continue the work and to embark on those arduous enquiries, which my friend MacDonald described just now in vivid terms, on the problems of assistance and of solidarity, for which you must find the solution that can alone give reality and life to the international brotherhood that we hope to create.

I can assure you that as head of my Government I shall take leave of you to-night full of hope, faith and gratitude towards you, my dear colleagues. We were at the most critical moment in the existence of the League of Nations. I ventured to tell you yesterday that we must in our work conform to the laws which govern all organic development. As we know, the most critical time in organic development is always the period of early growth. We were precisely at the point where we had to decide whether we were to continue indefinitely to discuss first principles, as has so often been the case in regard to the problem of peace, or whether we were to adopt resolutions and pass on to actions leading to real results.

In a few minutes we shall, I hope, have passed the reef.

What more can we wish? Certainly not, my dear colleagues, that your Committees will possess the necessary courage. That we know they will have; we know that you will find among you men whose intelligence and knowledge will find solutions for the problems which confront us, solutions which will not perhaps be altogether perfect, but which the nations will accept with gratitude and to which they will subscribe because they emanate from the highest authority that the world has ever known.

What I wish—and I speak for us all—is that we should one and all have the will and the patience to complete this great work which has just made so decisive an advance.

The road of which my friend MacDonald spoke just now is still a long road, but we shall advance

along it, he and I, together, arm in arm, at one in our thoughts and in our efforts.

I feel sure that you all, my dear colleagues, share our ambitions, our resolve to co-operate in a spirit of brotherly love. On resuming the direction of my country's affairs I shall not cease to be present among you and, whether far or near, to give you the support of my complete confidence in your work and, let me add among my last words, of my whole faith.

For in order to achieve a task so great as that which now awaits its conclusion, the intellect, however it may strive, is not enough. You will agree, my dear colleagues, that we shall need a robust faith. Nothing can be done in any sphere without great faith. Without this belief and the will which is born of it, without the determination to triumph over all obstacles, to sweep aside objections—without this ambition and this resolve we can never attain the goal.

The French delegation will work with you in this spirit, and I am sure that in a few weeks the nations will rejoice to learn that the Fifth Assembly of the League of Nations has made a decisive step forward, by which our century will be marked off from those long, long centuries of misery when war was the only final argument of nations. Although we have many difficulties to overcome, many rivers to cross before we arrive at the end of our journey, we shall be a little nearer than we are to-day to that bright horizon which we are striving to reach by the close and brotherly collaboration which I have for a few hours been privileged to witness. I take away with me such precious comfort that my last word to you must be a word of thanks. (*Loud and prolonged applause.*)

(*M. Léon Bourgeois and M. Herriot crossed to the seats occupied by the British delegation and shook hands warmly with Mr. MacDonald amidst the renewed applause of all the delegates.*)

The President :

Translation : Does anyone else wish to speak? The discussion is closed.

In view of the great importance of the question submitted to you I propose that delegates in favour of the motion should signify their approval by standing up. (*General assent.*)

The result of the voting was as follows :

<i>For</i>	46
<i>Against</i>	0

The President :

Translation : I am happy to state that the Assembly has unanimously adopted the resolution submitted to it. (*Loud and prolonged applause.*)

If the Assembly has no objection, the next meeting will be held on Monday at half-past ten o'clock. We shall then resume the general discussion on the report on the work of the Council. (*Assent.*)

The Assembly rose at 6.15 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWELFTH PLENARY MEETING

MONDAY, SEPTEMBER 8th, 1924, AT 10.30 A.M.

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President : M. MOTTA

37. — TIME OF MEETING OF THE COMMITTEES: COMMUNICATION BY THE PRESIDENT

The President :

Translation : I have some important announcements to make before we proceed with the agenda.

The General Committee has just held a meeting to examine the important question of the best method of arranging the meetings of the Committees. It came to the conclusion that as the First and Third Committees will have to discuss certain vital problems which are correlated it would be well for delegates who are members of the First Committee to be in a position to attend the meetings of the Third Committee and *vice versa*.

We must, therefore, arrange for these two Committees to meet at different times. After examining a number of possibilities, the General Committee unanimously agreed upon the following proposal. The First, Second and Sixth Committees would meet alternately with the Third, Fourth and Fifth Committees.

All the meetings of the Committees will be held at the Secretariat. The General Committee thinks that the delegates and the members of the different Committees will find it convenient to be under the

same roof. This procedure will also facilitate the work of the journalists attending the Assembly, to whom we wish to show the consideration due to the Press which gives us such valuable help.

The Third, Fourth and Fifth Committees will meet to-day, and the time proposed by their Chairmen is half-past three o'clock.

If the Assembly agrees, I shall assume that these arrangements are adopted. (*Assent.*)

38. — REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT : CONTINUATION OF THE DISCUSSION.

The President :

Translation : We will now proceed with the agenda : Continuation of the discussion on the Report upon the Work of the Council and the Work of the Secretariat.

I have on my list six more delegates who wish to take part in the general discussion and two who wish to speak on special questions, so that we shall not be able to finish this morning. We may perhaps be able to do so to-morrow.

I have noticed, and I expect you too have done so, that there is a slight commotion in the hall after each speech, I mean between the speech and the interpretation. This disturbs the interpreters and the first words of the interpretation are apt to be lost.

I propose, therefore, to adopt the following method : there will be an interval of some minutes between each speech and the translation, so that anyone who wishes to leave the hall may do so. I must respectfully beg both the delegates and the public to keep silent when once the interpreter has begun to speak.

M. Gustave Ador, delegate of Switzerland, will address the Assembly.

(*M. Gustave Ador mounted the platform amidst the applause of the Assembly.*)

M. Gustave Ador (Switzerland):

Translation: Mr. President, ladies and gentlemen—I believe that everyone who has read the report on the work of the Council will realise that in its fourth year of existence the League of Nations has achieved most valuable work.

In this connection I would draw your attention to the admirable methods adopted by the League. The questions which we have to discuss are carefully prepared first by the Secretariat, next by the Technical Organisations or Sub-Committees to which they are referred, and lastly by the Council in its report, which is based upon an examination of the documents submitted to it.

The great services rendered by the Technical Organisations and Advisory Committees are not adequately appreciated. I have had the opportunity of being present fairly regularly at the meetings of the Financial and Economic Committees, and I am in a position to bear witness to the conscientious and careful work done by all the experts convened by the Secretariat and by all the members of these Committees with a view to finding a complete and satisfactory solution of the questions submitted to them. They are invariably ready to undertake the tasks we set them; they come to Geneva again and again, often from distant places, and set to work with a devotion and enthusiasm that is deserving of all praise, since it greatly facilitates the work of the Assembly. (*Applause.*)

While I am on the subject of the Assembly's work I wish to say that I hope that the Assembly will not separate before deciding upon the immediate and speedy construction of a Conference Hall. (*Applause.*)

Although every effort is made to find accommodation for the delegations, we all realise that this hall has become inadequate owing to the constant additions to the Members of the League and the increase in the delegations. One cannot move about with ease or consult one's colleagues; the corridors are extremely narrow; and I need not add that the ventilation could hardly be worse and that a long meeting leaves one completely exhausted.

I feel, therefore, that, though we have made good use of the present hall, it is time to carry out the decision of the last Assembly by at once erecting a building containing a Conference Hall. The present is a particularly favourable time because, thanks to a lucky opportunity which we must not let slip as it may not occur again, we have the necessary capital at our disposal. Let us then set to work with a will.

The Swiss delegation took no part in the important debate last week on disarmament and treaties of guarantee. It considered that the discussion of these questions should be left to Powers more directly interested in finding as speedy a solution as possible conformably with the spirit of international justice and good-will. I have no intention of re-opening, or of touching upon, a debate that was declared closed on Saturday following the important resolution adopted by the Assembly. Perhaps, however, I may be allowed to say a few words on the Permanent Court of International Justice and arbitration.

The establishment of the Permanent Court of International Justice gave great satisfaction to Switzerland. We look upon the Court as the last stone in the building of the League. We earnestly hope that every possible dispute or difference that may arise between one Member of the League and another, or between Members of the League and other States, will be brought before the Court which

meets in the calm atmosphere of law and justice. Thanks to the absolute independence, the great moral authority and the wisdom of the great jurists who are its members, the Court offers guarantees of impartiality which cannot be paralleled in any other assembly.

Switzerland signed without delay the additional Protocol to Article 36 of the Statute allowing her to adhere unconditionally to the obligations resulting from that article. She recognises, therefore, the absolute competence of the Court in the cases specified by Article 36 of its Statute. She has accordingly, together with the other nineteen States which have signed the additional Protocol, fully and unreservedly accepted the principle of arbitration.

In so doing Switzerland has merely conformed to her historical traditions. I need not remind you that in former times the Confederates took a solemn pledge to submit to arbitration such disputes as might arise between them. It is many years since Switzerland concluded the first of many arbitration treaties or conventions with those countries with which she has relations.

You will, for instance, recollect that, when the League was only just founded, and some time before the Covenant had entered into force, the Federal Government submitted to Parliament a proposal for the conclusion of a convention providing for unconditional arbitration and that the Federal Chambers unanimously approved the principles expounded in the motion. Since then the Confederation has concluded, or is on the point of concluding with those Powers which have given a favourable reception to its proposals, many important treaties, some of which may be said to break entirely new ground in the field of arbitration. I venture, therefore, to think that Switzerland has, conformably with Article 21 of the Covenant, done much to consolidate and define the position with regard to arbitration, pending the acceptance of compulsory arbitration by the other Members of the League.

The recent discussion has brought out clearly that the procedure of enquiry and conciliation is the inevitable corollary to the acceptance of arbitration and the jurisdiction of the Permanent Court. Several Governments, among them that of the Swiss Confederation, made a proposal in 1919 that the only disputes to be submitted to the Council should be those which could not be settled by a procedure of arbitration and conciliation. The idea has since made progress and on these lines Switzerland has paved the way for agreements of a general character, I may mention the treaties of arbitration and conciliation with Germany, Sweden, Denmark and Austria. Under these separate agreements certain disputes of a specific nature may be settled by a procedure of conciliation and arbitration which is based on the organisation of the League.

Switzerland, therefore, has actually entered upon the way of arbitration.

I was extremely glad the other day when I heard the explicit and discerning statements made by the distinguished Prime Ministers who have done us the honour of coming among us.

Their definite pronouncements in favour of arbitration cannot but create that atmosphere of peace for which we are all longing.

It is true that their statements were qualified by certain reservations, the value and importance of which I fully appreciate.

I am aware that small States like Switzerland, which lack the power to uphold their rights by force of arms, are naturally prone to seek the protection they need in some court of law, but I

think that the reservations put forward by various speakers make it necessary for us to examine very carefully the possible consequences of an arbitration award and other attendant questions. It is none the less true that the engagements contracted for resort to arbitration constitute a fact of the very greatest importance and one which redounds to the honour of those countries which have entered into them.

Personally, I am convinced that the arbitration procedure contemplated in the Covenant as the last resort, in the event of the Council failing to secure mediation, will gradually gain the acceptance of all States wishing at all costs to avoid a resort to arms. We have only to listen to the mighty voice of the peoples who cry out that they have suffered too much from war to desire another war, and that they, and we, must spare no effort to prevent a recrudescence of this abomination. (*Applause.*)

The public opinion of the whole world would, I am certain, be roused in indignation against any country which, after signing an arbitration clause, refused to honour its signature. Public opinion itself would be a powerful sanction and guarantee against bad faith in the carrying out of obligations formally contracted.

When once the great Powers accept compulsory arbitration, not only in word but in deed, they will have made a splendid contribution towards the peace of the world. Let us not be sceptical; let us not be discouraged; let us not go on repeating that there always have been wars and that therefore there always will be wars and that men will never become better; for what then would be the purpose of all our efforts and all our work for peace and brotherhood, good-will and understanding among the nations? If it were not so ordained, our efforts would be in vain.

We must have faith in a better future; we must have faith in humanity grown wise by the terrible lessons of past experience, and in a better humanity, living according to the precepts of Christian teaching. Let us then be of good faith and steadfast resolve and the cause of arbitration will triumph. (*Applause.*)

Let me now turn to another subject.

Among the documents communicated by the Secretariat to all Members of the League the most important, to my mind, is the reply of the jurists to the questions referred to them by the Council. The great competence of the distinguished lawyers by whom it was drawn up makes it a most valuable document. It may therefore be consulted with advantage whenever the Assembly is requested to give an opinion upon the interpretation of any article of the Covenant.

This document has elucidated in a most satisfactory manner several points relative to the interpretation of the Covenant, for example, the procedure to be followed by the Council and possible objections to its competence.

The jurists also lay down that the responsibility of a State on whose territory a crime is committed against the nationals of another State is limited to the pursuit and punishment of perpetrators of the offence, just as if the crime had been committed against one of its own nationals. The only duty of the State is to prevent so far as possible crimes against the official representatives of other States when on official business within its territory.

In saying so much, I do not intend to enter into the details of the jurists report; if I did so, the Swiss delegation would have certain reservations to make upon the extent of the application of measures taken.

I say again, the Assembly is not, I think, called on to discuss the report of the jurists. The Council

has taken note of it and the document cannot be regarded as an authentic interpretation of the Covenant or as binding in character. The Assembly must remain the supreme authority in so far as concerns the interpretation of the Covenant.

The Assembly would, therefore, do well to confine itself to taking note of the communication made to it. This is all I wish to say on the point.

Finally, I take the present opportunity of saying a few words on a matter in which we all take a keen interest and which the Assembly has frequently discussed, though without finding a satisfactory solution.

I refer to the Armenian people. No question is more deserving of the attention of the League than the miserable plight of the Armenians, who, relentlessly persecuted, driven from their home and condemned to wander over the globe without a country that they can call their own or where they can settle in peace and quiet, have yet remained faithful to their religion and national ideals.

It would appear that the present proposal is to concentrate these people near Erivan in Transcaucasia. There is a sound objection to this suggestion, namely, that this strip of territory would hardly be large enough for the needs and that to extend it would incur heavy expenditure. Besides, it is not at all sure, I am told, that the Armenians would welcome the proximity of political influences which might have serious effects upon the younger generation. I do not propose to express an opinion upon this delicate question, nor do I presume to offer a solution.

My only object is to ask the Assembly and the Council to continue to give this question their full consideration and attention. I wish to thank the Secretariat for sending a representative to make enquiries on the spot, so that we may really know the facts of the geographical and economic situation of the country and whether there would be any prospect of making a home there for the Armenians.

One more word; I would like to add that Switzerland has always shown great sympathy for these unhappy people and has helped them considerably with private charity. Phil-Armenian associations have been founded at Geneva and in other places in Switzerland, which has taken under her wing the orphans who were deported from Sivas to Samsun and Constantinople; accommodation has been found for them at Begnins in the Canton of Vaud, where they are being brought up at the expense of the phil-Armenian associations. Switzerland is thus doing as much as she can for the future of Armenia by educating, teaching and training these unhappy children, thus fitting them for occupations which will enable them to live decently and to make their way in the world, whether they return later to their country or no.

In conclusion, I repeat, private charity is not enough. The League's honour and responsibility are engaged, for we have given a definite undertaking that we would settle once and for all the perplexing problem of finding a country and a home for the Armenian nation. (*Loud applause.*)

The President :

Translation : Baron Marks von Wurtemberg, Minister for Foreign Affairs and first delegate of Sweden, will address the Assembly. (*Applause.*)

Baron Marks von Wurtemberg (Sweden) :

Translation : Mr. President, ladies and gentlemen—I feel I must refer to one feature of the report on the work of the Council and the Secretariat which may be regarded as particularly promising.

The annex to the report circulated the other day and the report itself both contain lists showing the present position as regards international engagements concluded under the auspices of the League or as a result of its activities.

From this list we see that in the few years of its existence the League has done much to develop international treaty law. I refer particularly to the important conventions on communications and transit concluded at the Conference of Barcelona in 1921 and that held at Geneva in 1923, the conventions on the suppression of the traffic in women and children, the simplification of Customs formalities, the protection of racial, religious and linguistic minorities, the regulation of the traffic in opium and other dangerous drugs, and many more.

In addition, several agreements have been ratified during the last few days and are, of course, not mentioned in the Council's report or in the annex. They include the conventions recently concluded between certain northern countries concerning a procedure of enquiry and conciliation in the settlement of international disputes.

In a number of countries, public opinion is showing a keen interest in the development of international law as embodied in conventions, and the League of Nations has already done a great deal in this direction. It is, indeed, the League's duty to help forward this process of development along the right lines. When we consider what the League has accomplished in this field without following any definite plan, we cannot help thinking that it could do far more if its work were systematically organised.

The acceptance of clear-cut principles of law to govern international relations will correspondingly reduce causes of friction between States. I am convinced that the development of international law by means of inter-State agreements is a vital factor in the permanent establishment of peace.

We cannot hope, of course, to establish yet awhile a complete system of international law comparable with the organisation of national laws in the civilised States of the world.

Nevertheless, the League's reputation stands so high that we are surely entitled to believe that it can be of very real service in promoting the development of international law by helping to prepare the ground for the conclusion of agreements under international law.

I therefore venture to suggest that the League should display greater activity in this work. This view was expressed at the first Assembly in 1920 in connection with a recommendation made by the Committee appointed to draw up the Statute of the Permanent Court of International Justice.

The First Assembly did not accept the recommendation mainly because there was no time to give the matter detailed consideration. Nevertheless, it was clear from the discussions in Committee that any steps taken by the League in this direction would be very welcome.

I repeat, I do not agree with certain theorists that it is possible to codify international law, at any rate for a very long time to come.

The improvements which I suggest in international law are much less ambitious. We should, I hold, aim at building up a system of inter-State engagements, particularly in fields where certain main principles of international law are accepted, but where a degree of vagueness or even slight differences of opinion exist regarding details of application. I refer to questions such as the extent of territorial waters and their legal status, the responsibility of a State for crimes committed

against foreigners, extra-territoriality, diplomatic and consular immunity, and so on.

At the same time we might also endeavour to reach an agreement in certain fields where there are either no recognised international rules, but where there is a growing need for them, or where existing rules no longer meet present requirements. There is, for instance, the question of jurisdiction in the case of a State carrying on trade in another country, the adoption of a common principle with regard to nationality in different countries, and so on.

I fully realise that various Governments have already done a great deal towards the development of international treaty law. I would remind you of the great service rendered by the Netherlands Government in the codification of certain subjects of international law dealing with the family and with civil procedure. The Netherlands Government intends shortly to arrange for the resumption of that work. The Belgian Government has taken similar action in the sphere of maritime law, the Swiss Government has summoned conferences to deal with questions of intellectual property, etc.

Of course, whatever action the League of Nations may take must not in any way interfere with the work which these Governments have so successfully taken in hand. On the contrary, the League should encourage and indeed assist them. There is, however, a wide range of important questions such as those I have mentioned with which Governments can hardly be expected to deal.

The best method of giving effect to the suggestions I have made would perhaps be for the Assembly to invite the Council to examine the situation from the international point of view and to see what can be done. The Council might consider the desirability of setting up a small *ad hoc* body composed of experts on international law, to study the question, to consider what is being done and to suggest what might be attempted, in collaboration, perhaps, with the Governments concerned, and to submit some general preliminary scheme of work.

Such an organisation, when set up by the Council, might get into touch with the most important associations which are now considering ways and means of developing international treaty law.

I therefore beg to submit to the Assembly the following proposal :

"The Assembly:

"Taking note of the report of the Council on the work accomplished by the League of Nations for the conclusion of agreements on matters of international law, and

"Recognising the desirability of incorporating in international conventions or in other international instruments certain items or subjects of international law which lend themselves to this procedure, such conventions or such instruments to be finally established by international conferences convened under the auspices of the League of Nations, after preliminary consultation with Governments and experts;

"Requests the Council

"(1) to invite the Members of the League of Nations to signify to the Council the items or subjects of international law, public or private, which in their opinion may be usefully examined with a view to their incorporation in international conventions or in other international instruments as indicated above;

"(2) to address a similar invitation to the most authoritative organisations which have devoted themselves to the study and development of international law;

"(3) to examine, after the necessary consultations, the measures which may be taken with respect to the various suggestions presented in order to enable the League of Nations to contribute in the largest possible measure to the development of international law ;

"(4) to present a report to the next Assembly on the measures taken in execution of this resolution." (*Applause.*)

The President :

Translation : Ladies and gentlemen—you have heard the motion proposed by the first delegate of Sweden. There are two ways of dealing with this matter. The Assembly can either refer the motion direct to the First Committee or it can request the Agenda Committee to examine it and communicate its conclusions at a future meeting of the Assembly.

It would, I think, be wiser to adopt the second method; if there are no objections and if the proposer of the motion approves, I suggest that the motion should be referred to the Agenda Committee. (*Assent.*)

Mr. Hofmeyr, delegate of South Africa, will address the Assembly.

(*M. Hofmeyr mounted the platform amidst the applause of the Assembly.*)

Mr. G. R. Hofmeyr (South Africa) : Mr. President, ladies and gentlemen—the reports on the activities of the League of Nations which form the subject of this debate, embrace information so full and of such variety that an examination and an analysis of those reports would impose too great a strain upon your patience.

I propose therefore to make only a few general remarks and they will be very simple in character; because I am not a politician and, therefore, I am not an orator. In my country oratory is the close preserve of the politician. Judging from the remarkable degree in which you, who have been born outside South Africa, are endowed with this peculiar gift, one might suppose that you are all politicians. If that be true, then my sincerest sympathy goes out to your families, your friends and your countries. (*Laughter.*) In such an atmosphere as this I know that I can count on the indulgence of the parliamentary spirit which is invariably ungrudgingly accorded to the new member.

My first intention was to say a few words, in the first place, on the work of the League of Nations, and, in the second place, on the mandated territory of South-West Africa, the administration of which has been entrusted to the Union of South Africa. On reconsideration, however, it has occurred to me that a more opportune time for dealing with the latter subject would be when the report of the Sixth Committee on the mandates question is being considered. I will, therefore, confine my remarks this morning to the work of the League of Nations.

The country which I have the honour to represent, though it has, comparatively speaking, but a small population, has from time to time produced several great public men and statesmen. To-day it possesses one of the leading public men and statesmen of the world. That gentleman has made a substantial contribution to the inauguration of the League and is to-day one of its staunchest supporters. Indeed, he is the father of the mandate system, in regard to the working of which I hope I shall have an opportunity of saying a few words when, at a later date, I speak on the mandated territory of South-West Africa, I refer, of course, ladies and gentlemen, to General Smuts. (*Applause.*) His successor, the present Prime Minister, General Hertzog, who is another eminent South African statesman, will,

I believe, give his wholehearted support to the League which, under the guidance of Providence, is making such heroic efforts to restore rational government in the world.

Many people, mostly because they are ignorant of the work of the League, are still apathetic and indifferent, while others, lacking faith in themselves and in humanity, vote the League idealistic and impotent. Others, again, are too impatient and constantly endeavour to pull up what must be for years a tender plant in order to see whether it is growing. They admit that some way must be found for settling disputes between nations but, say they, let us try something else.

No, sir, let us gird up our loins in the cause of peace ; let us hold fast to what we know is good, and give it a chance to develop. Let those who still entertain doubts as to the inherent power and influence of the League for good come to this Assembly and enter into the spirit which prevails here. This is a wonderful gathering. It is unique. The spirit present here, the spirit of good-will, the spirit of solicitation of the view point of others, the spirit of forbearance which greets the humblest speaker, like myself, with the same heartiness as it does the most eloquent and sagacious—this spirit constitutes the dynamic force which is going to lead the world triumphantly back from chaos and darkness to paths of virtue, order and light.

There is already, as the result of the spirit of good-will, evidence of a growing faith in each others' sincerity, and the foundation of a structure, which will successfully defy the doctrine of force, is already well and truly laid. We talk of guarantees, of security, of mutual assistance, as problems still remote of settlement. Why, sir, the germ of a solution is already very active in our midst and success is assured by the spirit of this Assembly which alone made possible the unanimous adoption of the resolution which was submitted to us on Saturday last.

But let us not attempt, as a fellow delegate said to me privately, to set up security which means depriving the other party of his security. Wholehearted support of the League will bring success. I hold that the existence and continuance of the League are absolutely essential if we are to reach the goal where disputes between nations will eventually be settled by international courts of arbitration and international courts of justice, instead of by the barbaric method of the arbitrament of the sword.

In judging the progress made by the League, we must remember the vastness of the problem which was given to it to solve. What was the condition of the world in 1919 ? This question could best be answered by presenting a picture of the state of the world after the war. The facts are so familiar to you that I will not venture upon details; I will only mention a few of the facts.

Practically the whole of Europe was one battlefield, whilst fighting took place on all the high seas, in Northern, Southern, Eastern, Western and Central Africa, in Southern and Eastern Asia, and as far as the islands beyond Australia.

Twenty-six powers, great and small, were engaged in the struggle; there was fighting on the ground, under the ground, on the water, under the water, and in the air.

I need not dwell on the loss of life, on the cost of the war, in which connection I could submit an interesting comparison with the cost of the American War of Independence, the Crimean War, the Russo-Japanese War, the Franco-German War and the more remote wars of the French Revolution.

Nor is it necessary for me to emphasise the character of the weapons employed, beyond remark-

ing that science was harnessed to the full, if not prostituted, in the manufacture of death-dealing weapons and contrivances calculated to hurl hundreds, if not thousands, of human beings into eternity in a moment of time. Truly did Congreve write two and a half centuries ago :

“ One minute gives invention to destroy
What to rebuild will a whole age employ. ”

No one need remind you of the debt which the war has imposed on the world. A comparison of the debt of the world in 1913 with that of the respective periods of 1914, 1918 and later, produces staggering figures.

It is also not necessary to dwell upon the suffering imposed upon the human race by the war, but, as President Wilson said, our hearts are still burning with the suffering of mankind.

At the end of the war, the world was financially and morally bankrupt, but endowed with plenty of hate, fear and a spirit of defiance of all constituted authority.

It must be remembered that the war was not a war of conquest : it was rather one of exhaustion; but the picture is too gruesome for one to dwell upon, and we want to get away from the graveyards of the past. Therefore, I have reviewed it as rapidly as possible and have felt constrained to refer to it only because we must visualise the terrible verdict passed on humanity for resorting to force; we must remember the havoc wrought by the war if we wish to realise the enormity of the task entrusted to the League and if we wish to bend our own backs in supporting it in the great work of reconstruction.

I say as emphatically as language can convey that we cannot, we dare not, risk another world war. If we do, we shall be justly condemned as having proved ourselves unworthy. We shall stand convicted, as Mr. Ramsay MacDonald said not long ago, of having lost all sense of human value, just as, I believe, another world war would destroy all economic values. The world would once more drift towards massacre.

Now, sir, what has the League achieved towards the creation of a better world? I am not competent fully to answer that question. The reports on the work of the Council, which speak for themselves, have only partially answered it. I say, partially, because there is much more than meets the eye of the ordinary person, like myself, and it is as yet too early to see the result of the silent forces which are at work—the spiritual forces which surrounded the birth of the League when men and women in their despair turned their eyes to Heaven whence alone help would come.

The reports and what I have learnt of the work of the League constitute, for me, a record of great service. I see enough to appreciate that, quite apart from the successful efforts of the League as mediator, resulting in the settlement of disputes, some of which might easily have led to war, quite apart from its substantial record in relief work, in social and moral reform generally and in furthering humanitarian service, quite apart from the work in connection with the financial reconstruction of some countries, improvements effected in health conditions and effective measures taken to combat disease—I say, sir, quite apart from these and other valuable services, the League has, to my mind, succeeded, in the first place, in setting up very efficient machinery for dealing with a great variety of matters, many of which have already been far advanced in a most competent manner.

The methods employed for co-ordinating the work of the League are most admirable. The League has gathered as its workers men and women

of great experience, who give their services to their fellow sejoyners in this world, practically as a labour of love. The League has secured at its central offices the most competent officials. The League has brought the peoples of the world together in the pursuit of a common aim. Of this, we have this Assembly as a classic example. The League has inaugurated and maintained a system of constant consultation between representatives of the nations, thus gradually preparing and improving an atmosphere for co-operative national service. The League has focussed public opinion on the criminality of war and turned men's thoughts to paths of peace. The League has succeeded in getting the ear of the world in an incredibly short space of time. All parts are listening-in, as it were, and to-day all roads lead to Geneva.

Several countries which are not yet Members of the League are not only beginning to cast longing looks over the fence but are already flirting with us round the corner. The League has invoked rational thought and conduct in the affairs of nations and is gradually amassing behind its machinery an irresistible spiritual and moral force in the cause of peace.

This, sir, is, I know, a very imperfect summary of the work of the League, but even so, will anyone be so bold as to assess in pounds, shillings and pence the service rendered?

In the face of such a record, therefore, shall we complain of the expenditure incurred by the League? Is not that expenditure a mere bagatelle compared with the record of service already attained and compared with the cost of war?

Yes, sir, the League has more than justified its existence and merits the sincere gratitude of the whole world. The work of the League is not known and the responsibility rests with us to make it known.

Mr. MacDonald complained that the burden of responsibility which rests upon the political leaders of nations seems at times too heavy to bear. Well, sir, I would venture to suggest that if those political leaders would give the League a real opportunity, it would help materially to lighten their burden.

As regard the question of the reduction of armaments upon which a resolution was adopted last Saturday, I wish to refer to it only incidentally. The need for action upon this question, which is synonymous with security, is undoubtedly urgent, but this Assembly should proceed very circumspectly. The question is an extremely delicate one and a false step must be avoided. It must be remembered that the League has still to gain the confidence of all the peoples of the world, and especially the confidence of those nations which have not yet joined it. That confidence is essential to the evolution of a permanent settlement of the question of security.

Subject to the exercise of such caution, some step by this Assembly is imperative, even if an immediate solution seems impossible. Some progress towards a solution should be attempted during the present session.

Whatever proposal emerges, after consideration of the question by the First and Third Committees, even if it involves a prolongation of this session, or the convening of a special session, there is one thing of which we can be sure, namely, that every delegate, being fully alive to the great urgency and importance of this question, will give it his best attention and will count no inconvenience or sacrifice too great in thoroughly examining every possible avenue for attaining the object in view. We can only pray that our efforts may be successful.

If Germany's admission to the League is an essential preliminary to the solution of this question, let the great Prime Ministers of France and England, who recently rendered such signal service in the cause of the economic reconstruction of Europe, use their unique influence to induce Germany to apply for admission forthwith. (*Applause.*)

South Africa will heartily welcome Germany's entry into the League, as she will also heartily welcome the entry of those other nations, some of which, by virtue of the pre-eminent position they occupy in the world, should long ere this have filled the menacing vacant chairs to which Mr. MacDonald so eloquently referred.

In conclusion, I would say, let the world not become impatient with the League. It has a long and difficult road to travel, but it has already covered a very long distance. What, for instance, would have happened if, say in June 1914, speeches, such as those which have been applauded to the echo in this hall during this session, had been attempted in the presence of the leading men of the countries represented here to-day?

Sir, the League must act scrupulously within the limits of the Covenant, and it must of necessity move slowly and cautiously. Its motto must be *festina lente*. It must afford to the sceptical and the halting, who are following it from afar, the opportunity to overtake it. The League must succeed and will succeed, because it is the exponent of the doctrine of the New Testament—the doctrine of peace, goodwill and service—with the motto "I am my brother's keeper" written over the door of our Temple of Peace.

Let me sum up the whole position as it appears to me. The League of Nations has re-established the service of mankind as the true religion of the world. May I humbly suggest that the churches would do well to take note of this?

Sir, every man who fell in the war, no matter on which side he did his duty, died in what he believed to be a noble cause, and by that supreme sacrifice a great loss was inflicted on the world. If, in an appeal to give the League a chance to save the world from itself, the voice of those dead heroes fails to prevail in the cause of peace, let us heed the appeal of our innocent children to leave them a better world. For, after all, the world is only what we make it. (*Loud applause.*)

The President :

Translation : M. Galvanauskas, first delegate of Lithuania and former Prime Minister, will address the Assembly.

M. Galvanauskas (Lithuania) :

Translation : Mr. President ladies and gentlemen—The work accomplished by the League of Nations and the Council during the past year is of great and far-reaching importance, but the account of it which you have heard was couched in terms so striking, clear and eloquent that I have not a single word to add. My presence on this platform is due to the desire to associate my country with the general expression of concord, hope and confidence that forms a noble and powerful bond of moral unity between the many nations represented here.

There is also, perhaps, another reason which has prompted me to solicit your kind attention for a few moments.

The League of Nations, standing as it does for peace and order, has re-established, thanks to the increasingly smooth working of the powerful yet delicate machinery which it has created, an unquestioned claim to the respect and sympathy of the whole human race. But I should like, with your

permission, to say a word with regard to those nations which have most directly benefited by its untiring activity and have incurred exceptional obligations towards it as a result of the peculiar difficulties of their situation.

I need not remind you that Lithuania is among these States; and when I mention the name of her only port, Klaipeda or Memel, which is also the name of a sea-board that even in far-off days was Lithuanian, you will at once recall the protracted controversies which this problem occasioned before another international tribunal. You will remember, too, the rapid solution found by the Council of the League and the Committee of Experts presided over by that distinguished American statesman, Mr. Norman Davis.

The views which I am endeavouring to put into words will lose much of their value if I do not tell you all. The settlement of the Memel problem did not, it is true, entirely satisfy my country's legitimate hopes. I will go so far as to say that nothing but the consciousness of serving a great and noble cause would have induced Lithuania to sacrifice her rights in order to hasten the peaceful settlement of Europe. But such as it is, and apart from purely patriotic sentiment, the solution of the problem affords us a wide enough field for the accomplishment of the two-fold duty which we owe to our mother-country and to mankind. The port and territory of Memel, restored to the Lithuania mother-country, can henceforth look forward with confidence to a future the gates of which have been opened wide by the League of Nations and the Council. In the name of the Lithuanian nation and Government, I thank them.

After this very inadequate but, I assure you, sincere expression of Lithuania's feelings towards the League, I should have been well content to end by thanking you for your good offices. Unfortunately, I find I am compelled to call your attention to another problem which—as is proved by the very fact that it appears on the agenda of the Fifth Assembly—is of capital importance at the present hour.

I am compelled to repeat the name of that city which even in days of old was the capital of our country—Vilna. It is a name that brings grief to every Lithuanian heart. I will not burden you with the facts of that long judicial contest which, with its tragic sequence of events, is still fresh in the minds of all. I will refrain, not only from recrimination, but even from any reflection that might be prompted by deeply wounded national feeling. I will not attempt to put into words truths that might stir the conscience of the world in this grave matter, bound up as it is with the problem of peace in Europe.

I will merely recall the simple but profound words uttered, when the Council was discussing the Memel question last March, by Mr. Norman Davis, former Under-Secretary of State at Washington and President of the Memel Commission: "The Commission, therefore, in its first informal meetings with the Lithuanian delegation, stated that, while the Commission had no jurisdiction over the Vilna dispute and no competence to pass any judgment on the matter, it would not propose to the Council any settlement of the Memel question which, directly or indirectly, prejudiced the claims or diminished the rights of either party in other political controversies".

Referring again to the question of Vilna, he said: "The Commission having done all in its power to promote the purposes of peace, which we all serve, I can only express the hope that you, gentlemen, will see fit to give your early approval to our recommendations, and also that you will

be able to continue where I and my colleagues leave off, and find the means necessary to remove any remaining sources of friction in the valley of the Niemen River".

Such is the opinion of a prominent American whose great ability and unquestioned authority were responsible for the complete success which crowned the first attempt on the part of the United States to intervene in European politics. The attempt was not of an official character, it is true, but the importance of its bearing upon the League's position in regard to the United States is incontestable.

I will not comment upon the moderation of Mr. Norman Davis' words. They do not contain even a distant allusion either to the trials endured by Lithuania in the tragic affair of Vilna or to the period of trial through which the League itself has passed. It must be remembered that the League was forced to cope with the difficulties which are inevitably attendant upon the early stages of any organisation and it was compelled, too, in order to survive amid the storm and chaos of Europe, to come to terms with the passions of unbridled greed and violence.

This retrospect cannot harm us now. Europe and the League of Nations to-day are no longer quite what they were when the war had but recently closed. Many vexed problems have been solved, or are well on the way to solution. The darkest cloud in Europe to-day is that which lowers over

Vilna and casts its black shadow upon Lithuania. The problem of Vilna cannot possibly escape the vigilance of the League, strengthened as it is by its recent successes.

The hope I now express was openly voiced by Mr. Norman Davis at a meeting of the Council, and I will conclude my appeal by repeating his wise and consoling words: "You will be able to continue where I and my colleagues leave off, and find the means necessary to remove any remaining sources of friction in the valley of the Niemen River." (*Cheers.*)

The President :

Translation : In view of the lateness of the hour, I think the Assembly will desire to adjourn the discussion on the report of the Council until to-morrow. (*Assent.*)

There are still several speakers on my list, and I am afraid we shall not be able to conclude the discussion at to-morrow's meeting. We must therefore be prepared to hold a public meeting on Wednesday morning, when I trust we shall be able to close the discussion.

To-morrow morning's meeting will begin punctually at half-past ten o'clock.

The Assembly rose at 12.45 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

THIRTEENTH PLENARY MEETING

TUESDAY, SEPTEMBER 9th, 1924, AT 10.30 A.M.

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President : M. MOTTA

39. — DEVELOPMENT OF INTERNATIONAL LAW : PROPOSAL OF THE SWEDISH DELEGATION : REPORT OF THE AGENDA COMMITTEE.

The President :

Translation : Gentlemen—The Swedish delegation submitted yesterday a proposal on the measures to be taken by the Council in order to contribute in the largest possible measure to the development of international law.

The Agenda Committee has considered the proposal and recommends the Assembly to place it on the agenda and refer it to the First Committee. It will save time if I do not read the Committee's report, and this communication from the Chair will, I think, suffice. The Committee's decision is, moreover, natural, in the circumstances, and was anticipated.

If no one has any observations to make, the proposal will be placed on the agenda and referred to the First Committee. (*Assent.*)

40. REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT : CONTINUATION OF THE DISCUSSION.

The President :

Translation : The next item on the agenda is

the continuation of the discussion on the report on the work of the Council. Count Apponyi, former Minister and first delegate of Hungary, will address the Assembly.

(*Count Apponyi mounted the platform amidst the applause of the Assembly.*)

Count Apponyi (Hungary) :

Translation : Mr. President, ladies and gentlemen—Before coming to the subject with which I wish to deal, I feel that I have a duty to discharge on behalf of my country, the duty of thanking you for the beneficent and efficacious assistance rendered by the League in the financial reconstruction of Hungary. According to the agenda there will be a discussion on this question at a later meeting and the Prime Minister of Hungary will take my place on this platform in order to give you full details ; but I feel that the first Hungarian to address the Assembly is bound to make some reference, at least, to so important an event and to offer the grateful thanks of his country to the League of Nations.

I would venture, however, to single out for special mention one of the Powers represented here and to say that we are particularly grateful to the Government of the British Empire which was one of the first to offer help and to take an active share in the restoration of our finances, at a time when the position was extremely precarious owing to political difficulties.

From the first day to the last, in fact, until nothing remained to be done but to reap the harvest resulting from the first efforts made to secure the loan, two successive British Governments have, with the co-operation of the Italian Government, consistently given us generous help, which we shall never forget and for which we can never be sufficiently grateful.

Having fulfilled what I felt to be a moral obligation, I now pass to the actual subject on the agenda, the report on the work of the Council, and, with your permission, I will deal with the

general situation as shown in the report and also with the moving events which have commanded our attention during the last few days.

Two questions which are dealt with in the report are of special interest to my country—the protection of minorities and the reduction of armaments. My remarks will bear chiefly on these two matters.

You may be sure that in broaching the subject of the protection of minorities, which is of such outstanding importance to us, I do not wish to make any incrimination nor to air any special grievance. It would, moreover, be useless to do so, for the Assembly has not the means of examining any grievances which might be laid before it by either party.

I shall refer only to the question of the principles and the methods adopted by the Council for the discharge of the supervisory duties entrusted to it by the international treaties.

In principle, I am in full agreement with the clear and lucid exposition made by M. Politis at a previous meeting. He pointed out that the question of national minorities is essentially a question of the domestic public law of the countries in which the minorities live, although it is placed by the treaties under the supervision of the League.

If we adhere strictly to this definition there will be less danger of the obscurity that might result from a vague discussion of possible cases of intervention which are naturally a source of anxiety to States inhabited by a polyglot population. These States preserve their sovereign right intact.

The cases in which the League, through the Council, is entitled to intervene, and those in which other States are entitled to apply for intervention, are both clearly defined by the treaties. It is not for me to discuss whether this or that minority is receiving more or less liberal treatment. That is a political question which must be left to the judgment of public opinion in the country concerned. There is only one question with which we can deal, namely, whether or no the treaties which constitute an international instrument safeguarding and guaranteeing the rights of minorities have been duly observed; no neighbouring State is entitled to interfere on the strength of any special ties of sympathy binding it to a national minority which comes of the same stock as the majority of its own population.

No, the right of intervention, the right of drawing the attention of the League or of the Council to alleged infringements of the minorities treaties is based solely on the treaties themselves and, that being so, is quite compatible with the national sovereignty of the States concerned, because it rests on their voluntary acceptance of the treaty or treaties.

If, then, we establish the limits of international control on the basis of the minorities treaties, if we constantly bear in mind that the right of intervention can be exercised only upon the basis of the treaties and within the limits laid down by them, we may, I think, discuss the question without fear of arousing alarm.

Nevertheless, since the only matter for enquiry is, in all cases, whether the treaties are being observed or no, all questions in this field are pre-eminently questions for arbitration. This idea leads me to the observations I wish to make upon the manner or method adopted for exercising the supervision, which we are invited by the Treaties of Peace to carry out through the Council.

I wish I were able to share the optimistic views expressed by Professor Gilbert Murray in this hall; but I cannot. I am forced to the conclusion that, except in one or two cases, the most noteworthy of which is that of Poland and Germany,

no action has been taken in regard to a single petition, however authoritative or well-grounded.

The result is a very regrettable and even dangerous frame of mind among the minorities. They are justified in thinking that their grievances, however genuine, are never given a fair hearing, for there is a very great difference between the moral effects even of an adverse judgment and of what has at least the appearance of being a refusal of justice. Men submit to an unfavourable judgment, and the peoples in whom I am specially interested, having been trained from youth to respect law and justice, submit with a good grace. An adverse judgment has no lasting psychological effect, whereas silence, the impression that whatever they say is consistently ignored, has a disturbing, not to say exasperating, effect on their minds.

If, then, we seek to remove the possibilities of evil in a question which constitutes a menace to the internal peace of many of the States represented here and to good relations between the States directly or indirectly concerned, we must change the methods which we have hitherto followed and which have, in practice, the most deplorable effects and leave the even more deplorable impression that there is no justice to be obtained in minority disputes.

You all know what the present procedure is, but I will summarise it in as few words as possible. Every petition is communicated by the Secretariat to the members of the Council, that is to say, every petition which is not *prima facie* negligible. It is also communicated to the State against which it is made. This State is allowed a fortnight in which to say whether it wishes to reply to the petition or no and then two months, or longer if necessary, in which to send a reply to the Council.

As a rule, the matter goes no further, because a thorough investigation of the petition can only be undertaken at the request of a member of the Council.

I have the deepest respect for the Council as a body and also for all the individual members of the Council, but no institution can be expected to do work for which it is not adapted. The Council is first and foremost a political body consisting of statesmen delegated by their respective Governments and having definite instructions. They are fully conscious of their international duty, but owing to the nature of things and to the position they hold they are mainly preoccupied with the political interests of the States they represent.

A case must thus be a flagrant one, the kind of case which is forced upon public attention by the actual facts, before a member of the Council will care to create a delicate situation between his own country and another in order to do justice to a minority to which he is bound by no particular ties. Such an attitude is quite natural.

In these matters a man has, as it were, a judicial function to perform. He is, first, an Attorney-General representing the Crown or the Republic, as the case may be, and, secondly, he is a Judge. It is only natural that members of the Council should be unwilling, or seldom willing, to assume the responsibility of opening up a question that is likely to prove embarrassing to a State with which they are anxious to maintain good relations.

With our present mode of procedure there is no prospect of fulfilling our aim, or rather our two-fold aim, namely, to give justice where justice is due and to give minorities with a grievance the feeling that they will obtain justice. A man has obtained justice even though he loses his case; he does not obtain justice if his case is ignored.

Accordingly, the first reform which I suggest would be as follows. We must have a complete list, as complete a list as possible, of all claims

which are communicated to the Council, the substance of which the Council, by the very fact of that communication, cannot refuse to examine. These claims are as follows : those submitted by a State Member of the League in virtue of a right conferred upon it by a special treaty or of a minorities treaty clause in the Peace Treaties concluded by it, or of the right of each Member of the League to bring to the attention of the Council any circumstance which threatens to disturb international peace or the good understanding between nations.

If, therefore, a petition were submitted by a State Member of the League or by a responsible and trustworthy deputation of the minorities themselves, the Council would be obliged to deal with it, but this should not involve any Member in the unpleasant and thankless task of embroiling his own country with the nation concerned.

My next suggestion is that, in default of a treaty binding the Contracting Parties to submit their disputes to arbitration or of a mutual agreement for this purpose, the Council should refer every admissible petition involving a charge of treaty-breaking—and I cannot see what other charge there could be—to the Permanent Court of International Justice for an advisory opinion.

A splendid example was set by the Polish Government, to which I wish to offer my congratulations, in the delicate question of the German colonists in Poland, when that Government of its own free will complied with what was merely an advisory opinion of the Court. Its example affords a clear indication of the course we should follow.

My Government is prepared to conclude an agreement by which any admissible petition, or any dispute which a State may consider sufficiently serious to call in question its authority, shall be submitted to the Permanent Court of International Justice for a decision. This will draw the sting from the question. The absolute confidence reposed by every minority in the Permanent Court, a confidence which is based on the individual qualities of the members and on the decisions which the Court has pronounced, will allay their feeling of alarm and give them the assurance that they will obtain a hearing from a competent tribunal. As I have said, this procedure would draw the sting from the question; only by this means can we assure the peace of the world and good understanding between neighbours. (*Applause.*)

If the Hungarian delegation lays special stress on the problem of national minorities, it does not do so with the object of seeking a quarrel. Indeed, the manner in which I have made my statement precludes, I think, any such supposition.

You will, however, appreciate the supreme importance of the question for us when I remind you that, of the ten million inhabitants we lost through the Treaty of Trianon, 3,300,000 were Magyars. The mere figure may convey nothing to you; allow me to add that there were, in the territory we have lost, Upper Hungary and Transylvania, old-established centres of Hungarian culture, great colleges and endowments—Calvinist as well as Catholic endowments in Transylvania—which have given the world many famous scholars. I may mention Bolyai, among the mathematicians. An international mathematical prize awarded last year to M. Poincaré, the brother of the former Prime Minister of France, still bears his name. I might mention the many other distinguished men who have brought honour to Upper Hungary or whom Transylvania has given to literature and statecraft. Louis Kossuth was a native of one of the northern provinces we have lost, as also

were Andrassy senior, Kazinczy, the reformer of the Hungarian language, and Kolcsey, the composer of our soul-stirring national anthem.

These lands have been a home of Hungarian culture for many centuries, and you will realise that, even if they are lost to us politically, we are anxious not to lose that wealth of culture that forms an integral part of the Magyar national patrimony.

For this reason, this problem is of vital importance to us, and its solution, or at least a guarantee that an equitable solution can be found, is one of the primary conditions of peace and good understanding between Hungary and her neighbours.

The other problem with which I wish to deal and which is of no less importance to us is that of the reduction of armaments. I shall not detain you long on this question, for during the last few days it has entered a new phase which is full of promise for the future. I shall discuss this at a later date. I must, however, explain to you why the problem is of such burning interest to us.

I fully realise the difficulty of my position. Like others of my colleagues—there are not many in this hall—I represent those who are, if you will allow me to say so, on the other side of the fence. We derive no benefit from the situation created by the peace treaties, loyally as we accepted it; that situation rather imposes upon us sacrifice and almost intolerable suffering.

In accepting the legal position resulting from a peace treaty which is and will continue to be a burden, we are entitled to put forward a claim that cannot but appeal to the legal and moral conscience of all the nations represented here. We claim that the treaty should be loyally and completely carried out by both parties and that the few clauses that lighten the burdens imposed upon us by other clauses shall be observed with the good faith and loyalty that are expected of us in carrying out articles that are oppressive to us. (*Applause.*)

No one, I think, can object to this claim. The Treaty of Trianon requires that we must disarm in advance, that is to say, without waiting until a general solution has been found for the question of the reduction of armaments. That treaty disarms us completely. Here are the terms by which we are compelled to reduce our armaments :

Part V of the Treaty of Trianon, dealing with military, naval and air clauses, begins with the following preamble :

“In order to render possible the initiation of a general limitation of the armaments of all nations, Hungary undertakes strictly to observe the military, naval and air clauses which follow.”

This obligation to disarm is not therefore entirely unilateral. According to the treaties, it is imposed upon us in order to render possible the “initiation” of a general limitation of arms, and is consequently associated with a promise to effect a general limitation of armaments.

If, therefore, we are compelled to comply with the different military, naval and air clauses imposed upon us by the Treaty of Trianon, we have the right to claim that the promise shall be kept, and that if we disarm, it shall only be, in conformity with the preamble, a first step towards general disarmament.

I beg you to imagine yourselves in our place. Only in this way can you realise our position, and this is essential if you are to understand the general international position. Statecraft consists merely of putting ourselves in the position of those for whom we make laws or whom we govern. We must try to gain a clear perception of their way of looking at life and their psychology, as well as of their material interests.

We have been completely disarmed. We are surrounded by neighbours who are armed to the teeth. I ask you seriously, is the situation which has been forced upon us a tolerable one ?

We have just been told in eloquent terms that security and the reduction of armaments are inseparable. Article 8 of the Covenant of the League of Nations tells us that the Council shall formulate plans for the reduction of armaments to the lowest point consistent with national safety. In an eloquent speech which we all applauded, M. Politis used these very clear words :

"No State which has a proper regard for its life, its dignity and its honour, will ever consent to surrender the guarantee it holds in virtue of its own power, unless and until the community of nations can offer it an equally sure guarantee."

Referring to the Swiss manoeuvres which, by a remarkable coincidence, are being held during the session of the Assembly of the League of Nations, a Geneva newspaper wrote the following sentence, which has remained in my mind : "A nation that leaves the care of its defence to others is no longer a nation; it has cast away both its pride and its will to live."

The disarmament of Hungary has been so complete as to make national defence impossible. It exceeds the limits laid down in Article 8 of the Covenant of the League of Nations. In the words of the Treaty, the Hungarian army shall be devoted exclusively to the maintenance of order within the territory of Hungary and to the control of her frontiers. In point of fact, we are much less aggrieved by the limits set to our enlistment than by the fact that the army is entirely deprived of the usual means of defending itself effectively against an aggressor.

I will give you only one example and ask you your opinion from a humanitarian point of view. You have heard a great deal about chemical warfare about the terrible researches made by scientists to discover new asphyxiating gases and chemical appliances for attacking a country's entire population. By a decision of the Military Commission of Control, a decision that, in my opinion, exceeds the powers conferred upon the Commission by the Treaty, Hungary is compelled to renounce not the manufacture of poison gases, not the manufacture of chemical warfare material—we willingly renounce that—but the means of protection against such warfare. We are forbidden to manufacture materials which are the only defence of a population against a general attack by poison gas. Anyone can—I do not say that anyone is allowed to—wage war on us with chemical appliances, anyone can hurl against Hungary all the engines that a deadly science supplies for the wholesale destruction of men. We are forbidden to defend our fellow-countrymen against such murderous appliances, against the destruction that threatens them.

I ask you once again to put yourselves in our position: can a nation tolerate such a state of affairs without succumbing to the unceasing workings of an unconquerable resentment ? We should be the most contemptible people in the world if we did tolerate such a position and I should be the most contemptible of liars if I told you that our position was tolerable and that we were resigned to it.

Happily, we hope that we shall soon be able to extricate ourselves.

The question of the general reduction of armaments has certainly made great progress in the last few days. It will, we may hope, shortly be considered by the Council. If so, will the Council follow out the provisions of Article 8 of the Covenant and ask all countries the question—the question has already

been put to us—what is the smallest military force that each requires for its national safety ?

Article 8 of the Covenant makes no discrimination between countries. It could not do so. It is the general rule, the code of the League of Nations.

Those articles which at the movement define the limits to our disarmament and extend them far beyond the stipulations of the Covenant can only be regarded as provisional, since, in the words of the Preamble, their object is the initiation of a general reduction of armaments.

As soon as this general reduction has been commenced, complete equality must be established as between one nation and another, for Article 8 of the Covenant states explicitly that all countries, without exception, shall undertake to reduce their national armaments. "*Ubi lex non distinguit, nec nobis est distinguere.*"

If the Treaty contains certain special provisions which are capable of an interpretation at variance with this general provision and if, on the other hand, it is possible to find an explanation for these special clauses which will conform to the general provision, then, according to all the precepts and principles of legal interpretation, we must interpret this latter clause, which is capable of another construction, in a manner which will make it conform with the general principles of the Covenant.

So much is clear from a legal point of view.

It is still clearer from the political point of view.

What was the object with which the League was founded ? It was founded to preserve, to strengthen and to safeguard by legal, political and intellectual guarantees the ties of international kinship and solidarity.

You will, I think, agree with me if you consider my point. There can be no feeling of kinship, no moral unity, so long as certain nations are subjected to exceptional treatment. One nation will always be divided from another by an unbridgeable gulf, so long as there are two laws, two legal systems, two currents of national feeling, two currents of national ambition, two types of national mentality. We shall never have that permanent peace which is spoken of in the resolution submitted by Mr. MacDonald and M. Herriot to the Assembly and accepted by the Assembly—we shall never have that permanent peace until every nation is entitled to receive equal treatment before the law, until we have bridged the impassable gulf separating one country from another, in matters not only of national feeling, national aspiration, and national mentality, but of public law. It is for this reason that I view with particular satisfaction the work done these last few days for the realisation of the general reduction of armaments. It is a paramount question, not only for humanity, for peace and for concord, but for the reconstruction of the world. For us Hungarians it opens up a prospect of release from a situation which is morally intolerable and legally unsound.

Let me place myself for a moment in the position of those who have regarded the events of the last few days with the critical eye of scepticism. The men who take a particular pleasure in remaining sceptical in face of facts; the men who, unlike the bee which sucks honey from every flower, can find nothing but poison in everything they see : these people may have said, they may perhaps have written—I say perhaps; I do not know—and what, after all, is the result ? The two Prime Ministers of the two greatest Powers came to attend the discussions of the Assembly and made very fine speeches. But it was expected that they would arrive with a ready-made programme. It was expected that they would take some action after coming to an agreement on the problems before us. But, after all, they have done nothing more

than discover that if they have common feelings and common hopes on all the major questions, they are still at variance on a matter of detail, but a detail which is an insurmountable obstacle in setting the most pressing question of all, the reduction of armaments. The only outcome of it all was a resolution submitted to the Assembly and accepted by the latter—a resolution which amounts to nothing more than a transference of the responsibility and the search for a solution to certain Committees of the Assembly.

That, however, is not the way in which I look at the situation. I do not think that it is a view consistent with the facts of the case or with the nature of the events, which we must attempt to appreciate without exaggeration, but with a rational optimism. We should endeavour to derive every grain of hope and promise that they contain.

To do so we must go back a little way. We must remember that Geneva was preceded by London. We must take account of the results obtained at the London Conference, which, to my mind, are of incalculable significance. At London something more was discovered than a solution, or the beginning of a solution, for the question which prevented the economic revival of Europe—the question of reparations. For the first time since the war the victors negotiated with the vanquished on equal terms. The British Prime Minister was perfectly right when, at the conclusion of the Conference, he stated that it was the first step taken since the end of the war towards the attainment of a real peace. (*Applause.*)

But that is not all. A great advance was made in the matter of compulsory arbitration. We representatives of the small nations, who desired to sign the optional clause on compulsory arbitration, waited for the Great Powers to take the first step and were prepared to follow their example. And what has happened? Three Great Powers, one of which was recently an enemy Power, have signed the Treaty and adhered to the compulsory arbitration clause in conditions as unfavourable to the conclusion of such an agreement as can possibly be imagined. The question was that this treaty was to be concluded between France and Germany. I need say no more. It was to be concluded in respect of the reparation question, the most important and most delicate problem of all, in which the victorious Powers, through the Reparation Commission, afforded the most unanswerable demonstration of their superior strength. If I had been asked which was the most complicated problem or which was the most difficult situation to which the principle of compulsory arbitration could be successfully applied, I should have said it was the situation as regards the mutual relations between France and Germany and the reparation question. Nevertheless the compulsory arbitration clause has been applied to that situation and accepted by the three countries. What obstacle can there now be to the extension of this principle to other fields, now that it has been successfully adopted in the one which I have just mentioned?

The Ministers of the two chief Powers of Europe came straight from London here, without, it is true, having reached agreement upon one important detail of the question of the reduction of armaments—and nothing could be more unlike former diplomatic procedure than this—and they did not take refuge in vague formulas in order to shirk the discussion regarding the substance of a matter upon which they were not of one mind. They came here to speak to us, to speak to the whole world, upon the great questions and problems, the wide fields of thought and policy in which they

see eye to eye. This they did with absolute frankness; but they also explained to us with the same frankness the points upon which they were at variance, and thereby they gave proof of their desire to reach an understanding, not by means of further conclaves hidden from the eye of the world, but openly, in the full light of day and with the help of the League of Nations. (*Applause.*) They say to us: We have here a matter upon which we cannot agree. We will not continue the discussion further between ourselves; we lay our arguments before you.

Who among us, indeed, who was present at the great discussion that has just closed, could fail to be impressed by the noble words of Mr. MacDonald and Lord Parmoor when they proclaimed the infallible, or almost infallible, efficacy of great moral forces, or by M. Van Karnebeek's eloquent and just contention that we have not yet derived from the Covenant all that it can give us; or by the no less eloquent arguments brought forward by the Prime Minister of France, which might be summed up in the three words: arbitration, security, reduction of armaments; or, finally, by M. Politis' unchallengeable argument, presented with equal eloquence, that nowhere in the world, whether in the internal life of States or in international life, have men refrained from employing force to serve the ends of justice when the need arises.

We have heard all that. We are undoubtedly satisfied that both cases contain truths which cannot be ignored. And to-day, in order to test all these truths and to elucidate all the facts which will show us how best to apply them, we turn to the League of Nations and appeal to all the nations represented here, great and small, to help us. Nevertheless, we are told—and Mr. MacDonald and M. Herriot both said so, though in different words—that this is a very critical moment for the League. It has been given the glorious task not of continuing to revolve vaguely around the problem, as has been done hitherto—a whole host of resolutions have been passed regarding the reduction of armaments, but I am sure no two of us are fundamentally in agreement upon any of them—but of finding a solution without fail.

The great event which has taken place here marks a very definite advance, namely, that the Prime Ministers of the two greatest European Powers left London for Geneva to declare their intention of embodying in the international code the principle of compulsory arbitration, which they had just succeeded in applying in most difficult circumstances. They were supported by the representatives of Italy and Belgium. This is an event which no one could have foreseen even a year ago. It is true that, without exactly laying down certain conditions, they did express the desire that certain details should be settled in advance. This I can readily understand, for when we accept an undertaking, we examine its implications with particular care if we are really in earnest and intend to carry out that undertaking. I would add that, in my opinion, the problem should not be difficult to solve. These are my views on arbitration.

What actual progress has so far been made in the other great question? The Great Powers have now explicitly stated their intention of bringing about a general reduction of armaments—arbitration, security, reduction of armaments.

This intention has hitherto only appeared in political programmes, which are so easily forgotten. But now it has at last been embodied in a political document involving a moral obligation and indeed an obligation of honour which no truly great country can evade. It summons us to a task which will enable the world to judge whether we can

carry out salutary reforms and offer it the prospect of a secure peace.

The preamble to the resolution which has been adopted by the Assembly also speaks of a secure peace for all the world. I am not over-credulous and I am far from drawing from that attractive expression, "a secure peace", conclusions which were not in the mind of the men who used it. I am well aware that on the lips of M. Herriot the words "secure peace" do not stand for anything that could affect the inviolability of the peace treaties. I know that on this point M. Herriot is quite as inflexible as any French Government could be. We all know that and we take it into account. But there is an application of which I have already spoken, by means of which, instead of widening and perpetuating the gulf between two groups of nations, endeavour may be made, if not to fill it in, at least to build a bridge to span it.

In the great campaign of moral progress which lies before us, in the stubborn task of bringing into accord the divergent views of different States, in the endeavour to smooth away discordant feeling, to reconcile warring interests, I offer you, in the name of my country, the most loyal, frank, and wholehearted collaboration that we can give. When Hungary emerged from the terrible crises through which she passed as a result of the war, of the treaties imposed upon her, and of the revolutions that have torn her, she had to choose one of two ways. She could remain outside, sulking, in an attitude of uncompromising hostility towards the new order. This line of conduct was urged by certain genuine patriots, who were inspired more by feeling than by reason. But there was another course, which was adopted not merely by the Hungarian Government but by a large part, indeed the great majority, of Hungarian public opinion. This I can safely say because, although I am now defending the policy of my Government, I am at home a member of the opposition.

This other course was to follow the main stream and collaborate unreservedly and wholeheartedly in building up such principles of justice and progress towards world-wide co-operation and solidarity as human nature and our difficult position give us any hope of realising. It is true that we are nationalists, devoted to the national idea; it is true that we shall remain such. But our purpose is to set up no national ideal that can conflict with the main interests, the progress, the high thoughts, hopes and possibilities of mankind.

Such is the spirit in which I offer you the loyal support of the country which I am honoured to represent in the great work which, if we are not to become unworthy, we must accomplish. (*Loud and prolonged applause.*)

The President :

Translation: Ladies and gentlemen—You will agree with me that Count Apponyi's speech touched upon certain questions on which the discussion was declared closed last Saturday.

I was far too charmed by the speaker's eloquence to interrupt him; but I must remind members who still have to speak that a certain brevity is essential, seeing that there are still eight speakers on my list and in view of the desirability of concluding this discussion to-morrow, so that the members of the Committees can devote themselves entirely to their work.

I feel sure that speakers will not take this friendly appeal amiss, and will realise that the duties of a President are sometimes far from agreeable.

Dr. Lange, delegate of Norway, will address the Assembly.

(*Dr. Lange mounted the platform amidst the applause of the Assembly.*)

Dr. Lange (Norway) :

Translation : Our President will be reassured on hearing that I only have one matter with which to deal, and I promise to be brief.

The matter to which I would call your attention concerns one of the most important aspects of the League's activity, namely, its publicity.

One of those who first inspired us, a great pioneer whose absence this year we all regret, Viscount Cecil (*applause*), once remarked: "Publicity is the life-blood of the League of Nations".

That is, in fact, the fundamental principle of the League. We have succeeded in erecting here a public platform on which the great questions of international life can be discussed with all freedom and frankness—I would even say with all the bluntness that is compatible with courtesy. All our Committees and the Council of the League meet under the eye of the public. But can the public remain the mere spectator and audience of the League's deliberations? Any public debate needs, and indeed demands, a reply. Publicity means reciprocity and, to my mind, there are two principal forms which the reply can take.

First of all there is the reply through the Press, the mouthpiece of public opinion, which comments on the League's activities, criticises it, befriends it and also—an office for which we owe it our gratitude—defends the League and its work before the world. What is the attitude of the League towards the appreciations offered by the Press?

During the first Assembly we enjoyed the great advantage of receiving every day a leaflet of six or eight pages entitled "Press Opinion". I for my part thoroughly appreciated that aid to our work. For many of us, I believe, it was the first paper that we singled out every morning from among the countless documents sent us by our excellent Secretariat.

"Press Opinion" has now ceased to appear. I realise that the compilation of this document as a very difficult and sometimes a very delicate task. But I venture most respectfully to ask whether we should shrink from a task solely on account of the difficulties it presents. According to the proverb, difficulties exist only to be overcome and I feel sure that the Secretariat could be relied upon to find some form in which the opinions of the Press could once more be collected.

In the Secretariat we have a so-called Information Section. According to next year's budget there are thirty-six persons in that section and the sum-total of their salaries amounts to between 600,000 and 700,000 francs. It would be interesting to us, as members of the Assembly, to receive evidence of the Section's activity in the way I have suggested.

We all hope that a day will come when secret diplomacy will be a thing of the past, but in the matter of publicity the intention seems to be to establish henceforward what may be termed a discreet publicity, and in any case I am sure that in the Information Section, where they examine the newspapers and make cuttings every day, it would be quite possible to find some method of carrying on a publicity service for the benefit of the members of the Assembly and of the public at large.

This is the first way in which public opinion can share in the work of the League. There is another way which, in certain respects, perhaps,

is quite as important as the collaboration of the Press; I refer to those great international organisations that work, some of them for exactly the same ends as the League, others for different but parallel aims, but all of which are anxious to collaborate with the League.

Some of these bodies were precursors of the League, and toiled at their arduous and uphill task as pioneers in the great work which at length took definite shape at the close of the world war.

These organisations vary in importance and in range of influence, but all alike are well-wishers of the League. We have, therefore, to consider what attitude the League is to take up towards these great international associations which offer it their co-operation.

I find in the Minutes of the Council meeting of July 23rd, 1923, that there was a discussion on this matter. One of the members of the Council put forward a conception of the juridical character of the League of Nations which seems to me not only wrong in theory but dangerous in its practical application. It was stated—and the Council appears to have acquiesced—that the members were simply representatives of their Governments.

Hence, if an international organisation put a request before the Council, the members would have to say: "We are not a Council, we are ten separate members each representing a Government."

Of course, we must always remember that the members of the Council and of the Assembly are the responsible representatives of their Governments; otherwise the League's work would too often prove sterile and profitless. But the delegates are more than that. The Council has a personality of its own as the representative of the League of Nations, and the League of Nations itself is a moral and legal entity. It can, and does, possess property. It can pass executive decisions, even by a majority vote, and the theory I have referred to could be applied in ways which might involve very serious consequences in other directions than that we are discussing to-day.

The Secretary-General asked for instructions, and was told to say to those international organisations: "Apply to your Government, not to the Council." Fortunately, the Council at a subsequent meeting withdrew somewhat from this policy. It was arranged that, for each session, a list should be prepared, giving the requests and petitions sent by international organisations to the Council; members could then, if they wished, ask for some of the proposals to be distributed.

In my opinion that is a fairly satisfactory solution as regards the Council, but what is the position as regards the Assembly?

This question was, if I remember aright, discussed last year, and the conception reached was—shall I say?—narrow and too strictly legal.

It was said: We can only distribute to the Assembly those requests and proposals received from organisations which were founded for the sole purpose of supporting the League of Nations.

I quite understand that we cannot very well say to the League of Nations Union, for instance: "We do not want to receive your requests". If we did, that body would lose its *raison d'être*. But can it seriously be maintained that we should refuse to recognise the existence of organisations which, although not formed for this particular purpose, may nevertheless afford us very useful and valuable help.

I hold that one of the most important and profitable methods of collaboration takes the form of criticism. My opponent can often be of great help to me, because his opposition provides me with a very necessary stimulus. I am at one with

Montaigne when he says: "Je m'avance vers celui qui me contredit."

I see before me the representatives of the Canadian Government. If I am not mistaken, in Canada the State remunerates the head of the parliamentary opposition. This is a valuable principle and is evidence of the importance attached to debate, to the exchange of views between those who hold opposite tenets.

Obviously the Assembly of the League cannot be flooded with petitions and addresses from all kinds of organisations. There must be some discrimination.

I quote an example which might perhaps be worth consideration by the General Committee. At the second Peace Conference at The Hague in 1907 a special Committee was set up to deal with petitions and addresses of this kind and its eminent Chairman, M. de Beaufort, former Minister for Foreign Affairs, submitted to the general Assembly a fully documented report on the subject. We could surely do something similar here by asking the General Committee to make a selection from among the various proposals sent in to the Assembly.

But, I repeat, neither the Assembly, nor the Council, nor the League in general ought to ignore expressions of public opinion, even if they are critical or hostile. To adopt what I may call a bureaucratic attitude would endanger the future of the League.

We are making a great experiment. Rome was not built in a day. If we are to succeed in our great enterprise we shall need to avail ourselves of all that collaboration which is offered to us and which is based on good-will and competent work. (*Applause.*)

The President :

Translation : Mr. Arthur Henderson, Secretary of State for Home Affairs and delegate of the British Empire, will address the Assembly.

(*Mr. Arthur Henderson mounted the platform amidst the applause of the Assembly.*)

Mr. Arthur Henderson (British Empire) : Mr. President, ladies and gentlemen—Throughout the important discussion, which closed on Saturday with such striking unanimity, strong opinions were expressed with regard to the League of Nations as an instrument of world pacification, co-operation, and development. During an earlier sitting, Professor Gilbert Murray made a convincing appeal on behalf of the minorities. Much as I should have liked, Mr. President, to have followed the same line of discussion, I will defer to the advice you were good enough to give, and direct the attention of the Assembly, in a few brief observations, to other aspects of the many-sided work of the League of Nations.

Anyone taking part in the Assembly for the first time, as I am, must be mainly impressed by the immense amount of ground which is already covered by the work of the League. There is hardly a branch of organised human activity with which it has not yet come into contact, either directly or indirectly. Its work ranges from disarmament to drugs, from the restoration of national finances to the reform of the calendar, from the abolition of war to the abolition of passports.

In the report which we now have before us, we are given an admirable survey of all these varied activities of the League. The report shows how large is the scope for international action and how necessary it was to call into being such a permanent international organisation. I should like to

congratulate the Council and the Secretary-General on the remarkable record of work which is embodied in the report. In each of the fields in which the League is at work it is breeding a spirit of mutual co-operation between nations and thus contributing to its general aim of promoting international harmony and understanding.

But even this remarkable report, I should like to point out, does not cover the whole of the activities which are being carried on under the auspices of the League. I was very glad to hear my friend Dr. Nansen suggest that the report should contain some record also of the work of the Permanent Court of International Justice. M. Hymans has explained to us that the Court, being an autonomous organisation, is not responsible to the Council, but the Assembly as the supreme body of the League which votes the credits for the upkeep of all its branches must necessarily be interested in the work of each of them.

My President, we have now two important autonomous organisations—the Permanent Court and the International Labour Organisation. It is true that we have full particulars as to their finances and expenditure. These, it may be said, and carefully examined each year by the Fourth Committee when voting their budgets. At the same time I think it would be of great interest to many of us not merely to know how much is spent but also what results are being achieved for the expenditure. I was, therefore, very glad to hear M. Hymans say that he thought that it would be possible to obtain a statement of the work achieved by the Court. I should also like to add a similar request as regards the International Labour Organisation. I think we should also have a report giving a brief summary of the work of that organisation.

I want to make it unmistakably clear that in making this suggestion I do not do so with the idea of the reports being discussed or criticised nor of interfering in any way with the independence of these autonomous organisations. I make it simply that we may have a general survey of the whole work of the League in all its aspects, political, social, legal and humanitarian.

May I point out that the only reference which I can find to the work of the International Labour Organisation in the papers which we have before us—though they are so numerous that I should not like to say that I have not overlooked any—is in the table dealing with the ratification of conventions. I should like to point out in passing that this table shows that very great progress is being made in the adoption of international standards for labour conditions. I believe that the Secretary-General has already registered 128 ratifications of labour conventions, of which no less than 65 have been deposited within the last eighteen months. That seems to me to be a remarkable record, particularly when we remember the difficult economic conditions through which all countries have been passing. Mark you, I am not saying that more might not have been done. As far as my own country is concerned, the Government, which I have the honour to represent, has already obtained the authority of Parliament to ratify two more conventions. It has also presented Bills for the ratification of three others, including that which deals with the eight-hour day. (*Applause.*) I do say, however, that what has already been achieved by the International Labour Organisation shows that there is a large number of countries which are anxious, with the assistance of the League of Nations, to improve the conditions of the workers, even in these most difficult times. (*Applause.*)

Further, sir, I am certain that it is in the interests of the League that it should be widely known and

understood that this work, to which I refer, belongs to the League of Nations. We all realise, I am sure, that the ultimate power of the League rests on the force of public opinion; that is to say, on the confidence which the great masses of men and women feel in its work and in its future. We ought not to forget also that it is the conditions of their every-day life which touch most closely these great masses of people. Many of them know little of international politics and have little time to study international politics.

It is only when some great international catastrophe occurs that the great questions of frontiers and treaties, of arbitration and armaments, of peace and war, come directly home to the masses of the people. But, Mr. President, the improvement of the conditions in which they work, the prevention of accident and disease, the provision of better education for their children by postponing the age at which those children are called to work, the increase of their spare time in which they can develop their own faculties and live a fuller life—these are the things that touch most closely the great masses of the population of our respective countries. (*Applause.*)

If the people realise that great advances are being made all over the world in the direction of more humane conditions, through the agency of one of the League's organisations, their faith in the League will be all the stronger. Moreover, as one who has the responsibility of leading a great body of organised workers for many years, I am convinced that the League as a whole has much to gain by closer co-partnership between its component parts, between the Council and the Governing Body, between the Secretariat and the International Labour Office. By such closer co-operation both, in my humble opinion, will gain in prestige and in authority.

I repeat that, in saying this, I am not suggesting that the independent constitutional position of the International Labour Organisation should in any way be changed. It must be remembered that much of the value of the decisions of the International Labour Conferences rests on the fact that they represent not merely agreements between Governments but also between the representative employers and workers of all the countries belonging to the League. They, therefore, contribute not merely to the general standardising and uplifting of labour conditions, but also to a better understanding between all those in our respective countries who are concerned with industry.

Sir, it would be of great interest to all of us if a report covering the various activities of the International Labour Organisation could be submitted to us each year, through the Assembly, by the Secretary-General of the League. This is done at present in the case of the financial reports which come before the Fourth Committee. The adoption of such a procedure seems all the more natural in that the work of the Organisation comes into close contact with that of the League itself at a number of points.

There is nothing startling in this suggestion. The Economic and Financial Commission of the League, for example, is already collaborating with the International Labour Office—which is directed, may I say, with such energy and ability by my old friend M. Albert Thomas—in exploring the causes of unemployment, the greatest of our social evils. Moreover, there are other questions, such as the White Slave Traffic, in connection with which the two organisations are closely in touch, and as the years go on the field of such common activities is sure to be extended.

I hope, therefore, that it may be possible next year to present to this Assembly for its information,

together with the usual report of the Council to the Assembly, a short survey of the work of the International Labour Organisation as well as a survey of the work of the Court. If we had these statements we should have before our eyes a complete record of the League's work and we should be able to form a more adequate idea of the entire range of its activities in all the many spheres of human effort in which it is endeavouring to promote and enlarge international understanding.

Finally, Mr. President, may I make one further observation ? During a lifetime of public activities I have been closely associated with working-class movements, both national and international. In these movements there are numbers who to-day are chary of declaring their adhesion to the League of Nations though they are sincerely and genuinely anxious to further the great ideals of world peace, security and disarmament. They are ardent supporters of the ideal of the League of Nations; but they remain aloof from and sceptical of the League itself. I believe that multitudes of these people, who are to be found in greater or less numerical strength in every country, could be brought to give keen and active support to the League of Nations if its basis of membership could be broadened by the inclusion of the non-Member States, thereby making the League more powerful in improving and maintaining higher standards of social and economic life in the countries represented in the League.

In my opinion, Mr. President, the founders of the League saw a vital truth when they declared that the condition of labour and the establishment of social justice were essential to permanent peace. Five years, I know, is a relatively short period of time. I can speak as one who has had intimate experience of the difficulties, the set-backs and the disappointments attending the forging of a new instrument which depends largely upon popular support for its effective power and influence. But it seems to me that the League of Nations can indeed look with much greater confidence and hope to the future if, coincident with its efforts to establish world peace, it will use all its opportunities, all its powers and all its influence to secure more humane standards of social and economic conditions in all the countries represented in it. (*Applause.*)

The President :

Translation: In view of the lateness of the hour, I am sure you will agree that we should now adjourn.

The meeting to-morrow will commence punctually at half-past ten o'clock. I still have six speakers on my list, but we may hope that the debate on the report on the work of the Council will be closed to-morrow morning.

(*The Assembly rose at 1.10 p.m.*)

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

FOURTEENTH PLENARY MEETING

WEDNESDAY, SEPTEMBER 10th, 1924, AT 10.30 A.M.

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(a) Examination of the Replies of the Special Committee of Jurists appointed in pursuance of the Resolution adopted by the Council on September 28th, 1923.

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Reference to Agenda Committee.

President : M. MOTTA

41. — REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT : CONTINUATION OF THE DISCUSSION.

The President :

Translation : In accordance with the agenda we will now continue the discussion of the report on the work of the Council and of the Secretariat.

M. Kalfoff, Minister for Foreign Affairs and first delegate of Bulgaria, will address the Assembly.

M. Kalfoff (Bulgaria) :

Translation : Mr. President, ladies and gentlemen—I have a particularly pleasant duty to perform in offering the thanks and congratulations of the Bulgarian Government and people to the Council

of the League and the Secretary-General for the work accomplished during the past year towards the permanent establishment of peace and justice in this sorely-trying world of ours.

Bulgaria believes in the League of Nations, because she believes in the ultimate triumph of right and justice. I need hardly say that my country, like so many others, will continue to contribute to the best of its modest resources towards the realisation of the ideal of the League.

The League can rely on our help in its efforts to solve the problem of disarmament, to obtain general acceptance for the principle of compulsory arbitration, to which Bulgaria has already adhered, and to extend its power and increase its authority. Our little country, which has reduced its armed forces even below the minimum consistent with the maintenance of law and order in the face of persistent attacks by the forces of destruction, will welcome with immense satisfaction the unanimous resolution voted last Saturday by this august Assembly, and which was due to the frank and open collaboration of those two great statesmen, Mr. MacDonald and M. Herriot. Bulgaria will regard it as a sure promise that the time is not far distant when the world, disarmed, will enter upon an era of justice, security and peace.

We shall take back to our people the noble words spoken by the representatives of the two great democracies on behalf of the small nations. None, perhaps, will appreciate those words better than our hard-working, peace-loving people, or be more grateful for their cheering message.

The problem of minorities, which was expounded here the other day by my eminent friend, Professor Gilbert Murray, is unquestionably another of the problems upon which the tranquillity and peaceful development of mankind depend. The men who drew up the Peace Treaties showed their appreciation of this fact when they placed racial and religious minorities in the safe-keeping of the noblest institution in the world, the League of Nations.

If I dwell upon this question, it is because

Bulgaria has been compelled to shelter hundreds of thousands of refugees from all quarters of the Balkan Peninsula. This has placed a heavy burden upon our country, which has grave enough financial and economic problems of its own. Many Bulgarian subjects belong to these minorities and there are many of Bulgarian origin who inhabit the territories of neighbouring States.

Let me say at once that I recognise that the Council is fully conscious of the importance of its task and has made noble efforts to perform that task. The Secretariat has seconded its endeavours by setting up a special Section under the direction of one of its most devoted workers.

It is, however, true that, in spite of the efforts made during the last few years, much remains to be done to guarantee to the minorities a free existence and to assure them the use of their native tongue, the practice of their religion and freedom of conscience and education. If proof were needed, it would be found in the recent tragic incident at Tarlis, in which seventeen innocent Bulgarian peasants met their death. It is true that the Greek Government has undertaken to punish the guilty, but the fact that this incident could occur is clear evidence of the need for redoubled effort.

It is not for me to suggest what measures should be taken, for I am sure that the Council is fully conscious of its duty, and with its great wisdom and experience will discover the right methods. As I said last year, however, I believe we could not do better than set up mixed commissions, which would work under the auspices of the League.

The results achieved by the Greco-Bulgarian Mixed Commission, to which I wish to pay a public tribute, strengthen me in my belief. I was very glad to hear Professor Murray, that tireless champion of the rights of the humble and the oppressed, approve this suggestion and I welcome, with feelings of good hope, the unconditional adherence given on this platform on behalf of peace by the first delegate of Greece, M. Politis. It is to be hoped that the Council will also approve the proposal and at once take steps to carry it into effect.

In mentioning this purely humanitarian question in this world assembly, I have only one desire: to see peace, a just peace, restored in the Balkans as soon as possible for the well-being of the Balkan peoples and of the whole of Europe. I could have no greater reward than that my words should do something to bring us nearer that splendid goal. (*Applause.*)

The President :

Translation : M. Tang Tsai-Fou, the first delegate of China and Minister Plenipotentiary will address the Assembly.

(*M. Tang Tsai-Fou mounted the platform amidst the applause of the Assembly.*)

M. Tang Tsai-Fou (China) :

Translation : Mr. President, ladies and gentlemen—I wish first to congratulate the Council and the Secretariat on the great success of the work they have achieved since the last Assembly.

In the political sphere, several territorial and frontier questions have been settled to the satisfaction of all parties. The problem of minorities is rapidly becoming less acute; the position in the territories directly administered by the League of Nations, the Free City of Danzig and the Saar is gradually becoming more normal and satisfactory; the mandated conditions, too, have improved in territories, if we may judge by the contents of the many bulky reports received from the mandatory Powers. With the League's assistance Austria

and Hungary have recovered from their financial difficulties. Finally, our humanitarian activities have made steady and rapid progress.

These magnificent achievements have been described by others with greater eloquence and authority than I can claim. I merely wish to express the great satisfaction that they afford me. It being, however, our firm conviction that a genuine peace can only be founded on right, the achievement of the League that has caused the greatest satisfaction in China, which signed the compulsory arbitration clause at the time when the Permanent Court of International Justice was first created, is the steady enhancement of the Court's prestige and the growing recognition of the principle of compulsory arbitration. That principle received further confirmation in the London agreements and in the statements recently made from this platform by the most prominent statesmen of today.

We have no doubt whatever that we are witnessing the dawn of a new era in which right will triumph over might, in which the peaceful settlement of disputes under the auspices of the League of Nations will gradually become the established custom.

I cannot but take this opportunity of calling to mind that great and noble citizen of the United States who founded the League of Nations and whose death was so grievous a loss to all mankind. I am sure that I am expressing the unanimous opinion of the Assembly in paying a tribute to his memory. President Wilson would certainly be proud of the great progress achieved in his work. He would rejoice, could he but learn that our League has earned the right to the motto, "Peace with justice".

The League, in pursuance of the policy outlined in Article 8 of the Covenant, has, through its own organisations, made a careful study of disarmament. The free discussion of the question in this Assembly is convincing proof that a solution of this problem will be discovered at no distant date. We must never forget, however, that material disarmament cannot be effective unless it is preceded and accompanied by moral disarmament.

Accordingly my Government, which attaches great importance to the work of the Committee on Intellectual Co-operation, took prompt steps to carry out Resolution VIII adopted by the last Assembly concerning the work of that Committee, its object being to familiarise the young with the existence and aims of the League.

At a number of meetings the Committee and its Sub-Committees examined in what way they could best promote international unity in intellectual matters. In order to expand still further the domain of their scientific researches and to increase the extent of their jurisdiction, which must sooner or later become universal, they have co-opted various experts from States Members of the League. I feel justified in drawing your attention to this development, since several delegates in a Committee of the last Assembly expressed a very proper desire to see the Committee made more widely representative. One of these delegates was the Chinese representative, who drew attention to the importance of giving the nation, which has a longer history, an older civilisation and a larger population than any other, a seat on the Committee; but though other States Members are represented, there is still no representative for China.

There is, again, no regulation ensuring that the non-permanent seats on the Council will be really representative in character. From the earliest days of the League China has upheld the principle that the non-permanent seats should be distributed geographically. This principle was

recommended and observed by the second and third Assemblies. It has recently been confirmed by a unanimous resolution which was passed at the eighth Assembly of the Federation of League of Nations Societies, held at Lyons, and which will, in due course, be transmitted to the States Members of the League.

Again, we have yet to find a scientific scale for the allocation of the expenses of the League. This is another of those questions which should be solved as promptly as possible. The League must be placed on an equitable and permanent financial basis. The contribution of each State should be adjusted to its actual financial capacity. Meanwhile my Government has submitted a request for a reduction of its contribution. We ask you to give it favourable consideration.

Let me say in conclusion that we should be encouraged by the unusually favourable atmosphere in which the Fifth Assembly is meeting. I am convinced that on this, as on all previous occasions, we are all inspired by the same feeling of justice and good-fellowship and that our work will be as productive as in previous years. (*Applause.*)

42. — WELCOME TO MONSIGNOR SEIPEL, FEDERAL CHANCELLOR OF AUSTRIA.

The President :

Translation : The Austrian delegation has just informed me that the Federal Chancellor, Monsignor Seipel, will act as head of the delegation during his stay at Geneva.

Now that the head of the Austrian Government has taken his seat among us, I wish to offer him our cordial greetings. I take the opportunity of congratulating him, on behalf of the whole Assembly, on his return to health after the outrageous crime committed against him on June 1st of this year. (*Loud applause.*)

I trust that he may long be spared to serve his country in that work of reconstruction in which he is the master-builder and which was begun, and is continuing, under the auspices of the League. We may all take to heart his splendid and magnanimous example of clemency and self-sacrificing devotion to duty. (*Loud applause.*)

43. — REPORT ON THE WORK OF THE COUNCIL AND OF THE SECRETARIAT : CONTINUATION OF THE DISCUSSION.

The President :

Translation : M. Hymans, as President of the Council, has claimed his privilege to speak, and in accordance with our procedure I will grant it. M. Hymans will, therefore, address the Assembly.

(*M. Hymans mounted the platform amidst the applause of the Assembly.*)

M. Hymans (Belgium), President of the Council :

Translation : Ladies and gentlemen—At yesterday's meeting various speakers made observations to which, as a member of the Council—and I think the Assembly will agree—I feel it my duty to reply.

Mr. Arthur Henderson, delegate of the British Empire, emphasised the importance of a good understanding and joint action on the part of the League of Nations, the Secretariat and the International Labour Organisation.

The Secretary-General has asked me to assure Mr. Henderson that the closest co-operation and most friendly relations exist between the Director

of the International Labour Office and himself. Every precaution is taken to ensure that whenever problems concerning both organisations are being examined, joint meetings are held and any overlapping of their duties is avoided. The Secretary-General will do everything in his power to promote and develop this desirable co-operation.

With regard to Mr. Henderson's suggestion that the report on the work of the Council and of the Secretariat should include a summary of the work of the International Labour Office since the last session of the Assembly, the Secretary-General intends to consult M. Albert Thomas and lay Mr. Henderson's suggestion before him. I need not remind the Assembly that a detailed report on the work of the International Labour Office is published and circulated at the time of the International Labour Conference every year.

I trust that this explanation will satisfy our honourable colleague.

I have now to deal with another matter which was rather unexpectedly raised by our distinguished colleague, Count Apponyi, delegate of Hungary.

Count Apponyi discussed the problem of the protection of minorities and he dwelt on the importance, which I am sure we all appreciate, of the work entrusted to the Council of the League of Nations. Count Apponyi admitted that the Council cannot allow itself to be influenced by sympathy for individual minorities, and he recognised, too, that the League's right of intervention in the case of Governments which have contracted obligations towards minorities can only be based on treaties and exercised within the limits of those treaties. These statements I duly note. But Count Apponyi also severely criticised the methods employed by the Council, and although I will not go so far as to say that his criticism has given offence, it has undoubtedly caused some alarm.

He alleges that the methods in question give the impression—this is what he said—that justice cannot be obtained in minorities questions.

That is a serious allegation and I cannot but wonder whether Count Apponyi, who as a rule has such a command of language, fully realised the import of his remarks. (*Applause.*)

What he has said is a reflection upon the Council's good faith and upon its faithful discharge of the duties which were entrusted to it by the treaties and which it has so much at heart. Consequently, I feel—and I am not alone in this—that a reply, if not a protest, is called for.

Count Apponyi considers that the present methods do not give the desired results because an enquiry into an alleged breach of the minorities treaties can only be held at the request of a member of the Council, and because, so he tells us, a member of the Council will not, as a rule, care to embarrass his own country in its relations with another, simply in order to see that a minority obtains justice.

Count Apponyi then looks around for remedies and has drawn up certain suggested changes which, he thinks, should be made in our methods.

I do not propose to make a careful analysis of the system which he has outlined—somewhat cursorily, I may note—but I do feel that I must enlighten not only this Assembly, but public opinion at large, by stating the rules of procedure which are followed by the Council and which, we are convinced after careful reflection, offer the most effective guarantees.

The Council, holding that the right of initiative possessed by its members in regard to the protection of minorities amounts to a duty, decided, in a resolution which it passed on October 25th, 1920, that the President of the Council and two members, that is to say, a committee of three

members, should proceed to consider any petition or communication with regard to an infraction or danger of infraction of the clauses of the treaties for the protection of minorities. This enquiry is held as soon as the relevant documents have been distributed to all the members of the Council and to the Governments concerned. Thus it will be seen that all possible light is first thrown on the matter and it is then carefully examined by three members of the Council. The object of this examination is, I beg to point out, to enable the members of the Council, who cannot all go into the matter in detail at a plenary meeting, to exercise their right of initiative and to realise what are their duties in the matter. The Council's work may be said to be largely carried out on the basis of this procedure. Not a session passes but questions of this kind are laid before us and receive our careful attention.

Again, I would remind the Assembly of a resolution which it adopted on September 21st, 1922, and which I will venture to read. It is worded as follows :

"While in cases of grave infraction of the Minorities Treaties it is necessary that the Council should retain its full power of direct action, the Assembly recognises that, in ordinary circumstances, the League can best promote good relations between the various signatory Governments and persons belonging to racial, religious or linguistic minorities placed under their sovereignty by benevolent and informal communications with those Governments. For this purpose, the Assembly suggests that the Council might require to have a larger secretarial staff at its disposal."

Our staff was, in fact, limited to a very few officials. It was essential that the organisation should be complete, as there would constantly be a great deal of very strenuous work.

The Council at once acted upon the Assembly's resolution, which concurred with its own views in the matter. The Secretariat of the League includes a Section under the direction of an able official to whose zeal and qualities of mind I gladly pay tribute, M. Colban. (*Applause.*) This Section is constantly dealing with every phase of the minorities problem. It seeks and collects information; sifts and examines it, and, as a result of its efforts, the Council is constantly kept fully informed regarding all such problems as arise.

May I also remind the Assembly that in cases of exceptional difficulty we have not hesitated to ask the opinion of the Permanent Court of International Justice.

This explanation will, I think, satisfy the Assembly that Count Apponyi has no real grounds for apprehension and I would even venture to add that his criticism is equally without foundation. We must recognise, of course, that the Council is in a difficult position. On the one hand, it is faced with very sensitive, very susceptible and, it must be admitted, sometimes very hot-headed minorities; while, on the other, there are the Governments, which, naturally enough, are very jealous of the respect that should be shown to their sovereignty.

As a result, the Council is in a very difficult position; but I think I may safely assert in conclusion that it does not on that account shrink from performing steadfastly, and in full consciousness of its duty, the difficult and delicate task with which the treaties have entrusted it. (*Loud and prolonged applause.*)

The President :

Translation : M. Skrzynski, Minister for Foreign

Affairs and first delegate of Poland, will address the Assembly.

M. Skrzynski (Poland) :

Translation : Mr. President, ladies and gentlemen—I wish to make a few observations with regard to the minorities treaties.

Before actually dealing with this subject I would venture to express my admiration of the eloquent speech which we heard on this matter last Wednesday; it was a great speech and a fine speech, because it was a just one. I wish to offer my hearty congratulations to Professor Gilbert Murray, delegate of the British Empire. (*Applause.*) Speeches such as his and those which have just been made by M. Hymans and M. Politis, render great services to the cause of minorities.

The minorities treaties were inspired by a great idea, but all great ideas have one attribute in common; they are dangerous in application. Speeches such as those which I have mentioned have the great merit of showing these ideas in their true light and defining the object behind them. This is in the interest of the minorities themselves, for it is only by making quite clear and definite the intentions of those who drew up the minorities treaties that we can be sure that the Governments which are anxious to enforce them can really do so. These Governments have to combat certain mistaken ideas, which have, I hope, been disposed of once and for all by the speeches to which I have referred, and particularly the notion that the treaty may be used as a lever for national disruption, as an opportunity for anti-national demonstration by alien nationalities, or for carrying on intrigues in a foreign State through the intermediary of a hostile nationality. Despite their genuine desire to apply the treaties in the letter and in the spirit, the Governments which signed them had been deterred from doing so by apprehensions of this kind.

We would do well to remember from time to time that the protection of minorities is only one side of the picture; the other side is the explicit recognition by the treaties themselves of the political and territorial sovereignty of the State in which the minorities are settled.

I will now deal with those points which relate to certain minority questions in Poland.

The problem of the acquisition of Polish nationality by former German nationals is dealt with in Chapter VII, Part IV of the report to the Fifth Assembly on the work of the Council and in Chapter VII, (b), of the supplementary report. As you are aware, the German and Polish Governments have repeatedly been in negotiation for the settlement of all controversial questions connected with this problem.

As no satisfactory solution could be found on these lines, the Polish Government, wishing to put an end as promptly as possible, and once for all, to a state of things which was detrimental to relations between the two countries, agreed to resort to the arbitral procedure proposed in the Council's resolution of March 14th, 1924.

I am glad to be able to tell you that the negotiations, which were conducted between the two parties on the basis of an arbitral award pronounced on July 10th by Professor Kaeckenbeeck, the distinguished Belgian jurist, terminated on July 30th in the signature of a convention which is to be ratified before December 1st.

The question having thus been settled in broad outline by the convention which I have just mentioned, the Polish Government endeavoured to discover the best method of ensuring an

absolutely impartial application of the convention to the persons concerned.

The Assembly will, I am sure, desire to have information upon the new methods of co-operation with the representatives of the minorities, which methods have been spontaneously adopted by the Polish Government and will henceforth be applied by the administrative authorities in all matters arising out of the Vienna Convention. (*Applause.*)

By a recent decision the Cabinet has introduced into the administration of the Palatinates in Posen and Pomerania mixed Paritative Commissions composed of Polish nationals of Polish and German origin. These commissions will be empowered to pronounce opinions which, in disputed cases, will have the effect of suspending the decisions of the "Palatines"—that is, the prefects—in regard to nationality.

I venture to draw your special attention to the novel procedure which has thus been introduced in Poland. Conceived in a spirit of liberalism, it ensures the German minority a share in the settlement by the national authorities of questions in which they are directly concerned.

Ever faithful to the ancient traditions of liberalism, which are implanted in the hearts of her people, Poland has never, at any moment of her greatness, restricted by law the liberties of other races. True to her great past, she has, in her new laws, gone further than was required of her by the minorities treaties.

With regard to the use of languages, for example, three laws were promulgated on July 31st, 1924, concerning the various languages to be used in the seven eastern palatinates, the first referring to the language in the courts of law, the second to certain orders for the organisation of education and the third to the language to be used by the administrative authorities in Eastern Poland and by the local autonomous bodies. These laws are based on the principle of ensuring the widest possible collaboration between the races, thus uniting them by a common bond, whilst safeguarding the national characteristics of each.

Another important step in the same direction was taken only a few days ago.

The Polish Government has just made the final arrangement for founding a Ukrainian University temporarily situated at Cracow.

By the term "temporarily" is meant that at some time in the near future, when a *rapprochement* between Poland and the Ukraine has become an accomplished fact, a law will be passed by Parliament fixing the seat of the Ukrainian university in a part of Poland having a predominantly Ukrainian population.

The organisation of the University has been entrusted by the Minister of Education to a Commission consisting of Polish and Ruthenian professors in equal numbers. The Commission is empowered to give its opinion on all draft laws concerning the establishment of the University and to make proposals on all matters affecting its future development, in particular, the foundation of chairs and the appointment of professors. (*Applause.*)

Ladies and gentlemen—I have given you the facts. Comment is needless. Facts have a power to stay the idle flow of empty words. In the name of peace we hold out a helping hand to aid the moral and intellectual culture of those races which have for centuries inhabited the territory we inhabit, who have shared with us our daily bread, whose forefathers have been laid to rest in our village churchyards.

It is with pleasure that I make this announcement, for the decisions we have taken are, to a very

large extent, based upon the minorities treaty, and are designed to carry out its provisions. But I am also conscious of a feeling of pride, for by such deeds Poland shows that she remains true to those ancient traditions which are the heritage of her national genius. (*Applause.*)

We have done well in conforming to the treaties; we have done better in conforming to the character of our race.

That is why I feel morally entitled to express the desire and, let me add, the hope that the Polish minorities, of whom there are many outside Poland, will receive the benefit of treatment similar to that which we have assured to the minorities in Poland.

I feel entitled to refer again to the fundamental principles which have so often been enunciated by Professor Gilbert Murray and were set forth in a unanimous resolution adopted by this Assembly on September 21st, 1922. I hope I am justified in thinking that before very long that resolution will lead to practical results.

I intend to submit to the Assembly certain proposals which are in keeping with its views, and I am confident, nay, certain, that our proposals, based as they are upon the principle that there is no distinction before the law, will stir the conscience of the nations. (*Applause.*)

The President :

Translation : M. Politis, first delegate of Greece, will address the Assembly. (*Applause.*)

M. Politis (Greece).

Translation : Ladies and gentlemen—I wish to make a few brief remarks on one part of the report at present under discussion.

It is mentioned in the report that replies have been received from the jurists to whom the Council last year referred the examination of certain points connected with the Covenant and a number of questions of international law. The text of the replies appears in the report, together with the information that the Council approved them as a whole and decided to communicate them to all the States Members of the League. I have no intention of opening a debate at this juncture, but I feel it my duty to state frankly—and I believe that in doing so I shall be interpreting the feelings of a number of my colleagues—that neither the way in which the questions were formulated, nor, in particular, the replies to those questions, are completely satisfactory from a technical point of view.

In the first place, no reasons whatever are given in support of the replies; and, secondly, they are in a number of cases worded so briefly, so vaguely, and, I venture to say, so enigmatically, as to recall nothing so much as the replies of the ancient oracles, which could be interpreted by the various parties concerned as they best pleased.

Those who are familiar with these matters are aware that some of the replies are at variance with opinions publicly expressed in technical works written by certain members of the very Committee that formulated the replies. In one of them, for example—I will not go into details—the reply to the question "Are such-and-such measures consistent with the terms of the Covenant or not?" merely states: "These measures may or may not be consistent..." without saying either when or how.

Surely, then, some members of the Council must themselves have been doubtful as to the expediency of approving such replies.

I will not dwell further on this matter, but I think that the few words I have said lead to a two-fold conclusion :

In the first place, the Council's resolution approving these replies as a whole cannot possibly be regarded as finally settling the question.

As my honourable colleague M. Loudon reminded us last year, and as M. Gustave Ador repeated the day before yesterday, the interpretation of the Covenant falls within the sovereign competence of the States Members of the League of Nations.

The second conclusion is that the Council of the League should not attempt to extend its competence beyond the natural limits of that competence. When questions of law are laid before it, the Council should remember that it is neither a tribunal nor an academy of law, and that, if it requires enlightenment, there is only one body which can offer it that enlightenment with all the requisite impartiality and with an authority that will be respected by all, namely, the Permanent Court of International Justice.

The Council has already made such an experiment more than once and, as far as I know, has not regretted doing so. The Council is essentially a political body, and in the serious political problems with which it has to deal it has always shown such wisdom that we can have full confidence in it in that respect. Viewing the replies which it has approved from a purely political standpoint, I should conclude that here, too, the Council has acted wisely. It is simply from the point of view of their value in law that I take exception to them. Accordingly I will follow M. Gustave Ador's example and respectfully beg the Assembly simply to take note of the replies, that is, to register them without approving them; otherwise it will be difficult to take up these questions again when the time comes to examine them anew. (*Loud applause.*)

The President :

Translation : Jonkheer J. Loudon, delegate of the Netherlands, will address the Assembly. (*Applause.*)

Jonkheer J. Loudon (Netherlands) :

Translation : Mr. President, ladies and gentlemen—I will ask your indulgence for a few moments only.

As the representative of a country which has always taken a keen interest and played a conspicuous part in the development of international law, I should like first of all to record my whole-hearted support of the proposal made to us two days ago by the first delegate of Sweden, that the League of Nations should take in hand the codification of international law.

As regard international public law, it would be to the interest of all Members of the League alike that international law should gradually be codified by being incorporated, as suggested in the draft resolution, in conventions or other international instruments.

As regards private international law, the Netherlands, in particular, have contributed largely to its development by the series of lectures which have been held at The Hague since 1893; the fifth of these series of lectures is now being arranged for next year. The Netherlands Government will be only too delighted to continue this work and to assist the League on the lines suggested by Baron Marks von Wurtemberg.

There is another subject mentioned in the report on the work of the Council which calls for our careful attention, more especially as it concerns the scope of the provisions of the Covenant. M. Politis has just mentioned it; I mean the series of questions which were referred by the Council to a special Committee of Jurists, as a result of the international incident which we had to consider at several of our meetings last year, and which now, I am glad

to say, has been finally closed. The present question is of a purely legal nature, and is not connected with any particular case. As M. Politis has reminded us, I expressed the opinion last year that it was the duty of the Members of the League to give a final decision in this matter, and the Assembly openly agreed. It follows, then, as indeed M. Politis points out, that the mere communication of the jurists' replies to the different Governments is not in itself sufficient to give them the force of law. I would not dream of discussing the jurists' report, and I fully concur with what M. Politis has just said.

I would like, however, to go a step further. A number of delegates, including myself—and, I might add, almost all our Governments also—are in doubt as to the purport of some of these replies and, for that matter, as to the purport of the questions themselves. I will not quote examples, because I wish to avoid a discussion, but I venture to suggest that we should go rather further than M. Politis and ask the First Committee to determine how far obscure points should be cleared up and how far an explanation is required. I simply ask for further information. In conclusion, I am sure the Assembly will agree that this question of interpretation has so great a bearing on the future that we cannot afford to leave the matter open to doubt, nor is it, I think, a question that will brook delay. (*Applause.*)

The President :

Translation : The last speaker concluded his address by making a proposal, of which he has been good enough to hand in a written version. It reads as follows :

"The Assembly, having taken note of the replies of the Special Committee of Jurists appointed in pursuance of the resolution adopted by the Council on September 28th, 1923, and considering that certain points in these replies require elucidation, requests the First Committee to consider how far such elucidation would be desirable."

The question thus raised is, I need not point out, an important and also a very intricate one. To my mind, we should be most certain of interpreting the Rules of Procedure correctly by referring this proposal to the Agenda Committee, requesting it to give its opinion on the matter and to state whether the question should be referred to the First Committee.

Does the first delegate of the Netherlands agree to this procedure ?

Jonkheer J. Loudon (Netherlands) :

Translation : Entirely, Mr. President.

The President :

Translation : If no one objects, the draft proposal will be referred to the Agenda Committee. (*Assent.*)

Before asking the last speaker but one, Monsignor Fan Noli, first delegate of Albania, to address the Assembly, I beg to welcome him as Prime Minister and head of the Albanian Government. As Albania, like Switzerland, is a small country, I may perhaps take this occasion to point out that all States Members of the League of Nations are equal in the sight of the law. (*Applause.*)

Monsignor Fan Noli, Prime Minister and first delegate of Albania, will address the Assembly.

Monsignor Fan. S. Noli (Albania). — In reviewing the work which has been accomplished by the League of Nations during its five years of active life, I am afraid that even the most exalted pacifist

will throw up his hands in despair and exclaim: "Let us rather have war than such a tedious talk about peace". What have we done for peace? What are we doing now in this Assembly? What has been done in the past five years lies in peace—in eternal peace—locked tightly in the dead files of the Secretariat and guarded jealously by that amiable gentleman, the Secretary-General of the League of Nations. It is true that the League of Nations has rendered some minor services to peace in general and, incidentally, saved Albania from partition, thus ensuring peace and order in the Balkans.

As you know, Albania was a hard nut to crack and a still harder one to slice up, so the League of Nations wisely decided to let her stay where she is and bathe freely on the Adriatic Sea. But do tell me, Mr. Secretary General, why you refuse to give Albania a loan to enable her to get on her feet? We need only 300,000,000 gold francs. Too much, you say? Well, I am going to climb down elegantly to the modest sum of 200,000,000 gold francs. You are shaking your head. Well, I am willing to negotiate for a smaller sum, say 100,000,000 gold francs. I beg your pardon? Do you mean to say that you have never met me in your life, and that you would not lend me a penny? Well, then, take my application for a loan to the dead files of the Secretariat and lock it up there tightly, but be sure to choke it before you bury it in your necropolis, because it is likely to rise from the dead.

Perhaps the Secretary-General meant to say that he is unwilling to negotiate a loan with a revolutionary Government, without a Parliament like that presided over by my reverend humility. But do you know what a Parliament is? Of course you do. But the matter will be clearer when I tell you what I think of it. A Parliament is a hall where heartless politicians meet to vivisect their own race, a hall full of poison gas, of asphyxiating gas, of tear-producing gas, of laughter-producing gas, of tango-producing gas, and of all the other gases with which the last war was fought to end all wars and establish peace, the peace we are talking about.

But since you insist, we are willing to have new elections, and to convoke that pest, that calamity, that abominable superstition, the Parliament after, say, two, or rather three, years of paternal government. Will you then, Mr. Secretary-General, after three years, give me that loan of 400,000,000 gold francs which we agreed upon a few minutes ago? You say "No" again? I knew it.

Well, then, let us talk about peace. I guess we have nothing worse than that to do. I say "I guess" because I want you all to know that I have been for several years in America, that is to say, in Boston, a city situated somewhere in Ireland, full of O'Connors and O'Connells and Fitzgeralds, all of them good talkers, fine talkers, who with other Irishmen from other Irish cities do all the talking in the American electoral campaigns. I wish our honourable colleagues of the Irish Republic had brought here some of those brave orators to talk and talk and talk us to death about peace.

It is no wonder that the Americans, the Germans and the Russians are not very anxious to join the League. They do not seem to appreciate our speeches; they know better. For Heaven's sake, Mr. President, why do you not stop this talking and give me that loan of 500,000,000 gold francs which you promised before I began to speak?

Now that I have answered the first question: "What has been done by the League of Nations in the past five years"? may I come to the second and last question: "What are we doing now in

this Assembly"? The answer is very easy to give. You will find it in Shakespeare: "Words, words, words", that is to say, in plain English, hot air; that's all. Oh! "it is a tale told by an idiot full of sound and fury, signifying nothing".

What is the result of all these learned and deep discussions about disarmament and arbitration treaties? The questions have been referred to a Committee, which will refer them to a Sub-Committee, which will report back to the Committee, which will submit its conclusions to a Conference to be held sometimes in the near future. This Conference will refer those same questions again to a Committee, which will refer them to a Sub-Committee, which will report back to the Committee, which will report in turn to the Conference. The Conference will pass a unanimous resolution, which will be referred to the Council of the League of Nations; the Council in its turn will refer the resolution to the next Assembly of the League of Nations, which will express a unanimous vow to Almighty God in Heaven. After the questions have gone through this poetic cycle of references and counter-references, of reports and counter-reports and advisory opinions, they will be finally referred to the Secretary-General of the League, who will lock them up carefully in the dead files of the Secretariat and keep them there for generations to come.

Thus, the whole thing will have ended in the same way as all soap bubbles do. And, oh, the speeches, the fine speeches, the thundering and out-thundering speeches which will accompany those resolutions and those vows! I love them; I love them "as reek of the rotten fens, as the dead carcasses of unburied men that do corrupt my air." That is why I am delivering this speech to you to-day.

While we think of bubbles, may I make a few remarks about the most colossal bubble that modern history has produced—I mean the Dawes Plan. But is it exactly a bubble? No, it is a tortuous, a complicated, diabolical and infernal combination of bubbles. It is more than a bubble; it is a super-bubble. But we do not need to be afraid of it. It is bound to end like all the minor bubbles which we are producing over here. It is too complicated to work. It may secure a Vice-Presidential Chair to its eminent author, but I am afraid it will result in very few billions of reparations for France and Belgium. These two countries expect to get out of it, I don't know how many billions and billions. I only wish that they could get them. It is not my intention at all to disappoint them, but it is a fatality. That super-bubble of General Dawes is bound to be referred to the League of Nations.

My dear Mr. Secretary-General, please prepare a dry, a very dry, section in your dead files, because you know that Mr. Dawes is an American and America is a dry country, in spite of the fact that from time to time, surreptitiously and sub-rosa, she gets wet, very wet indeed, just for the fun of it, thanks to the noble efforts of the boot-leggers.

Speaking of bubbles reminds me again of that blessed loan of 600 million gold francs which the eminent President of this Assembly and the amiable Secretary-General promised to give me for Albania a few minutes ago. Now this loan is a peace-bubble, a very solid peace-bubble. Oh no, it is not a bubble at all. What I meant to say is this: it will make for peace in the Balkans, it may prepare a way to the realisation of the Balkan Confederation; but what is the use of talking about it? Mr. Secretary-General, take it to the dead files, to your necropolis.

Having answered the two questions, it remains now to draw the conclusion, which I am going to discuss in the form of two other questions. First, in view of the preceding facts, is it worth while

to have any League of Nations at all? Secondly, if the answer is in the affirmative, what should be the method of achieving its end, universal peace?

So far as the first question is concerned, I am going to answer it in the affirmative. Even if the League of Nations is a dream, a Utopia, which provokes smiles and sneers among the sceptical, it should be retained as an ideal interpreting the noblest yearnings of humanity; it should persist as a challenge to the grotesque militaristic glories, as a solemn assertion of the universal will to peace; it should persist until its beauty, its nobility, its humanism and its necessity are universally recognised. After all, in spite of its present shortcomings, it deserves to be greeted with the words: "Verweile doch, Du bist so schön!"

Why should we be pessimistic? The yearning for peace is there, everywhere: that is unmistakable. Otherwise, we should not have had the comedy of the various peace bubbles and super-bubbles which are pestering us. It is just because the people in general want peace that statesmen and politicians are offering them from time to time arbitration bubbles, disarmament bubbles, security bubbles and reparation super-bubbles.

But peace will not come from treaties. These are bound to go sooner or later to the waste-paper basket. Peace will come through education in the schools. We must teach our children that wholesale murder is just as criminal as retail murder. We must teach them that our tribal deities are the source of all the evils that have tortured humanity for centuries. We must teach them that there is but one true God whom we should serve, the inter-tribal God of Humanity. We must teach them to become good members of the inter-tribal super-State, noble citizens of the World-Federation which is coming, which is bound to come. When our children have been taught these plain truths, then we shall have not only moral disarmament, which should precede material disarmament, but we shall also have real co-operation of all the races of the world for international peace, progress and prosperity. All the rest is beating about the bush.

But before we come to this, we must first admit that we are all savages so long as we offer human sacrifices to the tribal molochs. Oh! kill them, hang them, choke them, chase them to the four corners of the earth, these barbarian man-eating deities which have filled the history of mankind with so much misery, with so much hatred, with so much devastation, with so much blood, with so much horror. *Ah! nous les aurons, les vieux sabreurs!* Look at the eyes of suffering humanity after the ravages of the world-war. Oh! there is no sorrow like unto her sorrow. No sacrifice should be too great to spare our children new wars and new tears.

En avant! mes camarades. The world is prepared for the new gospel. The standard of the League of Nations is the noblest ever raised; its soldiers are the bravest the world has ever produced; its goal is the highest feat of human progress. The spirit of Wilson, its father and prophet, is leading us. The difficulties are immense but screw your courage to the sticking point and you will not fail' (*Loud applause.*)

The President :

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

M. Urrutia (Colombia) :

Translation : Ladies and gentlemen, I wish to

give my hearty support to all that M. Politis and M. Loudon have said. I would also venture to make a recommendation that all questions concerning the interpretation of the Covenant should in future be submitted to the Permanent Court of International Justice at The Hague.

The main purpose of the Court is to give advisory opinions upon any disputes or matters which the Council or the Assembly may lay before it.

There is, therefore, in view of the provision which I have in mind, a moral obligation upon the Assembly and the Council to refer to the Permanent Court all matters relating to the interpretation of the Covenant. The question is first and foremost a juridical one, but it has a moral aspect as well.

The Permanent Court of International Justice is the most valuable of all the institutions set up by the League. We have, therefore, every reason for enhancing its authority and prestige. The Permanent Court is and remains the strongest moral link, perhaps the only link, between the Assembly of the League and those countries which do not yet belong to it, since even those countries have solemnly declared that they recognise its authority.

Honour and interest, then, alike demand that we should persistently endeavour to increase the authority of the Court. We all have some difficulty in explaining to public opinion in our countries why, in certain cases, the Court has not been asked to deal with questions that are intimately connected with the organic constitution and the future of the League.

I fully appreciate the wisdom with which the Council has acted in all questions that have arisen as regards the interpretation of the Covenant. I do not dispute the authority of the Committees of Jurists which have been appointed, but we must all admit that, eminent as the members of those Committees are, their authority is not to be compared with the universal authority enjoyed by the Permanent Court. However that may be, the articles of the Covenant must necessarily be a matter for jurisprudence, and this is a form of jurisprudence that can only be elaborated by the Permanent Court of International Justice. We shall never have that jurisprudence if an article of the Covenant is one day interpreted by one Committee of Jurists and the same article, or another, is interpreted the next day by another Committee of Jurists.

Further, we must not forget that the Covenant of the League is an international treaty and that we cannot submit to our Parliaments the opinions of a Committee of Jurists appointed by the Council as an interpretation of an international treaty.

Finally, the Council has reserved to itself the right to grant or withhold its approval of the conclusions reached by the Committee of Jurists. It follows that the Covenant is interpreted by the Council itself. This we cannot accept. Not even the Assembly can interpret the Covenant, for it is an international treaty and can only be interpreted by the Governments themselves.

The Council must keep within the limits of its constitutional powers, while the Assembly must on no account exceed the powers invested in it. This is the only democratic conception of the League.

I should like to make one more observation. We have, in the last few days, discussed the necessity for reforming the Statute of the Permanent Court of International Justice so as to develop compulsory jurisdiction.

This proposal is incompatible with any measure that might diminish the prestige and authority of the Court.

Do not let us imagine that we can take a single step forward if we are at the same time taking several steps backward. (*Applause.*)

The President :

Translation : Does any other delegate wish to speak ?

I declare the discussion on the work of the Council and of the Secretariat closed. In accordance with precedent, we have only to take note of the report on the work of the Council and of the Secretariat. I may remind you that taking note is not equivalent to approval. (*Assent.*)

The Second Committee is preparing to-day

for submission to the Assembly an important report on the reconstruction of Hungary. I suggest that the Assembly should consider this question tomorrow at 11 o'clock. (*Assent.*)

It would seem desirable for the Assembly not to meet again before Monday so that Friday and Saturday of this week may be devoted entirely to the work of the Committees. (*Assent.*)

The Assembly rose at 1.5 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

FIFTEENTH PLENARY MEETING

THURSDAY, SEPTEMBER 11th, 1924, AT 11 A.M.

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44. — CREDENTIALS OF THE DELEGATES OF PARAGUAY AND HUNGARY : REPORT OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : Before opening the discussion on the report of the Second Committee concerning the financial reconstruction of Hungary I call upon M. de Aguero y Bethancourt, Chairman of the Committee on Credentials, to address the Assembly.

M. de Aguero y Bethancourt (Cuba) :

Translation : Ladies and gentlemen — The Committee on Credentials has examined the documents submitted to it regarding the delegate of the Republic of Paraguay accredited to the Fifth Assembly of the League of Nations.

The Committee has received a telegram and a letter from the Ministry for Foreign Affairs of Paraguay, and considers that Dr. Caballero is duly accredited as delegate of Paraguay to the Fifth Assembly of the League of Nations.

The Hungarian delegation has announced that His Excellency Count Bethlen, Prime Minister of Hungary, will act as delegate throughout the discussion in the Assembly on the financial reconstruction of Hungary.

The third delegate of Hungary will act as substitute delegate during the discussion and will resume his position as full delegate immediately afterwards.

45. — WELCOME TO COUNT BETHLEN, PRIME MINISTER OF HUNGARY.

The President :

Translation : For to-day's meeting His Excellency Count Bethlen, Prime Minister of Hungary, will act as first Hungarian delegate.

I wish to offer him the cordial welcome and thanks which I have offered to the other heads of Governments who have honoured us by coming here during this session. His presence in this Assembly testifies to his concern for the well-being of his own country and especially for the work of the League. (*Applause.*)

46. — RECONSTRUCTION OF HUNGARY : REPORT OF THE SECOND COMMITTEE : RESOLUTION.

The President :

Translation : The first item on the agenda is the report of the Second Committee on the reconstruction of Hungary.

I call upon M. Garay, Chairman of the Committee

and M. Cavazzoni, Rapporteur, to take their places on the platform.

(M. Garay and M. Cavazzoni took their places on the platform.)

The President :

Translation : M. Cavazzoni, Rapporteur of the Second Committee, will address the Assembly.

M. Cavazzoni (Italy), Rapporteur, read his report (Document A. 58 (1), 1924, Annex 3).

The President :

Translation : Count Bethlen, Prime Minister and first delegate of Hungary, will address the Assembly.

Count Bethlen (Hungary) :

Translation : Mr. President, ladies and gentlemen—As representative of the country most deeply concerned in the question on the agenda, I beg you to give me your attention for a few moments.

The plan which I propose to adopt on this occasion is to emphasise, in its main outlines, the importance of the work carried out by the League in Hungary, the beneficial effects of which extend far beyond the financial reconstruction of Hungary, and are of vital significance in the maintenance of peace and the consolidation of Central Europe. In adopting this method my only purpose is to serve the great and noble principles inscribed on the standard of the League. I can, I believe, achieve my aim more effectively by going into the fundamentals of the question and frankly explaining my ideas, exactly as they have occurred to me, instead of merely offering to the League the gratitude and thanks of the Hungarian nation.

In working for the reconstruction of Hungary, the League has done much more than save a small State that was defeated in the world-war. This is a point which is more often forgotten than remembered.

The reconstruction of Hungary was something more than a humanitarian measure for the relief of a distressed and impoverished people. It was something more than a purely economic measure or the application of sound principles of political economy.

Closely connected as it is with the reconstruction of Austria, this activity of the League marks the attainment of a further and an equally important stage in the work undertaken since the war in the interests of peace and political consolidation in Central Europe. I attach particular significance to these two measures, because they have succeeded in bringing about friendly collaboration, for the first time since the war, between all countries involved in the political life of that part of Europe.

The culminating point in that work, however, is, I consider, the fact that it constitutes fresh evidence of a truth that has been sufficiently attested by the results obtained hitherto, namely, that the pacific methods adopted by the League are alone capable of healing the wounds of war and of guaranteeing to the sorely-tried nations the real peace they so ardently desire.

What were the ideas entertained by the small countries when they enrolled themselves as Members of the League? What were the hopes cherished by the conquered nations?

Let me be quite frank. The small nations expected the League to secure the triumph of the principles of justice and equity without regard to the political and military forces which any of its Members might be able to contribute in support of their cause. The defeated countries also desired the

support of the League in order to attain thereby liberty and equality in the family of nations, for this is but the realisation in international life, in accordance with the principles enunciated by President Wilson, of those lofty ideas upon which democracy is based in the internal life of States.

The League, I am convinced, will never attempt to solve the problems confronting it by adopting a policy of mercilessly silencing the cries of the oppressed and their legitimate complaints. The policy that should be pursued under the aegis of the League is to endeavour to eliminate the causes of despair and to heal the wounds inflicted upon the nations by the war and its consequences. This will be the most effective way of serving the cause of peace. This policy alone can assure complete security to all. It is a policy which, if successfully pursued, will offer us real and concrete advantages notwithstanding the temporary sacrifices that it seems to exact.

The great work undertaken by the League for the economic and financial restoration of Hungary has, I need not say, been crowned by well-deserved success; and yet, while I applaud it, I cannot but remind you of the criticisms frequently levelled against this meritorious achievement. I remember the objections raised by sceptics and pessimists. Some said: "We have just restored the economic position of a State that has passed through the ordeal of war. What are the political results of our work?" Others thought: "We have regenerated a conquered nation, but have we served the cause of peace? Henceforth that State will be able to place its surplus force in the balance. What can be the effect but to hamper the settlement of existing differences in Central Europe?"

Happily, these fears proved quite unfounded.

Light has been shed upon the dark places. The restoration of Hungary is now seen in its true proportions as one of the most useful contributions towards peace in Central Europe.

Ladies and gentlemen, do you realise the poverty, the unparalleled suffering and despair that, after the collapse of Austria-Hungary, befell all classes of society in the conquered States of the Danube? Can you wonder that this overwhelming reversal of fate left feelings of hatred and resentment even among those who did their utmost, while hostilities were still in progress, to appease men's minds? This mood was, naturally, far from conducive to the success of the efforts made to suppress the spirit of war.

The intervention of the League of Nations on behalf of Hungary was the first remedy for this evil. It was, indeed, the first effective step calculated to allay the excitement in men's minds. The enthusiasm shown by the League's representatives in carrying out their work gave our people an assurance that they were not entirely abandoned to the caprice of an unkind fate. Saved from despair, Hungary has regained her belief that vanquished nations will henceforth be treated with humanity and justice.

The realisation of this fact has, believe me, restored tranquillity in the public mind, a process that has resulted more especially in the internal consolidation of the State, the resumption of business, and increased traffic with other States. All these factors cannot fail to disperse feelings of distrust between us and our neighbours. But this gradual transformation had a second and very natural consequence, a returning appreciation of tranquil and methodical work, that should be the surest means of bringing the defeated nations to recognise their right to equality and to realise their legitimate interests. It is surely obvious that the strengthening of our economic situation and the improvement in our international position will

hasten the peaceful settlement of all outstanding disputes in our part of Central Europe.

I am therefore justified in stating that the work done by the League in Hungary cannot be a ground for alarm. On the contrary, the League's action has resulted in what I may call moral disarmament, a removal of the sense of crisis. These are, in my opinion, the primary conditions for the success of material disarmament. It seems quite clear to me that it is futile to discuss this problem, for no system that we might devise can possibly promote military disarmament, until moral disarmament has become an accomplished fact. Otherwise, we shall never have the one essential for every agreement, the *animus contrahendi*.

In support of my argument that the action taken by the League has inaugurated a process of moral disarmament in Central Europe, I would draw your attention to two circumstances, which are, I think, particularly illuminating, although *prima facie* they may appear to be of no importance at all, particularly with regard to world politics.

The first is the fact that the reconstruction draft laws were passed by a large majority in the Hungarian Parliament, despite the fact that they invested the League with powers of strict control in Hungary, which implied a temporary infringement of the sovereignty of the State. Nevertheless, the Hungarian Parliament gladly accepted the assistance proffered and so gave striking proof of its confidence in the League which, it feels, offers the prospect of a happier future.

The second circumstance illustrates my argument still more clearly. I would venture to invite the testimony of those who represent the States bordering on Hungary. Let us examine the facts. There were at least a hundred questions outstanding between us, and I can say without exaggeration that there were nearly as many disputes as questions. Most of these questions have been settled and the disputes removed. Could we have obtained this result without the mediating action of the League? I think not.

Need I add that the intervention of the League in Hungarian affairs has also paved the way for a gradual relaxation of the system of restriction and prohibition in the sphere of international trade?

The door is but half open as yet; but it is my firm conviction that the resumption of commercial relations, the increased exchange of goods and the consequent strengthening of economic ties will achieve the rest. The removal of the prohibitive measures which were a legacy of the war offers the brightest prospects for the maintenance of peace.

To sum up, I consider that the reconstruction of Hungary by the League is an event of supreme political importance, because, while contributing to the economic consolidation of Central Europe, that action has also rendered invaluable services to the cause of peace. It is with feelings of deep gratitude that, in the name of Hungary, I salute the League. I would ask you all to join in this expression of our thanks. Although, of course, you are less directly interested in the reconstruction of Hungary, you will certainly appreciate the fact that in ministering to the peace of the world the League has, at the same time, rendered a very great service to us all. (*Applause.*)

I only ask that the League may pursue the road that it has taken, disregarding all censure and criticism of its disinterested action.

Much hard work remains to be done. Not all the smouldering embers have been extinguished. Many questions still await a settlement in Central Europe as elsewhere.

Until nations have acquired the conviction—in the light of past achievements—that the principles

of liberty and equality ultimately triumph in the sphere of international life, true confidence among the nations will not be revived and there will be still some stones lacking in the temple of peace. Is there a more splendid task for the League than to prove, as it has proved in the past, that it has the strength and determination to develop into a vigorous institution for the settlement of disputes between States by pacific methods that are none the less just methods?

I have, in my remarks, used the reconstruction of my country as proof that two concrete results may be ascribed to the credit of the League. First, there is the considerable progress in the moral disarmament of Central Europe, due to its beneficent action, and, secondly, the success of the economic relief work carried out in Hungary. Both these achievements prove that the methods adopted by the League are the surest guides to that kingdom of true peace towards which we all are striving.

In the League the leaders of Europe will find concrete guarantees for their security. The sacrifices they would have to make for the restoration of peace are easy to bear, since there is only one sure guarantee of security for us all, strong and weak alike—the just and equitable settlement of every serious problem confronting the world. (*Applause.*)

The League of Nations has set a splendid example in solving one of those problems and I am proud to have the honour of offering my warmest congratulations. I voice the sentiments of the whole Hungarian nation when I express my most sincere gratitude for the practical and disinterested help which the League, true to its noble principles, brought us in the day of anxiety and tribulation.

I wish to thank also all those countries and Governments which, either by signing the Protocols or by subscribing to the loan, took their share in the great work.

Let me add that, in return for what the League has done for us, my country offers its sincere and active collaboration in building that temple of peace which will be the highest reward of our work. (*Loud applause.*)

The President :

Translation : Sir Henry Strakosch, delegate of South Africa, will address the Assembly.

(*Sir Henry Strakosch mounted the platform amidst the applause of the Assembly.*)

Sir Henry Strakosch (South Africa) : Mr. President, ladies and gentlemen — It is just a year ago that I had the privilege, from this platform, of congratulating the Assembly on the gratifying success which had been achieved by the League of Nations in connection with the reconstruction of Austria. To-day it is my pleasant task to offer my warm felicitations upon what has every prospect of becoming an equally significant success, namely, the financial and economic reconstruction of Hungary.

For the League to be able to record, two years in succession, outstanding and gratifying achievements of so tangible a character will surely be a most powerful encouragement to all those who desire the League to occupy the position in the world's affairs which was mapped out for it by its founders. To have rescued in the nick of time these two countries, with their 15,000,000 people and their ancient civilisation, from the almost inevitable fate of chaos and utter destitution, and to have saved Europe from grave political complications which assuredly would have followed their

collapse, is no mean performance. It is a performance which must command the respect and gratitude of the whole world, and cannot fail to exercise a powerful influence upon that growing circle of public opinion which is only waiting to be convinced of the living force of the League to become its most ardent protagonist.

We must ever keep before us the fact that the League cannot hope to fulfil its great destiny without having behind it the strong force of public opinion and that it is, therefore, one of our special tasks to foster the creation of a well-instructed public opinion on all matters relating to the League. It is permissible, therefore, on occasions like this to dwell on the scope and significance of its achievements.

Let me first of all briefly review the course of the Hungarian negotiations, for nothing can illustrate more clearly and more convincingly the efficiency, smoothness and expedition with which the whole machinery of the League can be made to work when once it is set in motion.

On September 29th of last year, at the close of the fourth Assembly, the Council passed a resolution that, if the Reparation Commission should invite the League to co-operate in the preparation of a plan for the financial reconstruction of Hungary, the Financial Committee and the Secretariat were authorised to proceed at once with their investigations and the preparation of their plan.

On October 17th, 1923, the Reparation Commission sent its invitation to the League to draw up its scheme of reform. A small delegation of the Secretariat then went to Budapest. A month later, in November, the delegation reported to the Financial Committee and that Committee prepared a plan which was submitted in December to the Council and approved by it.

On January 16th, 1924, the plan was sent to the Reparation Commission and that Commission raised the liens on Hungarian assets. In March, the Protocol which had been drawn up were ratified, and a delegation of the Council, of which I had the honour to be Chairman, went to Budapest, there to work out the details of the programme of reform and to agree the necessary legislation. On April 17th Parliamentary sanction was obtained.

From the time the first conversations took place in Geneva to the final ratification by the Hungarian Parliament little more than six months had elapsed, a really exceptional performance considering the great complexity of the task and the host of divergent interests which had to be conciliated. Within less than three more months the whole machinery of control, under the distinguished leadership of the Commissioner-General, Mr. Jeremiah Smith, was working smoothly, and the loan of 250 million gold crowns, which formed so important a part of the plan, had been successfully launched.

As one who has had the privilege of being associated with the negotiations from their very inception, I may perhaps be permitted to express my profound admiration for the splendid spirit of cordial co-operation which prevailed throughout. Without wishing in any way to discriminate—for all parties to these negotiations were imbued by this spirit—I cannot refrain from referring especially to Count Bethlen's wide-minded statesmanship, which was so helpful in solving the many intricate problems that had to be cleared out of the way before agreement could be reached.

When speaking here last year on the Austrian reconstruction scheme, I ventured to assert that by no other agency than that of the League would it have been possible to complete the difficult negotiations and to put the plan of reform into execution in so short a time and in so satisfactory

a manner. I have no hesitation in saying that that statement holds good, in an even more marked degree, in the case of the Hungarian negotiations which have presented problems, especially of a political character, far more complex than those of Austria.

As regards the plan of reform itself, I need not say much. The report on the work of the Council and the other official documents relating to this question which are in your possession give a full and detailed account of its construction. Yet a few remarks of a general character may not, perhaps, be out of place. It is well to define the scope of the League's action and to draw attention to its limitations.

What the League has set out to do and has done is to create a basis of stability, politically and financially, upon which Hungary could safely rebuild her economic future, a basis which will command confidence both in Hungary and in the rest of the world, for confidence is one of the indispensable prerequisites for the establishment of that stability, if for no other reason than to assure the raising of a loan of substantial size to enable Hungary to bridge the period of reform and to establish budget equilibrium on a sure foundation. This, apart from its co-operation with the Hungarian Government, through the Commissioner-General in carrying through the plan of reform, is the League's share of the work. It is Hungary's task, given these conditions of stability, to rebuild, adapt, and develop her internal economy in friendly co-operation, especially with those countries with which her economic life is particularly closely bound up.

One feature of the plan deserves, I believe, special mention. It is the fact that the amount of 250 million gold crowns needed to bridge the period of reform was raised entirely on Hungary's own credit, the loan not being endowed with the additional security of foreign Government guarantees which were so prominent a feature of the Austrian loan operations. Hungary was herself able to provide security of ample proportions, but it is fair to say that it was in no small degree due to the confidence in the judgment of the League and the efficiency of its control that the raising of so substantial a loan could be contemplated. The loan, which was issued in seven European countries and also in the United States of America, was, indeed, a complete success.

Those who have read the three reports of the Commissioner-General which deal with the development of the situation in Hungary up to the end of July, cannot fail to have been struck by the progress which has already been achieved. The new National Bank is functioning well. Monetary stability has been attained; revenues are coming in most satisfactorily; the balance of trade is showing a most gratifying improvement and a good beginning has been made towards reducing public expenditure and freeing the exchange of goods from artificial barriers. Last, but by no means least, confidence is being rapidly established both internally and externally. I do not think I am making too bold a prophecy at this early stage if I say that there is no reason why the League's plan should not be entirely successful.

Having dealt with the more or less technical features of the Hungarian plan, I should like to examine the problem for a moment from a broader standpoint and to consider the significance and the implications attaching to the work of the League in the financial and economic sphere.

The opinion is pretty widely held that this work of the League, while very laudable from a humanitarian point of view, is really merely a kind of side-show having only a hazy connection with the real

object of the League—that is, the preservation of peace. Nothing, I submit, can be further from the truth. Take the specific case of Hungary. Count Bethlen has just told us, in language far more eloquent than I can command, what the action of the League has meant to his country beyond the mere re-establishment of economic and financial order.

We have had the opportunity in these last few days of listening to a number of leading statesmen on the question of security and disarmament. While opinions did not run on altogether parallel lines as to the best and surest road by which this all-important end might be reached, there could be discerned in all of these expositions the thought that disarmament, in the true sense of the word, implies something far more than the physical diminution of engines of war. There must be established a true spirit of peace or, as our much-lamented colleague, M. Noblemaire, expressed it three years ago, in language which by now has become almost classic, “moral disarmament”.

Does any body believe that moral disarmament can exist side by side with economic disorder, with all that this implies socially and politically? Is it not self-evident that a spirit of real peace can only be established if the physical existence of the population is assured, that is, if conditions of economic and financial order are created which will guarantee a measure of production adequate to provide for the people a degree of comfort which is compatible with their state of civilisation.

Let me put the matter metaphorically. While my simile may, perhaps, not fit the case exactly, it will nevertheless sufficiently illustrate my meaning. If you take away from a poacher his gun, are you likely by that act alone definitely to stop him from repeating the mischief? I very much doubt it. If the poacher is driven by want, as doubtless most poachers are, to resort to his nefarious practices, he will endeavour by hook or by crook to get another gun and if he cannot procure one he will find other means of poaching. If, however, you grip the evil at its very root by providing some occupation which will assure to the poacher a livelihood, the probability is that there will no longer be any need even to take away his gun. He will get rid of it himself in order to purchase something which is more useful to him in his honest occupation.

It is this action of removing the fundamental causes of friction before they develop into the desire for resorting to arms that is so essentially the work of the League of Nations. Let me quote the words of General Smuts, who took so prominent a part in laying the foundations of the League. He said :

“The League should be looked upon as an ever-working organ in the polity of civilisation—an organ which not only attempts the settlement of international disputes after they have arisen, but which grips the many complex forces, of which Peace and War are only resultants, at an early stage of their growth and so deals with the very causes and sources of disputes.”

The work of the Economic and Financial Organisation of the League, therefore, far from being in any way a side-show is, I respectfully submit, of the very nature described above. To restore economic and financial order and to bring contentment and happiness to the people is of the very essence. It does not merely assure conditions favourable to disarmament—which is by no means always equivalent to peace—but it is one of the most powerful elements for assuring peace itself.

By whatever road the particular end of achieving disarmament may be reached, there can be no

doubt that the League is building on sound foundations if it continues patiently to pursue its work of economic and financial restoration.

The greatest sceptic must admit that handsome progress has been made : Austria and Hungary are on the high road to recovery, with the very spirit of the League implanted in them, while that most perplexing refugee question in Greece is being energetically and, I believe, successfully handled by the League. In addition, though the League has had no direct part in it, I cannot help feeling that it was largely the example of the League, with the practical experience it has furnished i. Austria and Hungary, which made it possible for the German reparation question to be brought to the promising stage which it has now reached.

But much yet remains to be done. Production must reach a level of very much greater intensity if the world is to enjoy that measure of well-being which it has a right to expect. And how easily that could be accomplished! Have we not at our service all those wonderful means of intensive production which the progress of physical science has given us? All that is required is to apply them, in an ordered and co-ordinated manner, to the economic organisation as it exists. That organisation, which has been built up by a process of evolution that cannot be undone, relies upon a widespread international division of labour and the unhindered exchange of goods and services. Restore these and there is no reason why we should not, within a very few years, reach that measure of prosperity.

It is almost incomprehensible why so many countries still persist in disregarding this fundamental condition of their own prosperity. The irony is that they impose upon themselves voluntarily the very sanctions which Article 16 of the Covenant prescribes as a penalty for those who break the Covenant—that is, the prohibition of free commercial and financial intercourse.

The co-ordination to which I have referred requires—and this I will not cease to emphasise on every occasion—the most intimate international co-operation. There is no instrument better fitted to achieve this than the League of Nations, with its well-equipped technical organisations and with that wonderful opportunity which is afforded us every year of meeting together and discussing our particular problems.

There are three sides to almost every question, especially those of an economic character : There is your side, there is my side, and there is the right side. The League of Nations is here to find the right side. (*Applause.*)

The President :

Translation : Count Bonin-Longare, delegate of Italy, will address the Assembly. (*Applause.*)

Count Bonin-Longare (Italy) :

Translation : Mr. President, ladies and gentlemen—The financial reconstruction of Hungary, following close upon that of Austria, will, in the future, be writ large in the annals of the League of Nations. These two achievements are evidence of the League's power and influence in the economic as well as in the political and moral spheres.

The material difficulties which had to be overcome in the case of Hungary were considerable. The disease, too long neglected, was growing worse day by day. Monetary inflation, the diminution of resources, the impoverishment of all classes, were becoming more and more acute. The international situation seemed, in its complexity, determined to thwart the vital work of reconstruction.

With a firmness and clear-sightedness that deserved the gratitude of the whole Hungarian

people, the Government made a frank and sincere appeal to the League for help, and the response was immediate.

At once, after negotiations which, difficult as they had seemed at the outset, were rapidly brought to a successful issue, the gates of international credit were thrown open and, in face of the general good-will of all the Powers collaborating in this well-inspired task, the mists of political difficulties were rapidly dispelled.

Through its action the League not only enabled an admirable scheme of economic reconstruction to be drawn up, but also succeeded in the noble task of creating a spirit of reconciliation between neighbouring countries. Calm has been restored over a wide area of Europe and the League may look upon this as the most precious reward for the service it has rendered.

I had the honour to represent Italy on the Committee entrusted by the Council with the examination of this important question, and I have great pleasure in announcing from this platform that the Italian Government and people are highly satisfied with the results obtained and earnestly desire the early financial and economic restoration of the Hungarian State.

Italy and Hungary have crossed swords gallantly in a long and desperate struggle, but the peace that is now between us is not the mere signing of a diplomatic instrument. Peace has entered into the very soul of our people and has effaced the bitter memories of the past. Italy to-day is glad to remember the names of those great Hungarian patriots who took her part in days gone by, in the dark hour of her struggle for national independence. (*Applause.*)

She hastened to offer her aid in a work of reconstruction which demanded sacrifice on her part. She, too, contributed largely towards the Hungarian loan and her contribution was the more valuable because the savings of the Italian people had been heavily drawn upon, ever since the war, for the restoration of the economic life of Italy.

But Italy has made these sacrifices and has co-operated wholeheartedly in the general interest, because she desires to see an end to the causes of the ills which have so long afflicted Europe.

She hopes that the work of reconstruction so auspiciously begun in Hungary will be crowned by complete success. She sincerely trusts that Hungary will soon regain her former prosperity; that close bonds of friendship will once again unite her with neighbouring peoples, with whom Italy also desires to live on cordial terms; and that, as time goes on, Hungary will become in Central Europe an invaluable factor in that lasting and world-wide peace that is the dearest hope of us all. (*Applause.*)

The President :

Translation : M. Garay, delegate of Panama and Chairman of the Second Committee, will address the Assembly.

M. Garay (Panama) :

Translation : Mr. President, ladies and gentlemen—As Chairman of the Second Committee, I did not ask to speak at the beginning of this discussion, as I could only have repeated what our eminent Rapporteur, M. Cavazzoni, delegate of Italy, has said.

Now that the discussion is at an end, I should like to express my sincere thanks to all the speakers who have taken part in it. I must apologise if I am trespassing somewhat upon the domain of the President of the Assembly, but I feel I must personally offer my sincere thanks to Count

Bethlen, the Hungarian Prime Minister, for the invaluable contribution he has made to this Assembly and for a speech which dealt with every aspect of the question and which augured so well for the moral pacification of Central Europe.

I must also thank Sir Henry Strakosch, who, with his high authority and financial ability, made such a valuable contribution to the discussion. He was, it will be remembered, one of the experts sent to Budapest by the League of Nations to examine the situation there and to enquire into the conditions under which the reconstruction loan might be floated. I may speak in similar terms of His Excellency Count Bonin-Longare, whose influence in the Council of the League of Nations was, without question, a weighty factor in the success of the loan.

I venture to take this opportunity of reminding you that one of the speakers in the Second Committee revealed to us a most interesting aspect of this question. He pointed out that in the financial reconstruction of Hungary the League of Nations had obtained greater success than when carrying out the behests of the Covenant. In other words, the League has probably achieved more when acting under the dictates of friendship, sympathy and solidarity, when organising international aid in virtue of a belief in the ultimate triumph of right, than when it has carried into effect the most carefully worded articles in the Covenant.

As Chairman of the Second Committee, I once again thank all who have spoken from this platform for the high value they set upon this achievement of the League of Nations. Thanks to them, the debate has been both as exhaustive and as brilliant as the importance of the subject demands. (*Loud applause.*)

The President :

Translation : I declare the discussion closed.

The resolution proposed by the Second Committee reads as follows :

The Assembly :

Having examined the account of the work of reconstruction in Hungary contained in the general report of the Council to the Assembly (Documents A. 8 and A. 8 (a). 1924) :

(1) *Notes with lively satisfaction that once more, under the auspices of the League of Nations, and on the basis of a plan prepared by its Financial Committee, the reconstruction of another European country is being successfully achieved ;*

(2) *Believes that, as in the case of Austria, this work could only be carried out by international co-operation, and notes with great satisfaction the active association of many countries in the work, whether by the signature of the Protocols or through the issue of the loan—United States of America, Czechoslovakia, France, Great Britain, Hungary, Italy, the Netherlands, Roumania, the Kingdom of the Serbs, Croats and Slovenes, Sweden and Switzerland ;*

(3) *Believes that the association of these countries in co-operative work of this kind both reflects an improvement in political relations and that it has led, and will lead, to beneficial results extending beyond the financial reconstruction which is the primary object of the scheme ;*

(4) *Observes in particular that the principle of reconstruction based upon the re-establishment of sound public finance has been successfully combined with an arrangement limiting and fixing over the next twenty years payments in respect of Treaty*

charges; and that, as in the case of Austria, the execution of the work rests upon a control exercised impartially through a high officer of the League—a national of the United States of America;

(5) Observes that once again the immediate end to which the authors of this plan have addressed themselves is financial rather than economic in character, in the belief that the renewal of confidence brought about by a sound financial policy will have a beneficial effect on the economic condition of the country. In this connection the Assembly desires, however, to emphasise the importance of the Financial Committee's recommendations as to economic policy and development. It hopes that the work begun in Hungary—as in Austria—may be completed by such national or international measures and agreements as will foster the resumption of free and normal trade relations;

(6) Desires once more to express its appreciation to the members of the Financial Committee, whose ability, patience and judgment have produced a plan based, like the Austrian one, on general principles of sound finance, but adapted to the peculiar conditions of another country; to the Hungarian Government for the energy and despatch with which it has entered into the plans prepared with its collaboration; to those—and in particular to Mr. Jeremiah Smith, Commissioner-General—whose administrative work has set the plan working with every prospect of its reaching a successful conclusion; and, lastly, to all those who in many countries have brought about the issue of the entire reconstruction loan;

(7) Observes with pleasure that all the internal legislation required by the scheme has been passed; that the new National Bank has been founded and that inflation has stopped; that the administrative reforms have begun; that taxation receipts are improving, the yield of the revenues assigned for the service of the loan far exceeding the conservative estimates made at the time the scheme was constructed; and, in general, that the scheme has been well launched under the best auguries for its complete success.

The resolution was adopted unanimously.

47. — COMPOSITION OF THE DELEGATION OF THE KINGDOM OF THE SERBS, CROATS AND SLOVENES.

The President :

Translation : I have just received a letter from the delegation of the Kingdom of the Serbs, Croats and Slovenes stating that its two chief delegates, Dr. Marinkovitch, Minister of Foreign Affairs, and Dr. Choumenkovitch, Minister for Commerce and Industry, have been obliged to leave Geneva, in order to deal with urgent affairs in their own country. The third delegate, M. Koumanoudi, former Finance Minister, therefore becomes first delegate, and M. Politch, Professor at the University of Zagreb, and M. Novakovitch, Professor at the University of Belgrade, become respectively second and third delegates.

48. — CHAIRMANSHIP OF THE AGENDA COMMITTEE.

The President :

Translation : M. Marinkovitch was Chairman of the Agenda Committee. I think the Assembly will agree that M. Koumanoudi, now first delegate of the Kingdom of the Serbs, Croats and Slovenes, should join this Committee, which will appoint a new Chairman.

If you all agree, I shall regard this suggestion as adopted. (*Assent.*)

49. — SITUATION IN GEORGIA : MOTION BY THE FRENCH, BRITISH AND BELGIAN DELEGATIONS.

The President :

Translation : The French, British and Belgian delegations have brought forward a motion which they wish to place on the agenda of the present session of the Assembly. It must first, of course, be passed to the Agenda Committee. The motion reads as follows :

“The Assembly, wishing to renew the resolution adopted on September 22nd, 1922, by the Third Assembly, regarding Georgia,
“Invites the Council to follow attentively the course of events in this part of the world, so that it may be able to seize any opportunity which may occur to help in the restoration of this country to normal conditions by any peaceful means in accordance with the rules of international law.”

M. Paul Boncour, delegate of France, wishes to say a few words in explanation of this motion. I call upon M. Paul Boncour to address the Assembly.

(*M. Boncour mounted the platform amidst the applause of the Assembly.*)

M. Paul Boncour (France) :

Translation : Mr. President, ladies and gentlemen—At this late hour the Assembly may rest assured that I will only keep it a few moments.

Indeed, in the matter of the draft resolution, which I have the honour to submit in the name of the British, Belgian and French delegations, the painful and tragic events which are now taking place form in themselves sufficient comment.

The news we read in the papers cannot, of course, be used as an official text for discussion: nevertheless, we cannot pretend that we are ignorant of all that the Press tells us of events in Georgia, and we must all surely feel what a blend of pathos and paradox it is that we should be quietly deliberating here upon the interests of peace and the best means of securing peace, while, at this very moment, somewhere in the world, a state of war exists, blood is being shed, massacres are taking place and cries of agony are once again rising to the heavens.

In the face of all that is happening, the League cannot stand idly by and shirk its duty.

The position, I admit, is difficult, because a state of war exists between two States which are not Members of the League; but those who, with humane breadth of vision, founded and organised the League of Nations and drew up our common bond, the Covenant, foresaw that the League, if its field is to be really world-wide, must not take account of its Members only, but must carry out its mission of reconciliation elsewhere and bring within its fold those States which are not yet Members.

The proposal I have submitted on behalf of the British, Belgian and French delegations is, I may inform the Assembly, the outcome of an agreement between Mr. MacDonald, Prime Minister of Great Britain, and M. Herriot, Prime Minister of France, at the moment of their departure. The Government of Georgia had addressed a moving appeal to M. Herriot and through him to the League.

In their common desire for the welfare of humanity, Mr. MacDonald and M. Herriot readily agreed, even in the rush of their departure, that the League ought to take up this question.

When they left, they instructed me to arrange with Lord Parmoor, delegate of the British Empire, to submit this proposal in their name. The thing is done. There is nothing in the proposal which could offend the susceptibilities of either of the two States concerned; if there had been, I would never have taken upon myself the responsibility of making it. I am one of the many who think that the League will not perform its full task until it includes every nation in the world.

This proposal is in keeping with the ultimate aim of the League, and no State can take offence at the League's efforts to abolish war and establish

justice throughout the world. That is its duty, and it will of course rest with the competent committees to consider ways and means of giving practical effect to this proposal. I will not enter upon that question now. The States concerned may consider themselves honoured that the League should give them credit for thinking that no State can ignore its appeals or its determination to bring about the reign of justice in the world. (*Loud applause.*)

The President :

Translation : If there is no opposition, the draft resolution will be referred to the Agenda Committee. (*Assent.*)

The Assembly rose at 1.20 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

SIXTEENTH PLENARY MEETING

SATURDAY, SEPTEMBER 20th, 1924, AT 10.30 A.M.

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President : M. MOTTA

50. — CREDENTIALS OF THE DELEGATES OF NICARAGUA, SWEDEN, AUSTRIA AND CUBA : REPORT OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : I call upon the Chairman of the Committee on Credentials to make certain communications regarding some of the delegations. The Chairman of the Committee on Credentials will address the Assembly.

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

Translation : Mr. President, ladies and gentlemen—The Committee on Credentials has examined certain documents submitted to it regarding the credentials of the delegate of the Republic of Nicaragua. In accordance with a telegram from the Nicaraguan Minister for Foreign Affairs, Dr. A. Sottile is duly accredited as delegate of Nicaragua to the Fifth Assembly of the League. The Swedish delegation intimated on September 12th that, as Baron Marks von Wurtemberg, first delegate of Sweden, had left Geneva, M. Branting should now be considered as first delegate: Baron Ramel, who had hitherto been substitute delegate, would henceforth act as full delegate.

The Austrian delegation intimates that Monsignor Seipel, who is now at Geneva, has become head of the Austrian delegation to the Fifth Assembly and will act as first delegate during his presence here.

The Cuban delegation intimates that the first delegate, M. de la Torriente, having left Geneva, M. de Agüero should be considered as first delegate of Cuba.

51. — EXAMINATION OF THE REPLIES OF THE SPECIAL COMMITTEE OF JURISTS APPOINTED IN PURSUANCE OF THE RESOLUTION ADOPTED BY THE COUNCIL ON SEPTEMBER 28TH, 1923: REPORT OF THE AGENDA COMMITTEE.

The President :

Translation : The Agenda Committee has examined the question raised by the Netherlands delegation, concerning the replies of the Special Committee of Jurists appointed in accordance with the resolution adopted by the Council on September 28th, 1923.

The report of the Agenda Committee on this question reads as follows :

“Examination of the proposal made by the Netherlands delegation and referred to the Committee by the Assembly. The proposal was as follows :

“ The Assembly,

“‘Having taken note of the replies of the Special Committee of Jurists appointed in pursuance of the resolution adopted by the Council on September 28th, 1923, and considering that certain points in these replies require elucidation, requests the First Committee to consider how far such elucidation would be desirable.’

“The Committee thought that the Assembly would wish to recognise the full importance of this proposal. It considered, however, that the constitutional and legal studies, with which the First Committee had already been entrusted this year, might render it difficult for it to undertake the examination of so important a question during the present session. The Committee, moreover, was, at the request of the Assembly, examining several provisions of the Covenant dealt with in the replies of the jurists. It might, therefore, be useful to await the result of this work before undertaking the examination of the proposal of the Netherlands.

“The Committee, therefore, proposed that the Assembly should place this proposal on the agenda of the next Assembly.

“The Netherlands delegation stated that it was not opposed to this procedure.”

If there is no objection, this question will be placed on the agenda of the Sixth Assembly. (*Assent.*)

52. — SITUATION IN GEORGIA: REPORT OF THE AGENDA COMMITTEE.

The President :

Translation : The Agenda Committee has examined the following proposal made by the French, British and Belgian delegations concerning Georgia :

“The Assembly :

“Wishing to renew the resolution adopted on September 22nd, 1922, by the Third Assembly regarding Georgia :

“Invites the Council to follow attentively the course of events in this part of the world, so that it may be able to seize any opportunity which may occur, to help in the restoration of this country to normal conditions by any peaceful means in accordance with the rules of international law.”

The Agenda Committee proposes that the Assembly should place this question on its agenda and refer it to the Sixth Committee.

If there is no objection, I shall consider the proposal of the Agenda Committee as adopted. (*Assent.*)

53. — REFERENCE OF CERTAIN QUESTIONS TO THE PERMANENT COURT OF INTERNATIONAL JUSTICE FOR AN ADVISORY OPINION: REQUEST OF THE LITHUANIAN GOVERNMENT (ITEM 14 OF THE AGENDA): WITHDRAWAL FROM THE AGENDA.

The President :

Translation : The Lithuanian delegation has sent me the following letter :

Geneva, September 13th, 1924.

“I have the honour to inform you that following upon the decision adopted on the 12th instant by the Sixth Committee, I have just received from my Government instructions to withdraw from the agenda of the Fifth Assembly the following question inserted at the request of the Lithuanian Government in the agenda of the Fourth Assembly, and referred by the latter to the present Assembly :

“‘Reference of certain questions to the Permanent Court of International Justice for an advisory opinion’ (Point 14 of the agenda);

“the Lithuanian Government reserving the right to submit this question to a future Assembly of the League of Nations.

“I beg your Excellency to be so good as to communicate this statement to the Chairman of the Sixth Committee.

(Signed) GALVANAUSKAS,
First Lithuanian Delegate.”

As the question was placed on the agenda in pursuance of a decision by the Fourth Assembly, it can only be withdrawn by another such decision. I would therefore ask the Assembly for its opinion on this point.

(*The Assembly decided that the question should be withdrawn from the agenda.*)

54. — ELECTION OF THE SIX NON-PERMANENT MEMBERS OF THE COUNCIL: PROPOSAL BY THE CHINESE DELEGATION: REFERENCE TO THE AGENDA COMMITTEE.

The President :

Translation : In a letter to the President of the Assembly dated September 18th, the Chinese delegation asks me to submit to you the following proposal :

"The Fifth Assembly reiterates the following recommendation adopted unanimously by the Assemblies of 1922 and 1923 :

"It is desirable that the Assembly, in electing the six non-permanent Members of the Council, should make its choice with due consideration for the main geographical divisions of the world, the great ethnical groups, the different religious traditions, the various types of civilisation and the chief sources of wealth."

I propose to refer the Chinese delegation's motion to the Agenda Committee, which will report upon it at our next meeting.

The proposal was adopted.

55. — PROCEDURE IN CONNECTION WITH THE CONSIDERATION OF REPORTS OF COMMITTEES : PROPOSALS BY THE PRESIDENT.

The President :

Translation : I wish to make certain suggestions to the Assembly.

First of all, I must offer my most cordial thanks to the Committees and their Chairmen for the manner in which they have carried out their duties and for all the work they have done.

In order to save time, but without curtailing our debates excessively or allowing the meetings of the Assembly to be shorn of the dignity that is due to them, it would, I think, be desirable to adopt the following method of procedure. The reports of the Committees, which are distributed to all delegations, are as a rule printed in both French and English. In previous years these reports have almost invariably been read. This practice does not really seem necessary, as the delegations have presumably had an opportunity of examining them.

It would, then, be sufficient in future if Rapporteurs would merely read the conclusions of their reports. They could, at their own discretion, and in all cases in which it is thought essential, and a brief summary of the purport and general trend of the report and elucidate certain special points. If the Assembly approves, I will ask the Chairmen of Committees and Rapporteurs to adopt, at any rate as an experiment, the procedure I have suggested.

If the Assembly shares my views, I do not propose for the moment to place what I may term a time-limit on speeches. This course was adopted in previous years, but it would appear preferable for the present to avoid limiting the length of the speeches. We can overcome our difficulties better by submitting to self-imposed restrictions than by establishing a hard-and-fast time-limit.

Delegates will, I am sure, be kind enough to condense their speeches as far as possible and so enable the Assembly to complete its agenda. (*Applause.*)

56. — AMENDMENT TO RULE 27 OF THE RULES OF PROCEDURE : PROPOSAL BY THE NETHERLANDS DELEGATION : REPORT OF THE FIRST COMMITTEE : RESOLUTION.

The President :

Translation : The next item on the agenda is the discussion of the report of the First Committee on the proposal of the Netherlands delegation to amend Rule 27 of the Rules of Procedure of the Assembly. (Annex 4, Document A. 72. 1924. V.)

I call upon Sir Littleton Groom, Chairman of the First Committee, and M. Rolin, Rapporteur, to take their places on the platform.

(*Sir Littleton Groom and M. Rolin took their places on the platform.*)

The President :

Translation : M. Rolin, Rapporteur, will address the Assembly.

M. Rolin (Belgium), Rapporteur :

Translation : Mr. President, ladies and gentlemen—The First Committee has examined the following proposal by the Netherlands delegation :

"There shall be added to Rule 27 of the Rules of Procedure of the Assembly a second paragraph worded as follows :

"Provided that decisions of the Committees shall be taken by the vote of the majority of the Members of the League represented at the meeting."

The proposed amendment does not, of course, contain any revolutionary proposal, since its only effect would have been to legalise the existing, and almost invariable, practice of the Committees. In point of fact, the intention of the Netherlands delegation was to interpret by the additional paragraph to Rule 27 the provision already contained in that rule, which states that the Rules of Procedure shall apply to the proceedings of Committee of the Assembly.

Although unanimity is required for the decisions of the Assembly, since the States are bound by those decisions, the same rule obviously cannot apply to the decisions of the Committees, since they are merely a preliminary and provisional form of the resolutions finally adopted by the Assembly.

There might be some ground for thinking that, as the decisions of the Assembly must be unanimous, it would be useless for the Committees to be able to take majority decisions. Experience, however, shows that this is not the case, but that, on the contrary, delegations on Committees frequently attempt to secure acceptance of their own point of view, although their objections are by no means final, while, in the majority of cases, the delegations are prepared to submit to the will of the majority of the Assembly or at least to abstain from voting. The contrary is very rarely the case, and only occurs when the opposition raised during the proceedings of the Committees is absolutely decisive or is due to a profound divergence of views. In such cases, even when it has taken a decision, the Committee re-opens the question if the subject permits and attempts to find a solution which will be unanimously accepted and so prevent a dissentient vote in the Assembly, which would be a most regrettable occurrence.

In view of the latter consideration, the First Committee, after discussing the matter with the Netherlands delegation and securing its consent, decided that it would be better not to amend Rule 27 by inserting in it a definite provision practically binding the Committees to transmit to the Assembly proposals which had only been accepted by the majority, when there might have been some prospect of unanimity if a further exchange of views had taken place.

The First Committee accordingly proposes that we should maintain the elastic procedure which has been followed in previous years and should leave it to the discretion of the Committees to exercise, with all due caution, the right of adopting resolutions by a majority vote.

Certain other proposals connected with the amendment of the Netherlands delegation and forming, so to speak, supplementary amendments were before the First Committee. The withdrawal of the proposal by the Netherlands delegation entails the withdrawal of these supplementary amendments.

The proposals to which I refer emanated from the Spanish and Chinese delegations. The object in both cases was to ensure that the views of a minority would find expression and be fully elucidated before the Assembly.

As regards the Spanish proposal, the First Committee came to the conclusion that the Rapporteur on any given question might be relied upon to give in his report a statement of the dissentient opinions if asked by the minority to do so; the latter, moreover, would have every opportunity of adding to or elucidating any passage in the report at the time of its adoption.

The Chinese delegation called the attention of the First Committee to particular objections which a country specially mentioned in a report might have to the adoption of that report or even to its discussion by the Assembly. In this case, again, after a thorough and frank exchange of views both in Sub-Committee and in the full Committee, the Chinese delegate decided that he would not press for the definite establishment of what amounts to a right of veto to be exercised in the Committees, and agreed that it was necessary, as I have explained, to have full confidence in the Committees.

These are the considerations set forth in the report which has been distributed to you and which was adopted by the First Committee. If the Assembly also adopts it, the Netherlands proposal will, nevertheless, we believe, have been of great value, as it has afforded us yet another opportunity of elucidating the method and spirit in which the Assembly conducts its proceedings. (*Applause.*)

The President :

Translation : Does anyone wish to speak ?

The discussion is closed.

The resolution before the Assembly reads as follows :

"The Assembly adopts the terms of the report of the First Committee (Document A. 72. 1924. V), and decides that there is no necessity for any amendment to Rule 27 of the Rules of Procedure of the Assembly."

The resolution was unanimously adopted.

57. — INTERNATIONAL ARRANGEMENTS FOR LEGAL ASSISTANCE FOR THE POOR: REPORT OF THE FIRST COMMITTEE: RESOLUTIONS.

The President :

Translation : The next item on the agenda is the discussion of the report of the First Committee on international arrangements for legal assistance for the poor. (Annex 5, Document A. 71. 1924. V.)

This question was submitted by the Norwegian Government to the Fourth Assembly and referred to the Fifth Assembly. I will ask the Chairman of the First Committee to remain on the platform. M. Scialoja, Rapporteur of the First Committee, will address the Assembly.

M. Scialoja (Italy), Rapporteur :

Translation : I do not think you will see any objection to adopting unanimously these proposals, which the First Committee has had under consideration and which it has already adopted unanimously.

The action which it is proposed to take is due to considerations not merely of justice but of humanity. The object is to render legal assistance more easily available to poor foreigners or poor persons living in a country other than that in which the proceedings are instituted.

The resolutions proposed by the First Committee are as follows :

The Assembly decides :

1. To invite the Secretariat to prepare a list of the agencies, both public and private, which have been established in each country for the purpose of giving to poor persons legal assistance in connection with litigation in the courts or free legal advice and consultation; and of international organisations that are interested in providing or securing legal assistance to poor persons.

This list shall be printed and distributed to the various Governments and be available for the agencies named therein and for other interested institutions.

This list shall be revised by the Secretariat from time to time in order that it may mention agencies that may hereafter be established or abolished.

2. To invite the Secretariat to collect the various treaties, laws, and other provisions regulating legal assistance to poor persons in the various nations and between the various nations.

Such treaties, laws and other provisions or summaries thereof shall be published and distributed to the various Governments and be made available to the agencies mentioned in the list of legal-aid associations and to other interested institutions.

3. To invite each Government to nominate an authority or other duly qualified person who will answer enquiries from authorities or other duly qualified persons in other countries, with regard to the facilities afforded in the country applied to for giving legal advice and assistance in litigation to poor persons in other countries.

The list of authorities or persons so designated by the various Governments shall be published by the Secretariat from time to time.

4. To request the Secretary-General of the League of Nations to ask the various States, including States not Members of the League, whether they would be disposed to become parties to a Convention dealing with free legal aid for the poor on the basis of the principles formulated in Articles 20 to 23 of the Hague Convention of July 17th, 1905, and whether possibly they would desire to propose any modification of such principles.

5. To request the Secretary-General to transmit to the Governments the report A. 34. 1924. V. concerning international arrangements for legal assistance for the poor.

The President :

Translation : If there is no opposition, I declare the resolutions as adopted.

The resolutions were unanimously adopted.

58. — TRAFFIC IN OPIUM AND OTHER DANGEROUS DRUGS: REPORT OF THE FIFTH COMMITTEE: RESOLUTIONS.

The President :

Translation : We now pass to the third item on the agenda, the examination of the Fifth

Committee's report on the work of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs. (Annex 6, Document A. 67. 1924. XI.)

I call upon M. Zahle, Chairman of the Fifth Committee, and Mlle Bonnevie, Rapporteur, to take their places on the platform.

(M. Zahle and Mlle Bonnevie took their places on the platform.)

The President :

Translation : Mlle Bonnevie, Rapporteur, will address the Assembly.

Mlle Bonnevie (Norway), Rapporteur : The Advisory Committee on the Traffic in Opium and other Dangerous Drugs has, during the past year, had a very difficult task to perform, as is shown in its report; the results of its work, however, may be of the utmost importance in connection with the whole opium question.

In accordance with resolutions adopted by the Fourth Assembly, two governmental conferences will be held this autumn. The first conference, which will deal especially with the Far Eastern territories, will open on the first Monday in November, while the second and more general conference, to which all the Members of the League and Parties to the Convention of 1912 have been invited, will meet two weeks later.

A Preparatory Committee was appointed by the Council to work out a draft programme for the second conference, but this Committee was not able to agree upon one general plan. The question of a draft programme for the second conference was, therefore, again examined by the Advisory Committee, with the very satisfactory result that the Committee succeeded in reaching an agreement, deciding to transmit to the Council and to the Governments concerned, as a supplement to the report of the Preparatory Committee, "a series of measures which, in the opinion of the Advisory Committee, furnish a satisfactory basis for the work of the conference, and may prepare the way for a final agreement." These "measures" are specified in Annex 1 of the report of the Advisory Committee to the Council (Document A. 32. 1924), while Annex 2 of the same report contains an explanatory note on these measures.

The Fifth Committee did not feel competent to examine these "measures", which will all be thoroughly treated by the experts of the Conference. It could only adopt the report of the Advisory Committee and join in the hope there expressed "that the result of the work of the International Conferences will lead to a solution of the great and difficult problems which the International Conferences will be called upon to consider". (Resolutions 1 and 2 adopted by the Fifth Committee.)

The report of the Advisory Committee bears witness in several ways to general progress in the application of the Opium Convention of 1912. Thus, for the first time, the Advisory Committee had, during its last session, the benefit of the active assistance of a representative of the Kingdom of the Serbs, Croats and Slovenes.

During the last year, the Convention has been ratified by six countries, while three have signed the Protocol regarding the putting into force of the Convention.

The Fifth Committee has learned, with great satisfaction, that in Switzerland a law agreeing to ratification of the Convention was passed in the spring of this year and that the deposit of the instrument of ratification may be expected to follow shortly. A resolution was passed by the

Fifth Committee inviting the Federal Council to nominate a representative to sit on the Advisory Committee as soon as the Convention had been ratified and put into actual effect. (Resolution 3 adopted by the Fifth Committee.)

Under the heading of general progress should be mentioned also the communication made to the Fifth Committee by the Persian delegate that measures have recently been taken by the Persian Government to control and gradually reduce the cultivation of opium in that country, and that his Government was prepared to ratify the Hague Convention, subject to certain conditions which would be stated before the forthcoming International Conference.

On the other hand, the Advisory Committee refers in its report to the very serious difficulties being experienced in the Far East, especially in China—partly due to smuggling and illicit traffic, partly to the rapid increase in the cultivation of the poppy.

In order to suppress the clandestine traffic, the Advisory Committee recommends that "Powers having extra-territorial rights in China should, if they have not already done so, make regulations, the breach of which shall be punishable by adequate penalties, to control the carrying out by their nationals in China of any trade in the drugs to which Chapter III of the Convention applies", and also "that copies of such regulations be communicated to the Secretariat of the League".

The general situation in China was considered by the Advisory Committee as being very grave, the cultivation of opium having in many provinces increased to an enormous extent. The enquiry undertaken by the Chinese Government on the recommendation of the Advisory Committee in 1922 has, even in the opinion of the Government itself, given no satisfactory results, and the production of opium in China is now hampering in a high degree the control of the opium traffic throughout the Far East.

The Fifth Committee read with great concern the documents laid before it in Annexes 3 and 4 of the report of the Advisory Committee, and it passed a resolution emphasising its sense of the gravity of the situation.

In full agreement with the Chinese delegation, the Fifth Committee approved (Resolution 4 of the Fifth Committee) a recommendation, by the Advisory Committee, that the aid of public opinion should be enlisted by means of a full publication, especially in the Far Eastern Press, of the discussion which had taken place in the Committee on this matter.

By another resolution (Resolution 5 adopted by the Fifth Committee), the Advisory Committee is asked to consider whether it would be desirable to prepare a scheme of a general propaganda in order to acquaint the masses with the terrible consequences resulting from an abuse of dangerous drugs.

Finally, on the proposal of the delegate of Uruguay, a resolution was passed, by a majority, regarding the assistance of the Latin-American nations in the work of the Advisory Committee.

The President :

Translation : M. Chao-Hsin Chu, delegate of China, will address the Assembly.

M. Chao-Hsin Chu (China) : Ladies and gentlemen—Although the opium question is not one which concerns China alone, yet China is really involved in it, and I must not lose this opportunity of voicing Chinese opinion in order to clear away any misconceptions as to China's position or China's attitude.

I have noted with regret that the official investigation into the cultivation of the poppy in some provinces in China did not yield satisfactory results. But it must be remembered that investigation is not an easy task in a vast country like ours. Communications are not perfect. Political unrest in these transitional days has not facilitated the work. The Chinese Government, however, has acted in good faith in respect to the investigation, in spite of the outcome being inconclusive and inadequate.

It is untrue to say that the cultivation of the poppy is universal in China, as some people seem erroneously to think. There are good Governors who live up to the highest conception of their duty in this matter. Such is Governor Yen Shih Shan of Shansi, who has cleaned up his whole province, a province in China being nearly as large as any European country represented at the Assembly. Another Governor was recently reported by Reuter's Agency to have enforced the death penalty on all persons found in possession of four ounces or more of narcotic drugs. These examples serve to show that there is a possibility of entirely suppressing the opium traffic in China. Laws exist prohibiting the traffic in any form and it will be possible to enforce them to the fullest extent when the Central Government regains its control over all the provinces.

I must, however, make it clear that China does not manufacture narcotics, yet it is flooded with these dangerous drugs which are smuggled in from outside. None of these drugs are manufactured in China, but originate particularly in Western countries.

Yet, in dealing with these drugs, China's hands are tied by Treaty, because so many foreigners in China who enjoy extra-territorial rights are engaged in the illicit trade in narcotic drugs.

I myself put forward a proposal at the last session of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs, of which I am a member, that the Chinese regulations as to the supply of narcotic drugs should apply equally to all drug stores owned by foreigners as well as to those owned by natives. Yet the sole result of the discussion in the Committee was an expression of sympathy with China in her difficulties and of regret that no satisfaction could be given to her owing to the obstacle created by extra-territoriality.

Another obstacle encountered by China in the work of suppressing the opium traffic is the existence in the Far East of many colonies under the authority of different Powers where opium-smoking is still allowed under a system of monopoly.

According to the Hague Convention, the use of prepared opium should be reduced gradually and effectively. If the statistics are examined, it will be seen that, since 1912, the consumption of opium for smoking purposes, instead of decreasing, has increased.

The Far Eastern Conference, which has been summoned by the League to meet in November, will deal with this matter. In view of this, I should like to lay stress on the proposal made before the Advisory Committee by Sir John Jordan, who is well known as an authority on the opium question in the Far East. His suggestion is as follows: a gradual reduction of the quantity exported from India and of consumption in the Far Eastern territories of the Powers—this reduction to take place at the rate of 10 per cent. each year for a period of ten years.

I agree with the suggestion made by Sir John Jordan. If such a proposal is adopted, I can assure the Assembly that China will take her share in carrying out the obligations into which she has

entered in respect of the Hague Convention. This would result in the total suppression of the opium traffic in the Far East.

I must repeat that the opium question is one which concerns not only the Far East, but the whole world. Many countries in the West are to-day in quite a serious condition, since many Westerners are becoming addicted to the use of narcotic drugs. The statistics prove that this evil is due to the unlimited manufacture of morphine, heroin, cocaine and other dangerous drugs. Under Chapter III, Article 9, of the Hague Convention, the manufacture of morphine and other dangerous drugs should be limited to the amount required for legitimate purposes. Some new forms of narcotic drugs, such as cocaine, were not well known when the Hague Convention was concluded. It is therefore a duty and a necessity to endeavour to work out a scheme for the international control of the manufacture, distribution and consumption of narcotic drugs and to adapt it to modern conditions.

The general Conference which has been summoned by the League to meet in November will deal with this matter, and we hope that it will reach some satisfactory results which will be of benefit to the human race. I am quite in favour of the methods advocated in the resolutions for arousing public opinion. In China public opinion strongly supports the anti-opium movement, this movement being supported, particularly, by the Chambers of Commerce and by educational institutions. The International Anti-Opium Association in Peking has contributed to this good work. There is also a similar organisation called the Anti-Poison Association, the members of which are all Chinese, all of whom are working to achieve the result which the League of Nations desires.

During the discussion on the opium question in the Fifth Committee, some good suggestions were made by the members as to carrying out of propaganda in all countries in which the opium traffic is a serious problem. My country, of course, would be included in such a proposal. We Chinese support honest propaganda. We support any step taken to suppress the opium traffic in our country, provided it does not infringe our sovereign rights. We promise you our good-will and unreserved support in the movement for combating, in the name of humanity, this evil which is of such world-wide importance. (*Applause.*)

The President :

Translation : Does anyone else wish to speak ? The discussion is closed.

I put to the vote the resolutions proposed by the Fifth Committee; these resolutions read as follows :

1. *The Assembly expresses its deep appreciation of the very valuable work done by the Advisory Committee on the Traffic in Opium and other Dangerous Drugs, and adopts its report together with the resolutions embodied therein.*
2. *The Assembly expresses its satisfaction that the Advisory Committee has been able to work out a series of measures which, although they have not each of them received the approval of all of its members, were considered by the Committee to furnish a satisfactory basis for the work of the second International Conference and to prepare the way for a final agreement, and expresses the hope that the result of the work of the International Conferences will lead to a solution of the great and difficult problems which each Conference, according to the resolutions of the Fourth Assembly, will be called upon to consider.*
3. *The Assembly, taking note of the measures adopted by the Swiss Federal Council and legislative powers for ratifying and giving effect to the provisions*

of the Hague Convention, and bearing in mind the importance of Switzerland as a manufacturer of the drugs to which Chapter III of the Convention applies, expresses the hope that, as soon as the necessary steps have been taken to put into actual effect in Switzerland the provisions of the Convention, the Council will invite the Federal Council to nominate a representative to take part in the work of the Advisory Committee.

4. The Assembly regrets to note that the more thorough investigations which the Chinese Government in 1922 undertook to carry out with regard to the cultivation of the poppy in China have not, even in the opinion of the Chinese Government itself, yielded adequate and satisfactory reports; and views with the utmost concern the continued production of opium which is now going on in China. The Assembly records its sense of the unsatisfactory character of the official investigations which have been made and of the official reports which have been furnished to the League, and approves the recommendation of the Advisory Committee that the aid of public opinion should be enlisted through the medium of the Far Eastern Press in an endeavour to solve this grave problem.

5. The Assembly requests the Council to be good enough to ask the Advisory Committee on the Traffic in Opium and other Dangerous Drugs whether it considers it desirable and expedient that the work undertaken by the League of Nations in connection with the traffic in opium, under Article 23 of the Covenant, should be completed by the preparation of a scheme of propaganda to acquaint the masses with the terrible consequences resulting from the use of dangerous drugs, and thereby to restrict the consumption of such drugs. Should the Advisory Committee be of opinion that it is desirable and expedient to prepare such a scheme, the Assembly of the League of Nations requests the Council to submit the scheme to it at its next session and to indicate what measures are required in order to put it into effect.

6. The Assembly, in the interest of the work of the Advisory Committee on the Traffic in Opium and other Dangerous Drugs and in order to make this work more effective, expresses a wish that the Council may take the necessary steps to ensure that a member belonging to one of the Latin-American countries be appointed on this Committee.

The resolutions were unanimously adopted.

59. — INTER-MUNICIPALITY: REPORT OF THE FIFTH COMMITTEE. RESOLUTION.

The President :

Translation : We now come to the fourth item on the agenda: Inter-municipality. The proposal on this subject was submitted to the Fourth Assembly by the Cuban Government.

I will ask the Chairman of the Fifth Committee to remain on the platform, and I call upon M. Patterson, delegate of Cuba and Rapporteur, to take his place on the platform and to address the Assembly.

M. Patterson (Cuba), Rapporteur, read his report (Annex 7, Document A. 74. 1924. IV).

The President :

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

M. Hymans (Belgium) :

Translation : Mr. President, ladies and gentlemen—I do not intend to examine this proposal exhaustively, which is couched in very general

terms. I shall not oppose the adoption of the resolution, but I venture to make certain reservations.

The text submitted to us includes the following sentence :

“L'Assemblée décide d'accueillir avec la plus vive sympathie la doctrine de l'intermunicipalité...”

Before I accept a “doctrine”, I prefer, if possible, to have an opportunity of considering it and reflecting upon it. For this reason, I desire to make a reservation.

The President :

Translation : You have heard what the first delegate of Belgium has said. M. Hymans is not opposed to the adoption of the resolution; he simply wishes to make a reservation.

I should like to point out to the Assembly that the French and English versions of the resolution are, perhaps, not identical.

The French text speaks of the “doctrine de l'intermunicipalité” and M. Hymans has just told us that before accepting this proposal he would like time to reflect upon it. The English version does not actually mention this “doctrine de l'intermunicipalité”, but states that “the Assembly decides to accept with the greatest sympathy the principle of closer municipal relations” between different countries.

I think, therefore, that, as the Assembly appears unanimous, the resolution proposed by the Committee could be adopted. M. Hymans' reservation being entered in the records of the Assembly.

The text of the resolution reads as follows :

Whereas the maintenance of direct relations between the important municipalities of the various countries, within the strict limits of national sovereignty, is a new form of co-operation between peoples which will contribute largely to diffusing the ideals which led to the creation of the League of Nations and which guide its work :

The Assembly decides to accept with the greatest sympathy the principle of closer municipal relations which the Santiago Conference recommended to the Members of the Pan-American Union for adoption ;

And requests the Secretariat to draw up in preparation for the Sixth Assembly a report on inter-municipal co-operation, on the existing facilities which might be utilised to that end, and on the part which the League of Nations might play in this matter, having regard to the means which might be available and to any facilities provided by other organisations.

The resolution was adopted, the Norwegian delegation abstaining from voting.

60. — WORK OF THE ORGANISATION FOR COMMUNICATIONS AND TRANSIT: REPORT OF THE SECOND COMMITTEE: RESOLUTION.

The President :

Translation : The next item on the agenda is the discussion of the report of the Second Committee on the work of the Organisation for Communications and Transit. (Annex 8, Document A. 77. 1924. VII.)

I will ask M. Garay, the Chairman of the Second Committee, and M. Strasburger, the Rapporteur, to take their places on the platform.

(M. Garay and M. Strasburger took their places on the platform.)

The President :

Translation : The Rapporteur will address the Assembly.

M. Strasburger (Poland), Rapporteur :

Translation : I am anxious to accede to the request made by the President of the Assembly in the letter which he has sent to the Chairmen of Committees asking us to expedite our work. The report which I submit to the Assembly will accordingly be very brief, but I should like to touch upon its main points.

A Conference on Communications and Transit was held at Geneva in November and December of last year, as a result of which several very important conventions were concluded. These were: the General Convention on the International Regime of Railways, the Convention on the International Regime of Maritime Ports and two Conventions on Electric Questions.

A large number of countries have already signed and ratified these conventions. Others, however, have not done so and the Second Committee would recommend that the Assembly should approach all countries and request them to put these conventions into force as soon as possible.

After the Geneva Conference, the Advisory and Technical Committee for Communications and Transit drew up a programme of work. It appointed a number of Sub-Committees to deal with various questions, such as the Sub-Committees for railways and inland navigation and special Sub-Committees on road traffic, electric questions, and so forth.

As regards the future, it is hoped that international arrangements will shortly be concluded on various questions connected with navigation, such as the unification of tonnage measurement in inland and maritime navigation. Moreover, the work accomplished by the special Sub-Committee on Road Traffic, which will meet in October next, and the Railways Sub-Committee, which is due to meet shortly, authorises us to hope that in 1925 the Convention on Motor Traffic will be ready and that an improvement will be introduced in passport formalities, a question which has been discussed by the Advisory Committee at great length.

It should be pointed out, too, that the Organisation for Communications and Transit has worked in close touch with specialist opinion and with the International Chamber of Commerce. It should also be noted that the Organisation plays an important part as an organ of conciliation to settle disputes between different States. One such question is being dealt with by the Advisory Committee at the present moment, and two new disputes have been referred to it, for which it will have to find a settlement.

The Transit Committee's programme of work for next year is thus a particularly heavy one. It includes efforts to settle disputes, the continuation of the technical work of various sub-committees and special committees, the holding of partial conferences on road traffic, the unification of tonnage measurement in inland navigation, and passport formalities.

There is no doubt but that the Assembly will encourage the Organisation to go forward with its programme on the lines which have hitherto enabled it to secure the hearty co-operation of all Governments.

These are the points to which the Second Committee desires to call the particular attention of the Assembly.

The Committee also dealt with the progress in the development of radio-telegraphic communications, and felt that a resolution of the Assembly

might assist in hastening this progress. The Committee finally adopted a draft resolution concerning the use of Esperanto in these communications. A proposal was made to invite the Secretariat to study the possibilities of broadcasting public debates of the League of Nations by radio-telephone. On financial grounds, however, the Committee has not felt that it could propose a resolution on this question.

The Second Committee therefore submits the following three draft resolutions to the Assembly for adoption :

"1. The Assembly :

"Notes with satisfaction the report of the Advisory and Technical Committee for Communications and Transit on the work accomplished by the Organisation for Communications and Transit between the Fourth and Fifth Assemblies ;

"Expresses its gratification at the success of the second General Conference on Communications and Transit and hopes that as far as possible the States whose Governments have voted the Conventions adopted will, before the closing of the Protocol of Signature, sign the Conventions and will proceed to the necessary ratifications as soon as possible ;

"Gives its general approval to the procedure adopted by the Advisory and Technical Committee for Communications and Transit in conducting its investigations and solving the disputes submitted to it ;

"And invites the Governments concerned to facilitate, as in the past, the work of the Committee for Communications and Transit and its Sub-Committees, with a view to the general improvement of the regime of transport and to the development of international law in the domain of international communications, in conformity with Article 23 (e) of the Covenant.

"2. The Assembly draws the attention of the Council to the extreme urgency of giving effect to the proposal already submitted to the Council for a revision of the London Convention of 1912, particularly in view of the enormous development in radio-telephony.

"3. The Assembly recommends that the States Members of the League of Nations should grant to Esperanto, as a practical auxiliary language for international communications side by side with the national languages in use, the treatment and the charges in force for a language en clair in telegraphic and radio-telegraphic communications. It draws the attention of the Organisation for Communications and Transit to this question."

The President :

Translation : Does anyone wish to speak ?

The discussion is closed.

If there is no objection, I declare the resolutions adopted.

The resolutions were unanimously adopted.

61. — SIGNATURE OF A GENERAL ARBITRATION TREATY BETWEEN SWITZERLAND AND ITALY: RESOLUTION.

The President :

Translation : Ladies and gentlemen—Before we proceed to the sixth item on the agenda, M. Salandra first delegate of Italy, will make a short statement to the Assembly.

M. Salandra (Italy) :

Translation : I am happy to inform the Assembly that, as the result of negotiations which were promptly brought to a successful conclusion owing to the good relations and friendly feeling existing between the two parties, a general arbitration treaty was signed to-day at Rome between Switzerland and Italy. This agreement, which is known as a Treaty of conciliation and judicial settlement, is the most comprehensive concluded as yet between any two States. It will be sufficient to reveal the full scope of the Treaty if I read you the first paragraph of Article 1 :

“In view of the friendly relations and feelings of confidence existing between them, the High Contracting Parties undertake to submit to a procedure of conciliation all disputes, of any kind whatsoever, which may arise between them and which it has not been found possible to settle within a reasonable time through the diplomatic channels.”

In resolutely entering upon this path, in thus undertaking to submit to arbitration any disputes, without exception, which may arise between them, the Swiss and Italian Governments have given striking and concrete proof that they are deeply imbued with the spirit which inspired the creation of the League and which now guides its actions. All possibility of future conflict between them is removed. Any dispute which may arise will immediately and automatically be diverted in the direction of a peaceful settlement, honourable to both parties, and setting a fresh seal upon their friendship.

All friends of the League will rejoice at this event: it is the best tribute that any nation can pay to the principles of international harmony enunciated by the League. I and my fellow-countrymen feel particularly happy that Italy should have concluded this covenant of peace and wisdom with Switzerland, the great nation that, by reason of its civic virtues, holds so high a place in the esteem of the whole world, to which it has, for centuries, offered the noble example of different races fraternising in their devotion to one country and to one principle of liberty.

May I be allowed to add that I regard it as a happy omen to be able to announce this good news to an Assembly of the League presided over by M. Motta, who, in his own person, so happily and sympathetically typifies for us the traditional and indissoluble friendship of Switzerland and Italy ? (*Loud applause.*)

The President :

Translation : Ladies and gentlemen—I find myself in a difficult position. The event which M. Salandra has just brought to the notice of the Assembly is one which directly affects my country, and M. Salandra has, moreover, been kind enough to refer to me personally. I owe him my very grateful thanks.

The first negotiations in connection with this Treaty date from May of this year; the Treaty has been signed to-day. It provides for both conciliation procedure and arbitration procedure. It is wholly in keeping with the spirit of the League of Nations. It even goes beyond the scope of Article 36 of the Statute of the Permanent Court of International Justice. All disputes, without exception, no matter what their character, which may arise between Switzerland and Italy (and Heaven forbid that any such disputes ever should arise) will be brought before the Permanent Court of

International Justice after the ordinary means of conciliation have been exhausted.

As a Swiss, and, if I may add, a Swiss of Italian origin, this fills me with profound rejoicing. I see in it a guarantee of friendship, confidence and cordial relations between Switzerland and Italy.

My joy is the greater, if I may be allowed to say so, by reason of the fact that this Treaty accords in every respect with the spirit of the League of Nations and represents, I hope, a decisive step in the progress of international law. (*Loud applause.*)

M. Villegas (Chile) :

Translation : I venture to propose that the Assembly should place on record the satisfaction with which it has heard the communication of M. Salandra, first delegate of Italy, and the speech of our President, M. Motta, regarding the general arbitration treaty concluded between the countries which they represent.

I therefore propose the adoption of the following resolution :

The Assembly :

Having heard with great interest the communication made by the first delegate of Italy, M. Salandra, and the declaration of M. Motta, President of the Assembly, with regard to the signature of a general treaty of arbitration between Switzerland and Italy ;

Expresses to the Governments signatories of the agreement its lively satisfaction at the conclusion of this Treaty, the high importance of which is in conformity with the spirit which inspires the work of the Fifth Assembly of the League of Nations.

I hope, ladies and gentlemen, that you will pass this resolution by acclamation. (*General applause.*)

The President :

Translation : The nature of the resolution and the enthusiasm with which it has been received render it unnecessary for me to put it to the vote.

By unanimous applause you have clearly evinced your intention of adopting the resolution before you. (*Applause.*)

The resolution was unanimously adopted.

62. — WORK OF THE HEALTH ORGANISATION: REPORT OF THE SECOND COMMITTEE RESOLUTION.

The President :

Translation : We will now turn to the agenda. The next item is the discussion of the report of the Second Committee on the work of the Health Organisation of the League. (Annex 9, Document A. 70. 1924. III).

I call upon M. Garay, Chairman of the Second Committee, and M. Caballero, Rapporteur, to take their places on the platform.

(*M. Garay and M. Caballero took their places on the platform.*)

M. Caballero (Paraguay), Rapporteur :

Translation : Mr. President, ladies and gentlemen—I do not propose to read the entire report of the Second Committee, which has already been distributed and will be annexed to the record of to-day's meeting. I will simply give you a general summary of the points referred to in it.

The year's work of the Health Organisation has been many-sided and fruitful. It has extended its sphere of action, improved, completed, and defined its technical equipment, and is thus carrying out with increasing success its special task, which is to give effective help to the various national administrations in their campaign against epidemics and their attempts to improve public health.

Let us observe, in the first place, that an international tradition has been established, in accordance with which Governments are more and more having recourse to the technical services of the Health Organisation in sanitary matters requiring urgent attention.

The Health Organisation has developed its Service of Epidemiological Information by making it as complete as possible, and its importance and great value it is unnecessary to emphasise; this intelligence service publishes a monthly epidemiological report and annual summaries.

It is in regular correspondence with the sanitary administrations of 26 European States, 13 American Republics, 16 African Colonies, 12 countries in Asia, and those of Australia and New Zealand. The epidemiological information thus collected is supplemented by extracts from numerous periodicals dealing with medicine and hygiene.

Another point of interest may be mentioned. Thanks to the grant offered by the International Health Board of the Rockefeller Foundation, this epidemiological information service will shortly establish a branch in Singapore, where all the information regarding prevalence of epidemic diseases and other relevant information which it receives from the ports of the Far East will be centralised and classified.

The Health Organisation has in no way confined its activities to epidemic diseases. It has also studied, on a large scale and from its international aspect, the question of the campaign against malaria. A Commission on Malaria, comprising specialists of various countries, some of which are not Members of the League of Nations, has been constituted for the purpose of studying the best prophylactic and therapeutic methods.

An allied question is that of the production of quinine: the Health Committee has been able, in this connection, to secure the co-operation of four experts belonging to different countries.

Another essential point requiring emphasis concerns the international exchange of sanitary personnel and specialists. These interchanges, to which the Rockefeller Foundation gives most valuable assistance, have grown in importance. Thus, while 78 officers, belonging to 18 nationalities, took part in the general interchanges in 1923, there were 99 officers of 20 nationalities in 1924.

The same applies to the special interchanges, since the total of 14 participants from 11 different nationalities in 1923 has increased to 28 from 13 nationalities in 1924. These figures speak for themselves.

The value of these interchanges is, so to speak, bilateral, benefiting as they do both the health administrations of the countries where the interchanges take place and the persons participating in the interchanges, as has been justly observed by Sir George Newman, Chief Medical Officer of the British Health Administration.

We are indebted to the Health Organisation for work of another kind. It has begun to examine the extremely delicate problem of drafting Health Conventions on problems which extend beyond national limits and become questions of international public health. This can be seen from the report which I have the honour to submit to you in the name of the Second Committee.

The Health Committee has continued its important work on the standardisation of sera and biological products, the early results of which met with the approval of previous Assemblies. These are very complex questions, calling for detailed and prolonged laboratory work. For fuller details (the interest of these questions being, above all, medical), I beg to refer to my report to the Second Committee. (Document A. II. 6.)

This was the work of the Health Organisation throughout last year, and the rapid survey I have made reveals no features of doubtful value.

It remains for me to direct attention to certain recommendations made during the discussions of the Committee, which met with the unanimous approval of the latter, and which form the subject of resolutions which the Committee is submitting to the Assembly.

The Committee hopes that the Health Committee will pay special attention to the study, development and extension of physical training, and to the question of the adoption of rational methods of physical education. I was pleased to note that the Committee adopted in this matter the proposal I had had the honour to submit to it and which was supported by all my colleagues. Physical education is the means by which resistance to pathogenic agents is augmented, and the social output of the whole world is increased for the benefit of each nation and the whole world.

A proposal has been submitted in the name of his Government by Professor Pitamic, delegate of the Kingdom of the Serbs, Croats and Slovenes, which the Committee recommends the Health Committee to study. The proposal is that the Committee be requested to undertake, with reference to the campaign against tuberculosis, an enquiry similar to that already conducted by it in respect of malaria and other diseases.

The Second Committee recommends that the Health Committee be requested to undertake an enquiry as to the value of preventive measures against tuberculosis, taking into account the proposition presented by the Government of the Kingdom of the Serbs, Croats and Slovenes.

The following are the resolutions submitted to the Assembly by the Second Committee:

1. *The Assembly, after examining the report of the Health Committee on the work accomplished by the Health Organisation between the Fourth and Fifth Assemblies, notes with satisfaction that the Health Committee has been definitely constituted in accordance with the scheme approved by the Fourth Assembly.*

2. *It considers that the work accomplished by the Health Organisation is in conformity with the duties entrusted to it by Article 23 (f) of the Covenant, and that it is instrumental in promoting valuable international co-operation in health matters.*

3. *It approves the work of the Service of Epidemiological Intelligence and public health statistics and the results obtained from the carrying out of the system of interchanges of public health personnel. The Commission notes with pleasure the results obtained through the efforts of the Committee in connection with the standardisation of sera and biological products. It considers that the most valuable results may be anticipated from the enquiry which has been undertaken into mortality from cancer, and that the work of the Malaria Commission is calculated to furnish valuable assistance to the administrations most vitally concerned. The Commission is gratified to note that the Health Committee has responded to the requests of several Governments by placing at their disposal investigators*

and technical advisers on matters of public health. It approves the establishment of a Bureau of Epidemiological Intelligence in the Far East.

4. It requests the Health Organisation to take into consideration in due course the study of the problem of physical education and to investigate the means for its general extension on rational principles. It further requests the Committee to undertake an enquiry as to the value of preventive measures against tuberculosis, taking into account the proposition presented by the Government of the Kingdom of the Serbs, Croats and Slovenes.

5. The Assembly requests the Health Committee to communicate to the Permanent Committee of the Paris Office international d'Hygiene publique the report setting out the questions with which the Health Committee proposes to deal (which is referred to in Article 4 of the Règlement intérieur), at such a date as to permit the Committee to make, before the next Assembly, any observations to the Health Committee which appear to it desirable.

I have the honour to inform the Assembly that the British delegate on the Second Committee, in agreement with the Indian delegate, has transmitted to me an amendment to paragraph 5 of the resolution which I have just read. The British delegate suggests that the sentence beginning "The Assembly requests the Health Committee to communicate", etc., should be replaced by the following :

"The Assembly asks the Council to suggest to the Health Committee the desirability of communicating...".

This change would obviate the difficulties of constitutional procedure which the original wording might create.

I should inform the Assembly that personally, as Rapporteur of the Second Committee, I am in favour of the proposed amendment.

The President :

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

M. Cavazzoni (Italy) :

Translation : Ladies and gentlemen—While we accept the Second Committee's resolution, the Italian delegation wishes to make an interpretative declaration defining the relations between the two international bodies, the Health Committee of the League of Nations and the Permanent Committee in Paris.

Our declaration is as follows :

"The Italian delegation accepts the amendment proposed by the Rapporteur. It also accepts the resolution as a whole, interpreted in the following sense: That the report referred to shall specify the particular questions on which it would be desirable for the Permanent Committee of the Office international d'Hygiene publique in Paris to make, before the next Assembly, any observations to the Health Committee which it may deem desirable."

I would ask you, Mr. President, to have this declaration inserted in the record of the present meeting.

The President :

Translation : M. Strasburger, delegate of Poland, will address the Assembly.

M. Strasburger (Poland) :

Translation : The Polish delegation accepts the proposed amendment and the resolution, subject to the interpretation mentioned by the Italian delegate, namely, that the Health Committee's report should indicate on what questions the observations of the "Office international" are desired.

I therefore concur entirely in the very exact and definite words used by the Italian delegate and would venture to ask the President to have my declaration inserted in the record of this meeting.

The President :

Translation : The debate is closed.

If the Assembly has no objection, the declarations of the Italian and Polish delegations will be inserted in the record of the present meeting. (*Assent.*)

Paragraph 5 of the resolution adopted by the Committee has been slightly amended on the proposal of the British delegation.

The Rapporteur has informed us that he is in favour of this amendment.

If the Assembly has no objection, I will put the resolution to the vote in its amended form.

M. Zumeta (Venezuela) :

Translation : Mr. President — I wish to say that the Venezuelan delegation will vote for this resolution subject to the reservations made by the Polish and Italian delegates.

The President :

Translation : M. Zumeta's declaration on behalf of the Venezuelan delegation will be inserted in the record of the meeting.

Does any other member wish to address the Assembly ?

The debate is closed.

The modified text of the resolution proposed by the Second Committee reads as follows:

1. The Assembly, after examining the report of the Health Committee on the work accomplished by the Health Organisation between the Fourth and Fifth Assemblies, notes with satisfaction that the Health Committee has been definitely constituted in accordance with the scheme approved by the Fourth Assembly.

2. The Assembly considers that the work accomplished by the Health Organisation is in conformity with the duties entrusted to it by Article 23 (f) of the Covenant, and that it is instrumental in promoting valuable international co-operation in health matters.

3. The Assembly approves the work of the Service of Epidemiological Intelligence and Public Health Statistics and the results obtained from the carrying out of the system of interchanges of public health personnel. The Assembly notes with pleasure the results obtained through the efforts of the Health Committee in connection with the standardisation of sera and biological products. It considers that the most valuable results may be anticipated from the enquiry which has been undertaken into mortality

from cancer, and that the work of the Malaria Commission is calculated to furnish valuable assistance to the administrations most vitally concerned. The Assembly is gratified to note that the Health Committee has responded to the requests of several Governments by placing at their disposal investigators and technical advisers on matters of public health. It approves the establishment of a Bureau of Epidemiological Intelligence in the Far East.

4. The Assembly requests the Health Organisation to take into consideration in due course the study of the problem of physical education and to investigate the means for its general extension on rational principles. It further requests the Health Committee to undertake an enquiry as to the value of preventive measures against tuberculosis, taking into

account the proposition presented by the Government of the Kingdom of the Serbs, Croats and Slovenes.

5. The Assembly asks the Council to suggest to the Health Committee the desirability of communicating to the Permanent Committee of the Paris Office international d'Hygiène publique the report setting out the questions with which the Health Committee proposes to deal (which is referred to in Article 4 of the Règlement intérieur), at such a date as to permit the Committee to make, before the next Assembly, any observations to the Health Committee which appear to it desirable.

The resolution was unanimously adopted.

The Assembly rose at 12.55 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

SEVENTEENTH PLENARY MEETING

MONDAY, SEPTEMBER 22nd, 1924, AT 10.30 A.M.

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President : M. MOTTA

63. — DEVELOPMENT OF INTERNATIONAL LAW : REPORT BY THE FIRST COMMIT- TEE : RESOLUTION.

The President :

Translation : Ladies and gentlemen—We will proceed at once to the discussion of the first item on the agenda, the First Committee's report on the Swedish delegations proposals regarding the development of international law.

I call upon Sir Littleton E. Groom, Chairman of the First Committee, and M. Rolin, Rapporteur, to take their places on the platform.

(Sir Littleton E. Groom and M. Rolin took their places on the platform.)

The President :

Translation : M. Rolin, Rapporteur, will address the Assembly.

M Rolin (Belgium), Rapporteur, read the draft

resolution submitted by the First Committee and concluded as follows :

Translation : You will remember, ladies and gentlemen, that on the initiative of the Swedish delegation this question was laid before the Assembly.

The object of the Swedish delegation's proposal has met with general approval in the First Committee. In a speech delivered here a week or two ago Baron Marks von Wurtemberg drew your attention to the serious *lacunæ* still existing in international treaty law and to the dangers thereby involved. International life is continually developing and new relations between States are constantly being created.

At present, the exigencies of this growing need are often met in a very dilatory and inadequate manner. Even traditional international relations, I mean those which have always existed between States, are often imperfectly regulated, and it is common knowledge that there are far too many *lacunæ* and inconsistencies in traditional international law.

For some years past general conferences have been held for the purpose of making good these deficiencies. I may mention the Hague Conventions, the conferences on private international law at The Hague, and the conferences on maritime law in Belgium.

Of course, there is no suggestion of encroachment upon fields of work in which various Governments have undertaken the study of certain special questions. Experience, however, has shown that a resolution such as that now before you may be of great service to the League.

I may instance the Conventions on Communications and Transit and those on industrial matters. As regards repressive measures, there are the Conventions on the Traffic in Opium and on the Traffic in Women and Children. In the more special domain of private international law, I may recall the success of the Convention concerning Arbitration Clauses in Commercial Contracts. Lastly, as a

dispenser of justice in my own country, I would like to express my special satisfaction with the resolutions you have adopted regarding legal assistance. These resolutions will undoubtedly lead to a more thorough knowledge of the conditions in which legal assistance is granted in different countries and will, I am sure, result in many improvements in this domain.

The First Committee asks you to increase the contribution of the League of Nations to the progressive codification of international law. I say "contribution", because we do not claim that the League of Nations should be so presumptuous as to undertake immediate and definite responsibility for the great work of codifying international law. The very term itself cannot be accepted without comment. I do not propose to give you a dissertation on the codification of international law. To those interested in the matter, however, I recommend a recent article by one of our colleagues, Mr. Philip Baker, of the British delegation, who, in the Year-Book of International Law, has given a penetrating analysis of the conception of the codification of international law.

The principle of codification seems to have definitely triumphed in the United States and, as M. Urrutia informed the First Committee, it has steadily gained ground at the successive Pan-American Conferences; at the last Conference, which was held at Santiago, a committee of jurists was asked to draw up a code of international public law and a code of international private law for the next Congress of the Pan-American Union.

But though this achievement may be possible at the stage which law and scholarship have reached in America, where traditions, after all, are comparatively recent and are not widely dissimilar, the majority of European jurists will consider it to be still extremely distant and problematical; and we cannot seriously propose to undertake for the whole world this codification of international public and private law which has been decided upon by American jurists.

Accordingly, we recommend that this work should be carried out step by step and that international conferences should only be called to deal with particular questions of public or private international law if these questions seem sufficiently urgent in themselves to demand immediate consideration and at the same time appear to have reached such a stage of development, either in legal knowledge or in special inter-State agreements, as to render an international solution practicable.

Such, gentlemen, is the aim which we propose.

A few words more as regards method. With the concurrence of the Swedish delegation, we ask you to make certain changes in the procedure suggested by the latter. The Swedish delegation proposed that the different States should be asked to signify which subjects of international law, public or private, they would like submitted to international conferences.

We thought that this method might not prove practicable, as States might hesitate to make proposals if they considered them complicated or were doubtful as to the outcome of their action. A State, in putting forward definite suggestions, always incurs a certain risk from the fact that they may not be accepted by other States. Moreover, if the suggestions of the various States, when brought before a committee of jurists or collected by the Secretariat, were found to be inextricably entangled and to constitute an excessively heavy programme for subsequent conferences, we feared that, though the suggestions as a whole might be approved, there might be a certain timidity, a certain reluctance in rejecting suggestions which nevertheless the various States

taking part in the Conference might consider, in their own minds, to be doomed to failure.

We therefore concluded that the proper course for the League to take in a question of this kind was, while respecting the sovereignty of the various States, to submit to them concrete proposals on which they would have no difficulty in pronouncing an opinion without being deterred by any misgivings such as I have described.

Such are the reasons for which the First Committee suggests that you should request the Council to appoint a Committee of Experts.

The Council must, of course, act with prudence in selecting the Committee. The work required of it will be the drafting or preliminary drafting of a code of international law common to all the States represented on the League. We thought it best to follow word for word the text contained in the Statute of the Permanent Court of International Justice and to recommend to the Council that the composition of the Committee of Experts should be such as to ensure the representation of the main forms of civilisation and the principal legal systems of the world.

As regards the duties of the Committee of Experts, it should, we think, draw up a provisional list of the questions which, in the present state of legal knowledge, appear to be sufficiently ripe and to require solution; this list would be drawn up after consultation with the various legal organisations of the *Institut de droit international* and the International Law Association—which, in a letter already brought to your notice, has voluntarily offered to co-operate with the League—and might then with advantage be submitted to the various States. We think, further, that after giving its final opinion as to the questions which might be examined at a conference or conferences, the Committee of Jurists should attach a recommendation—and this we feel to be essential—as to the procedure to be followed with a view to preparing eventually for international conferences.

The above procedure will, of course, appear to you a lengthy one. It will probably not enable us to reach a conclusion by the end of next year. But when you think of the gravity and importance of the decision which you are now asked to entrust to the body of jurists, and of the need of ensuring a successful issue to the task which we propose to you to take in hand, you will doubtless feel that the precautions we advise are not entirely unnecessary.

Such is the gist of our proposals. We feel that they are brought forward at the right time. At a time when you are on the point of adopting certain very extensive resolutions which will set the seal upon arbitration in international disputes, when you are on the point of signing conventions sanctioning judicial or arbitral awards, the First Committee considered it to be its duty to tell you that this was not enough. Other forms of security are essential besides a guarantee of the maintenance of peace, for there are other vital interests, in addition to territorial integrity and political independence, which are still dependent upon the good-will of foreign States. More especially, there will be no security for individuals whose affairs are submitted to the jurisdiction of foreign States so long as those jurisdictions appear as rivals with antagonistic and frequently irreconcilable claims.

There is a security greater than the security of peace—it is that of international law, equal for all.

In adopting the First Committee's proposal you will be taking a step forward towards the progressive establishment of international law. (*Applause.*)

The President :

Translation : M. Burekhardt, delegate of Switzerland, will address the Assembly.

M. Burekhardt (Switzerland) :

Translation : Ladies and gentlemen—I should like, as representative of Switzerland, to express my approval of the draft resolution before you and to tell you how fully my country sympathises with the step which Sweden has taken.

The draft Covenant drawn up by Switzerland in 1919 included a provision by which the Assembly of States would consider agreements regarding the development of international law and the question of international legal organisation.

Our object to-day is not to find a form of procedure for the settlement of disputes; that question is being studied and dealt with elsewhere. Our object is the gradual establishment of a body of law; but in so doing we are clearly helping also towards the settlement of disputes and the avoidance of disputes, since the prevailing uncertainty as to the rules of international law is, in point of fact, one of the chief obstacles to the recognition of a compulsory international jurisdiction.

If we establish these rules, we shall have made considerable progress towards the peaceful settlement of disputes.

Switzerland has already taken an active part in this work as regards legislation in respect of labour, intellectual property, railway communications, posts and telegraphs. Other States, too, have co-operated in other matters which are no less important, although perhaps less universal in character; I need only mention the Hague Conventions and the Conventions concluded by the Pan-American Union.

This work has been continued by the League of Nations, but is far from complete.

Will it, I wonder, ever be complete?

The work so auspiciously begun at the Hague Conferences should, nay, must, be continued, and what body is better qualified to do so than the League of Nations?

The method proposed is all the more sure of success, in that it is prompted by wisdom and foresight. The object—and it is worthy of our best endeavour—is to discover just and unchanging principles within an ever-extending domain of international relations, and for that very reason it will contribute towards the prevention of disputes and the maintenance of that peace which we have so much at heart.

To-day we are taking the first step. Our chief concern must be, not to move quickly, but to move in the right direction, and this is our purpose to-day in embarking on this project. With this aim before me, I have the honour to accord my warm support to the proposals submitted to you. (*Applause.*)

The President :

Translation : Mme Bugge-Wicksell, delegate of Sweden, will address the Assembly.

(*Mme Bugge-Wicksell mounted the platform amidst the applause of the Assembly.*)

Mme Bugge-Wicksell (Sweden)—It is with particular satisfaction and a deep sense of gratitude that the Swedish Government accepts the report and the draft resolution of the First Committee concerning the proposal for a progressive development of international law made by the Swedish Government and laid before the Assembly by our Minister for Foreign Affairs, Baron Marks von Wurtemberg.

The adoption of this report will be only a very modest beginning, but still it is a beginning. In the domain of international jurisdiction there is much uncertainty as to what is actually the law, and nothing causes so much friction between States as precisely this uncertainty which so often prevails as to the lawful and legal rights of one or the other party in a given situation or in a rising conflict.

To the extent, however, to which well-defined juridical principles regulating international life can be recognised and established, the causes of friction between States will become less numerous, and the development of international law through general agreements or conventions, therefore, constitutes a most important task for the consolidation of peace. In view, particularly, of the extension of the system of arbitration and conciliation that is now contemplated, it is of the greatest interest to obtain clear and definite rules which will cover the ever-widening field of international co-operation.

If, then, this Swedish initiative can contribute in a modest way to a gradual development of conventional law between States, the Swedish Government will consider it an important achievement and feel very content.

I hope, therefore, that the Assembly will adopt the report and the resolution presented by M. Rolin. I thank M. Burekhardt and the Swiss delegation for their kindly words of recommendation, and I desire especially to thank M. Rolin for the very clear and precise way in which he has, as usual, expressed the views of the First Committee on this matter, views which are also those of my Government.

The President :

Translation : M. Politch, delegate of the Kingdom of the Serbs, Croats and Slovenes, will address the Assembly. (*Applause.*)

M. Politch (Kingdom of the Serbs, Croats and Slovenes) :

Translation : Mr. President, ladies and gentlemen—On behalf of the delegation of the Kingdom of the Serbs, Croats and Slovenes, I wish to pay a tribute to the very valuable proposal made by the Swedish delegation concerning the development of international law and to second the draft resolution submitted by the First Committee.

I have also a few short remarks to make.

I should like first of all to refer to the doubts, or rather the apprehensions, which have been expressed regarding the competence of the League.

There is a preliminary question which must first be answered: What article in the Covenant authorises the Assembly and the Council to deal with the development of international law? Apart from an explicit authorisation, are there no limits to the League's field of activity in the case of a legal problem?

In point of fact, apart from certain special provisions in Article 23, the Covenant does not contain any explicit mention of the codification and development of international law. The Preamble merely refers to the firm establishment of the understandings of international law already in existence.

The Advisory Committee of Jurists, which was set up in 1920 and prepared a preliminary draft constitution for the Permanent Court of International Justice, made three recommendations, the first of which was that the States should come to an understanding for the continuation of the work accomplished by the Peace Conferences of The Hague.

The Third Committee of the First Assembly, however, considered that the Assembly itself should carry out this work. It accordingly thought it superfluous to establish, in addition to the Assembly, a special organisation constituted in the same way. Consequently, a recommendation was submitted to the First Assembly that it should invite the Council "to address to the most authoritative institutions which are devoted to the study of international law a request to consider what would be the best methods of co-operative work to adopt for the more precise definition and more complete co-ordination of the rules of international law". But even the latter recommendation, which was somewhat more theoretical and general in character, was rejected by the First Assembly.

Does this mean that the codification of international law does not concern the League and should remain outside its competence? We do not think so. On the contrary, we consider that the League is obliged as a "community of international law" to collaborate in the betterment of that law. We might even say that this is one of the most important tasks that it was founded to achieve. Under Article 24 of the Covenant, which places international bureaux under the League, the latter has surely become the supreme authority in matters of international administration. Again, we must not overlook the fact that the League has established a Permanent Court of International Justice and that it is about to introduce compulsory arbitration. It is for the League, therefore, to provide a clear definition of the rules of international law with a view to their application.

There can be no question but that the founders of the League intended it to undertake this work. In the preamble to his draft, President Wilson advocated the establishment of a code of international law. Again, in the eleventh of his celebrated recommendations, General Smuts proposed that the general conference—that is, the Assembly—should discuss the general rules of international law. At the time of the ratification of the Peace Treaties, the highest moral and legal authorities also requested that the codification of international law should be entrusted to the League.

At the First Assembly this work was described by the Argentine delegate, M. Pueyrredon, as one of the principal tasks of the League. It is only natural that the League, being the most highly developed of existing international organisations, should assist in the establishment of rules of conduct to be observed by all States in their foreign relations.

Nobody nowadays will regard this task as lying outside the League's competence.

This is an important step towards the consolidation of the League's moral and political authority. We may make a slight change in Napoleon's celebrated saying, and declare: "The League of Nations is like the sun; anyone who does not see it is blind".

I wish to lay particular emphasis on this fact, which is a source of gratification to us all, and more especially to the country which I have the honour to represent. We Serbs, Croats and Slovenes, who were long oppressed and lived in part under the yoke of foreign domination, have ever held justice and equity as the most sacred of our ideals. A pacific and peace-loving people, who have never in the course of their long history had cause to reproach themselves with an act of aggression, we have always fervently desired that the reign of right should be established in the world, that the States should no longer be at the mercy of brute force, but should be subject only to precepts and doctrines that are binding upon all.

In the same spirit of brotherhood and peace, our country will wholeheartedly collaborate in the great work which I am certain will be achieved through the protocol concerning arbitration, security and disarmament.

The codification of international law once it has been accomplished, will be of particular assistance in the practical application of the principle of arbitration.

Moreover, the institution of an international penal code making provision for and severely punishing the crimes committed by one State against another and its inhabitants would not merely prevent aggression but would remove any possibility of a recurrence of the horrors of war and the occupation of a country by enemy forces. Meanwhile, progressive codification is an urgent necessity.

As the Rapporteur, M. Rolin, so clearly explained, it would be advisable to convene a Committee of Experts representing the different forms of civilisation and the principal legal systems of the world. These experts would be instructed to prepare a solid basis for discussion, both from the point of view of legal knowledge and also from that of practical needs. This mode of procedure is wise and, indeed, necessary, in view of the complexity and diversity of the questions at issue, which are not always entirely devoid of political factors. When a judicial solution is desired, experts alone can remove the danger attending the presence of factors of this kind.

For these reasons we gladly accept both the proposal for the codification of international law and the method suggested for attaining it. (*Applause.*)

The President:

Translation: Sir Littleton Groom, Chairman of the First Committee, will conclude the debate.

Sir Littleton Groom (Australia), Chairman of the First Committee: Mr. President, fellow-delegates—I only wish to make one or two remarks at this stage of the proceedings, and I am prompted to do so by the remarks of the last speaker. My own view, which I hold very strongly, is that it is our duty to do all that we can, in accordance with the Covenant of the League, to carry out the obligations to promote international co-operation and to achieve international peace and security. I feel, moreover, that the particular work which the First Committee is now initiating is one of those means by which we can do much in times of peace to secure mutual co-operation among the nations of the world, and which will lead to greater peace and security. (*Applause.*)

Nations have to live in this new brotherhood of man just as citizens in a community possessing rights and duties, and the peace of the community is better established when those rights and duties are clearly defined. It will, therefore, be better for the nations of the world, as we progress, to have our mutual rights and obligations clearly defined, so that we know exactly what our rights and duties are to each other. This is our objective. Everyone realises that at present, when one seeks for an authoritative exposition of international law, many branches of the law, as set out in the textbooks, are very complex and in authoritative expositions conflicting views occur.

Our desire now is to try progressively to make that law more clear, more definite and more certain, so that if, at any time, a court is called upon to decide between the rights of parties, there may be some definite standard by which these rights and duties can be decided.

The First Committee is under no misapprehension about this matter. This Assembly is not a legislative body like a parliament, which has power

to pass laws forthwith. It is progressing on the principles of the Covenant, and this will be the procedure. A committee of experts will be appointed and will prepare a list of subjects which it thinks are ready for discussion for the purposes of codification. This list will be sent to the Governments, which can make their observations thereon, and only the branches of the law which at this stage are clearly defined and capable of being put into a code will be considered. Then the report of the experts will come back again to the Council, and the idea is that, later on, a convention may result.

As the learned lady from Sweden very aptly put it, the principle is to encourage the development of conventional law. This does not mean that there is to be any hasty attempt to define all the rights and duties of the nations of the world, but rather that, by steady progressive development, taking international law branch by branch, the rights and duties may be defined, and, in that way, we may walk along the path of progressive development so as to attain an objective far away in the future.

These are the lines on which we should proceed. They are lines of sound co-operation and mutual discussion in times of peace when our minds are not clouded by passion. In this way, it is hoped to embody in international law the principles of justice and righteousness. This is the principal object of the resolution.

Before I conclude, I would like to express the gratitude of the First Committee to the Fourth Committee for its sympathy with the object which we have in view, and for recommending the available funds, so that we may work step by step towards the attainment of this ideal. (*Applause.*)

The President :

Translation : As no one else wishes to speak, the discussion is closed.

The resolution proposed by the First Committee reads as follows :

The Assembly :

Considering that the experience of five years has demonstrated the valuable services which the League of Nations can render towards rapidly meeting the legislative needs of international relations, and recalling particularly the important conventions already drawn up with respect to communications and transit, the simplification of Customs formalities, the recognition of arbitration clauses in commercial contracts, international labour legislation, the suppression of the traffic in women and children, the protection of minorities, as well as the recent resolutions concerning legal assistance for the poor ;

Desirous of increasing the contribution of the League of Nations to the progressive codification of international law :

Requests the Council :

To convene a committee of experts, not merely possessing individually the required qualifications but also, as a body, representing the main forms of civilisation and the principal legal systems of the world. This committee, after eventually consulting the most authoritative organisations which have devoted themselves to the study of international law, and without trespassing in any way upon the official initiative which may have been taken by particular States, shall have the duty :

(1) To prepare a provisional list of the subjects of international law the regulation of which by international agreement would seem to be most desirable and realisable at the present moment ; and

(2) After communication of the list by the Secretariat to the Governments of States, whether Members of the League or not, for their opinion, to examine the replies received ; and

(3) To report to the Council on the questions which are sufficiently ripe and on the procedure which might be followed with a view to preparing eventually for conferences for their solution.

The resolution was unanimously adopted.

64. — MANDATES : RESOLUTION PROPOSED BY THE SIXTH COMMITTEE.

The President :

Translation : The next item on the agenda is the examination of the resolution on Mandates submitted by the Sixth Committee.

I call upon M. Enckell, Chairman of the Sixth Committee, and Dr. Nansen, Rapporteur, to take their places on the platform.

(M. Enckell and Dr. Nansen took their places on the platform.)

The President :

Translation : Dr. Nansen, Rapporteur, will address the Assembly. (*Applause.*)

Dr. Nansen (Norway) (Rapporteur). — The Sixth Committee not wishing to take up the time of the Assembly longer than is absolutely necessary, has presented no report on the mandates question, but only a resolution.

I will make no long introductory statement with regard to this question. This is not because we do not think it a very important one. On the contrary, we think it represents one of the most important activities of the League. Its normal working and gradual progress have been secured in a most satisfactory way. This is due, in the first place, to the fundamental soundness of Article 22 of the Covenant and the spirit in which the mandatory Powers are attempting to carry out the provisions of that article. Secondly, it is due to the way in which the Permanent Mandates Commission has carried out its very difficult and delicate task. Whilst scrutinising very closely the administration of the mandatory Powers, it has succeeded in obtaining their co-operation.

The Sixth Committee, therefore, wishes, in its first resolution, to express its profound and sincere thanks to the Permanent Mandates Commission for the splendid work which it has done and is still doing. The success of that Commission again is due to the ability of its members and to the way in which it was appointed. The Council, in drafting the constitution of the Mandates Commission very wisely made it clear that the members were, first of all, to be men of experience in matters appertaining to colonial administration and, secondly, absolutely independent of the Governments of which they were nationals, that is, that they were not representatives of their Governments.

I want to express, in the name of the Sixth Committee, the hope that the Council, bearing in mind this underlying condition of the success of the institution of mandates, will always be as fortunate as it has been hitherto in finding able men of high standing to fulfil that difficult task in the future when vacancies arise.

In the resolution before you, the Sixth Committee recommends that a solution should be found as soon as possible for the question of loans, advances and investment of capital in the mandated territories. Territories economically undeveloped need capital and are, to a very great extent,

dependent on the possibility of raising loans. Security is naturally demanded, and the uncertainty prevailing as regards the future of the mandates and their administration may cause serious difficulties in the way of raising the necessary loans.

The Mandates Commission, therefore, drew attention to this very important question in 1923. The Council took up the matter and asked the mandatory Powers carefully to consider it. Several replies were received, but some are still outstanding.

The Permanent Mandates Commission in 1924 again called the attention of the Council to the extreme importance and urgency of this problem. We hope that a satisfactory solution may soon be found, as it will be of the very greatest importance to several of the mandated territories to have their administration carried out in a satisfactory and successful way.

It has been brought to the attention of the Sixth Committee that doubts prevail in certain quarters concerning the freedom of the inhabitants of mandated territories to send petitions to the Council. The Assembly is therefore asked to recall the fact that the Council, recognising this right of petition, has established rules of procedure to deal with it.

The resolution also contains a short paragraph about the liquor traffic. It is impossible, in the course of these brief remarks, even to summarise the various aspects of this intricate problem. I wish merely to recall that the Covenant provides for the prohibition of abuses such as the liquor traffic. In order to secure the execution of this provision, the Mandates Commission is naturally anxious to have all doubts removed as to the precise meaning of these words in the Covenant.

I wish now to say a few words about the question of publicity for the reports of the mandatory Powers. The Sixth Committee recommends that the reports of the mandatory Powers should be made easily available, not only to the Members of the League but also to the public in general. It, therefore, asks for a grant of 25,000 francs for reprinting and publishing the reports of the various mandatory Powers so that they may be accessible also to the general public. It is to be hoped that the general public and, in particular, American institutions, which have always shown such a great interest in the working of the institution of mandates, may assure the success of this innovation by purchasing these documents.

The resolution also refers to analytical tables, which are to be annexed to the reports of the Permanent Mandates Commission, and which will facilitate the work of those who take an interest in mandates and will assist research in the very voluminous and interesting documents of the Mandates Commission.

The Sixth Committee emphatically calls attention to the great services rendered to the Mandates Commission by the co-operation this year of Mr. Hofmeyr, the administrator of South-West Africa. It is obvious that the Mandates Commission must have the fullest possible information concerning the working of the administration of the mandated territories and equally obvious that no one can supply such information so well as those who administer these territories.

It is, therefore, of the very greatest importance that the Permanent Mandates Commission should have an opportunity of meeting the administrators as often as possible and of discussing the various problems with them. We fully understand that it is not possible for these officials to come from the various mandated territories each year; but we all express the hope that the Permanent Mandates

Commission may have the opportunity, as often as possible, of discussing the various problems with them.

We are particularly glad to hear that Sir Herbert Samuel will attend the coming session of the Mandates Commission as High Commissioner for Palestine.

I cannot bring these few brief words to a close without fulfilling another and rather sad duty which I have to carry out in the name of the Sixth Committee. This is to express our deep and sincere regret that M. Rappard, who has been the Director of the Mandates Section ever since the Secretariat began this work, is resigning this year. We wish to assure him of the confidence which we have had in him during his period of office.

It is very largely due to him that the whole principle of mandates has been worked out so admirably. The task was a very difficult one. He had to deal with the mandatory Powers, which might often think that we examined their affairs a little too closely; on the other hand, he had to satisfy the Permanent Mandates Commission.

We all agree that he carried out his difficult task with unusual tact and unusual ability. We assure him, that whatever his career in life may be, we shall always follow it with the deepest and sincerest interest, and shall always feel the deepest gratitude for his contribution to the work of the League in establishing, on a sound basis, one of its most difficult and important activities.

The President :

Translation : Mr. Roden Buxton, delegate of the British Empire, will address the Assembly.

Mr. Roden Buxton (British Empire). — Mr. President and fellow-delegates, I cordially endorse what the Rapporteur has just said as to the services of M. Rappard. We all deeply regret that M. Rappard is leaving us and we desire our best wishes to go with him. We are very glad to know that, in spite of his leaving us, there will not be any diminution of the importance which is attached on all sides to the work of the Mandates Section of the Secretariat, over which he has presided so well.

One word on another point, the liquor question. I endorse what our Rapporteur has said, namely, that the question of prohibition needs to be investigated. Experiments in this direction have been tried in various mandated territories—in South-West Africa, in the Belgiau Congo, I believe, and in Western Samoa,—and these experiments have thrown some light on the subject. I do not wish to pronounce an opinion on this question, though, speaking personally, I feel that if prohibition is applied to the black man it should also be applied to the white man. This, however, requires further investigation.

I should like to say something now on a broader aspect of the work of the Mandates Commission and of the Sixth Committee in this respect. The value of the work of the Mandates Commission depends upon its appeal to public opinion. It is, therefore, very important that its statements and reports should be such as the general public can read and understand. There must not be too many details; the reports must not be so designed that the ordinary reader and the ordinary journalist cannot see the wood for the trees. Broad principles must be laid down.

I would like to give one or two examples of what I mean. Take, first, the question of labour. This is the first time, I think, that the representative of a Labour Government has spoken in this Assembly on the question of native labour. To us it is a question of supreme importance. We realise that, in the modern world, the great factor in regard to

tropical areas is the desire and the need to develop and to exploit them and their products to meet the needs of the white, advanced races. In other words, at the root of this question is a great economic problem. In that great drive towards the development, for the whites, of the potentialities of the tropical areas, there is unquestionably a danger that the interests of the native labourers may be subordinated to the needs of the white employers. We believe, therefore, that this question is one to which attention should specially be directed. It should be approached with the utmost sympathy for the native labourer who, as we all know, has no one to represent him in this Assembly, who cannot speak for himself and whose interests have been so largely handed over, in respect of particular territories, to the watchful care and trusteeship of the League of Nations.

I may give, as another example, the land question. This question is one on which we need broad direction and the laying down of general principles. We need the development of a common policy, not a policy for one mandated territory alone but a policy for all mandated territories. The Mandates Commission and the Mandates Section of the Secretariat can render most useful service in co-ordinating these matters.

In connection with the land problem, we have read with interest the memorandum by Dr. van Hamel, Director of the Legal Section of the Secretariat, which is annexed to the minutes of the fourth session of the Mandates Commission, and we shall be anxious to see what the answers of the various Governments will be on that extremely interesting and important memorandum.

We need not only to co-ordinate the policy adopted for the mandated areas, but we also need, I think, to see that the policy developed in the mandated areas is regarded as a model of the policy to be followed, in future, in other territories outside the limits of the mandated areas. It is quite obvious that if there is one series of regulations and duties as to liquor in one territory, which is a mandated territory, and a series of duties of a different character in an adjoining territory, which is not a mandated territory, a very inconvenient situation is created. There is need for some assimilation of those duties the one to the other—in other words, a common policy between the mandated territory and the non-mandated territory. This also applies in the case of the slave trade. The slave trade may be suppressed in a mandated territory, while in a neighbouring non-mandated territory, perhaps, a slave market may still exist. If so, it is absolutely necessary to co-ordinate the policy in this respect.

We have only to look at the terms of the Covenant of the League of Nations to see the principles that have been laid down. They are stated very broadly. By the terms of Article 22 the League of Nations places its Mandatories in the position of trustees for those peoples who are not yet able to stand by themselves under the strenuous conditions of the modern world. It is a sacred trust of civilisation. I would like to ask whether there is anything in these principles, so broadly laid down, so generally and so emphatically laid down, which applies only to the territories taken from certain States in the late war, and which does not apply equally to all the native races in all tropical areas. The statements and the principles inevitably apply to all.

The principles for which the Labour Government of Great Britain stands are the same principles as those which are embodied in the Covenant. It sends its representatives here not merely to defend the interests of a particular Power, not merely to hold a brief for their own Government as a mandatory Power, but to maintain the principles of the League and to stand as the jealous guardians

of the rights and the privileges of the League of Nations in this matter.

I am not suggesting, Mr. President, that the time is ripe for any formal step towards the extension of these principles. I do not for a moment suggest that the Mandates Commission should take on new duties or should extend the sphere of its operations, and still less that it should enlarge the scope of its duties so as to have increased powers. What I am suggesting is that we should keep in view the idea that the improved principles of administration, which are gradually being worked out in the mandated territories, should be looked upon as a model for other territories in future.

In this, I have the support of a very distinguished British administrator, Sir Frederick Lugard, a member of the Permanent Mandates Commission, and I should like to read what he says on this subject in his well-known book "The Dual Mandate in British Tropical Africa". He says:

"The precise terms of Article 22 are of such importance that I have appended it, for easy reference, at the end of this chapter. It embodies the latest expression of the conscience of Europe in regard to 'peoples not yet able to stand by themselves', and constitutes not only a pledge in respect of mandate territories, but a model and an aspiration for the conduct of those already under the control of the signatory Powers.

"It is no mean achievement of the Conference of Paris that the nations assembled have succeeded in giving a more precise and definite form to earlier ideals. Though limited to ex-enemy colonies, their recognition of that ideal must of necessity influence their standards in territories not formally included in its scope.

"The principle that 'the well-being and development of peoples not yet able to stand by themselves form a sacred trust of civilisation', though referring in its context to the territories which before the war were under enemy control, must obviously in future be regarded as no less applicable to territories under the control of the Allies."

Those are the words of Sir Frederick Lugard, and there is only one point that occurs to me in connection with them. People may say: "If this is so good, why does not Great Britain make a declaration to this effect?" In this connection I would only say that it is perfectly open to any Government to make such a declaration, but it is quite natural that it should only be made after long and careful consideration—after the idea has been spread abroad and popularised among one's own people—and that such a step would most appropriately be taken by the Governments all acting together, rather than by one alone.

I would point out—and this, I think, has a very close bearing upon the question—that the Labour Government in Great Britain within the last three months has appointed two Commissions of a very representative character. One of these Commissions is to investigate in all the colonial territories of East Africa—other than those under responsible government—the whole problem of the relations of the white employer and the native labourer; the whole problem of taxation in relation to labour; the question of encouraging the native to become a producer on his own account, and the problem of developing the resources of the land. This Commission consists of members of Parliament and is representative of all parties and all schools of thought. It is now carrying on its investigations without any limitation whatever as to its terms of reference.

The other Commission is to investigate the land question. Its investigations are not limited to East Africa, but will cover the whole of West Africa as well. It is to enquire into every aspect

of the land question with a view to arriving at a common land policy, based upon justice. This Commission is on the point of beginning its work.

I have only one other observation to make, but I think it is one which has a bearing on the work of the League in general, and therefore, perhaps, is worth making. In all the work of the League it is, I think, in accordance with the spirit of the League that the principles laid down should not be confined to one particular group of Members of the League. Even in the question of disarmament, as we all know, it was not the intention of the framers of the Covenant that provisions for disarmament and for control to ensure that plans for disarmament are carried out should be limited to one group of Powers alone. The idea was that those provisions should ultimately, as a matter of ideal policy, apply to all States, at any rate to all Members of the League, and not to one selected group.

I might say the same with regard to the very important question of national, racial and religious minorities. This Assembly has accepted the point of view that the principles contained in the minority treaties were not intended to be confined to the particular Powers that were concerned. It is not in accordance with the spirit of the League that a few Powers—Poland and Czechoslovakia, and others that I might mention—should be singled out as if they alone were under the obligation to perform certain acts of justice and of toleration in this respect. No, it has always been the policy of the League that these ideas, without being enforced, without being impressed upon other States by any kind of compulsion, should be accepted as the standard of government by other States, as well as by those to whom the minority treaties applied. The Assembly of 1922 passed a resolution of an extremely important character to the effect that

“the Assembly expresses the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the treaties and by the regular action of the Council.”

This resolution represents the unanimous opinion of this Assembly, and, what is more remarkable still—what is, perhaps, the most remarkable fact—this suggestion that other Powers should adopt the same standard has not caused the least resentment on the part of any single Power, as far as I am aware. It has not called forth in any quarter of the globe a single protest.

I think that this is very significant. I only quote it to illustrate the fact that the League, through its proper and competent organs, need not be afraid of holding up before the world the banner of justice and toleration which it has set up for itself, and of expressing, with the utmost prudence and with the utmost consideration for the susceptibilities of everyone concerned, the idea that the principles of administration, which gradually are being elaborated, should be regarded as models which, at the proper time, should become the general standard for the treatment of the weaker races of the world. (*Applause.*)

The President :

Translation : M. Freire d'Andrade, delegate of Portugal, will address the Assembly.

M. Freire d'Andrade (Portugal) :

Translation : Ladies and gentlemen—I wish first of all to state that my Government fully supports the views just expressed by the delegate of the British Empire.

My Government takes great interest in the work of the Mandates Commission. It believes that this work will lead to the establishment of general principles of colonial administration, which will possess all the more authority in that they have been approved by the Assembly of the League of Nations. Although the freedom of action of the Mandatories must in no way be restricted—except, within the limits laid down by the Covenant and the Treaties—we may expect that the discussion of the reports submitted to the Mandates Commission will result in the laying down of certain general rules which will serve *mutatis mutandis* to guide those who are placed in charge of the administration of large native populations.

The powers of the Mandates Commission are based on Article 22 of the Covenant, the last paragraph of which reads as follows :

“A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.”

This text is perhaps not sufficiently precise. Although all the Mandatories have always shown themselves most anxious to give the Mandates Commission all the information for which it asks, by sending their chief officials to Geneva, they may quite justifiably desire that the Commission should not encroach upon their rights as administrators responsible for the well-being and development of the peoples inhabiting mandated territories.

We must bear in mind, however, that the League of Nations has entrusted the administration of the former German colonies to nations which, by reason of their resources, their geographical position and, above all, their experience, can best assume the heavy responsibility of exercising this tutelage on behalf of the League of Nations. Their methods differ, as do the conditions obtaining among the populations of the mandated territories; for this reason, the conclusions reached as a result of the discussions in the Mandates Commission should be such as to merit consideration by the colonial Powers, since the mandatory States have had a wide experience of colonial administration and have given ample evidence of their desire satisfactorily to carry out the heavy task entrusted to them by the League.

We must remember, too, that there are certain countries, particularly on the other side of the Atlantic, which are closely following the progress of the Mandates Commission's work, and these countries expect it to carry out its task in accordance with the terms of the Covenant, so that it cannot be thought that the mandates system is being carried out in such a way that the mandated territories are simply being annexed by the mandatory Powers.

Between this standpoint, on the one hand, and the quite justifiable scruples of the Mandatories on the other, the Mandates Commission has a very delicate task to perform, a task which calls for tact and circumspection. It cannot, therefore, itself establish general principles for the administration of the populations of the mandated territories.

Happily, there is resulting from the work of the Mandates Commission a marked tendency for general principles to emerge from the different systems adopted by the various mandatory States.

I will give a few examples. As regards slavery, not only do all States strive to put down this practice wherever it exists, but it is also recognised that any form of labour akin to slavery should be prohibited and that natives should be induced to work by mild and humanitarian methods.

Nevertheless, the native labour so obtained is not yet sufficient to meet the needs of colonisation, and, accordingly, the idea of organising a charter of native labour is finding increased favour every day; this point of view is also shared by the International Labour Office.

In order to avoid practices which, though not constituting actual slavery, are akin to it in certain respects—such as forced labour—some system of regulating native labour will have to be introduced. While we must recognise that forced labour must be abolished, we must at the same time not lose sight of the fact that the necessity of work is a law of mankind. If regulations regarding this matter are not introduced in new countries, and particularly in Africa, the result will be abuses, which, though not actual slavery, will nevertheless constitute a milder form of it.

The European races went to Africa to develop and introduce civilisation into the different regions of that continent, and to exploit it for the benefit of mankind as a whole. They brought their scientific knowledge, their capital and their labour and thereby enabled the native races to enjoy the benefits of civilisation, raising them out of the state of savagery, with its resultant evils, in which they lived.

Nevertheless, in order to attain the desired end, it is essential that the colonising races and natives should co-operate. It is untenable that the benefits of colonisation should be produced as a result of the work and activities of the colonist alone. The black cannot be exempt from the universal law of nature that man must work. If he willingly and spontaneously offers to work, he must then be given aid and protection by law. If not, he must be induced to work by persuasion and by mild and kindly means. If these methods fail to produce the expected results, the same procedure must be adopted as in civilised societies, namely, vagrancy must be made punishable. Thus, since it is essential to regulate native labour, my Government is very glad to note that the idea of a native charter has been submitted to and upheld by the Mandates Commission.

The acceptance of this idea by the mandatory Powers, the Mandates Commission, the Council and, lastly, by the Assembly of the League, will undoubtedly assist the development of the African territories and facilitate the task of those who administer them.

There is another point which has been discussed and regarding which, I am glad to see, conflicting opinions are on the way to conciliation. I refer to the traffic in spirituous liquors. The African native has contracted the vice of drink and will go to any length to indulge it. Alcohol was once the principal form of currency used in the slave trade. This powerful influence in the life of the native must therefore be removed, because it has always been, and still is, the most effective means of working upon the native and is the primary cause of his degeneration. As you are all aware, the native races of more than one continent have been practically wiped out to-day through the abuse of alcohol.

A great step has already been taken to prevent the traffic in spirituous liquors. The Mandates Commission has but forward the proposal, which I am sure the Assembly will approve, that the meaning of the term "liquor traffic" in the Covenant should be defined. The Commission suggests that

the terms "spirits" and "distilled beverages" should be regarded as identical and should be defined as "non-fermented liquors containing more than a specific amount of pure alcohol—say, 12 degrees".

This is a great advance. A start has thus been made towards complete prohibition in Africa. This rule is already applied in the mandated territories administered by New Zealand and in the Portuguese colony of Angola. I was gratified to hear my honourable colleague, M. Hofmeyr, say that he would gladly extend this prohibition to South-West Africa.

Prohibition is the only means of protecting the natives against drink. The natives themselves demand it, because they know their weakness in resisting this vice, which has always been one of the causes of their misfortunes.

It should be noted that the consumption of alcoholic liquors increases in the same proportion as the wealth of the natives. A striking example is afforded by the Gold Coast, where the cultivation of cocoa by the inhabitants has developed in a remarkable manner. The importation of gin, which amounted to 50,849 gallons in 1920, reached as much as 391,377 gallons in the first half of 1923. The report for 1923-24 of the "Native Races and the Liquor Traffic United Committee" gives some curious details on this subject.

My object in proposing the amendment of the clauses in the Treaty of St-Germain on this matter is to protect the natives from themselves.

In order not to detain you too long I shall not refer to certain important questions, such as missions and native education. I will merely say that agreement has at length been reached on the principle that the subjects which correspond to everyday needs should be given a dominant place in education. An attempt is being made, for instance, to train farmers and artisans, who will be able to play an effective part in the economic development of the mandated territories.

The joint work of the mandatory States and of the Permanent Mandates Commission has already produced excellent results which may serve as a guide to those who in future may interest themselves in the moral and material well-being of the native races and who desire the support of the League in their philanthropic work.

In the pursuit of these humanitarian ideals, and in order to ensure the equitable treatment of the populations which it administers, irrespective of race or colour, my Government is prepared to work in close collaboration with the League, and is confident that the latter will never encroach upon its sovereign rights.

Moreover, a magnificent example has recently been set before us. The heads of the Governments of two of the greatest nations in the world have spontaneously told the Assembly that they were ready to renounce certain of their sovereign rights in order to lessen the possibilities of another war, with all the misery and horror it would bring in its train. We have all expressed our admiration of their action and declared our readiness to co-operate in giving effect to their proposals.

In conclusion, I wish to make a declaration on behalf of my Government concerning Section 8, page 3, of the report submitted by the Permanent Mandates Commission to the Council.

Portugal desires to conclude a convention as soon as possible with South Africa regarding the delimitation of their common frontier. Thanks to the presence in Geneva of my honourable friend, Mr. Hofmeyr, the distinguished administrator of the mandated territory in question, the negotiations are already far advanced and will certainly be brought to an early and successful conclusion.

This fact provides further evidence that Portugal is not jealous of her sovereign rights when a good cause is at stake. (*Applause.*)

The President :

Translation : There are no more speakers on my list.

I will ask the Assembly to vote on the resolution on Mandates submitted by the Sixth Committee, which reads as follows :

The Assembly of the League of Nations :

Having taken cognisance of the report of the Permanent Mandates Commission relating to its fourth session, of the observations made by the accredited representatives of Belgium, France, New Zealand and the Union of South Africa, and of the resolution of the Council dated August 29th, 1924 :

(a) *Desires again to convey to the Permanent Mandates Commission its profound and sincere thanks for the zeal, the great competence and the perfect impartiality with which it has invariably discharged its important and difficult duties ;*

(b) *Earnestly recommends that a solution should be found as soon as possible for the question of loans, advances and investment of capital in the mandated territories, the present position of which is likely to prove a very serious hindrance to the development of these territories ; and*

(c) *Recalls the fact that the inhabitants of mandated territories have the right to address petitions to the Council, in accordance with the procedure already established ;*

(d) *Hopes that the mandatory Powers will, with as little delay as possible, take such action as may be required to give effect to the resolution adopted by the Council at the request of the Permanent Mandates Commission concerning the definition of the technical terms employed in the conventions relating to the liquor traffic ;*

(e) *Requests that the reports of the mandatory Powers should be distributed to the States Members of the League of Nations and placed at the disposal of the public who may desire to purchase them ;*

(f) *Recommends that analytical tables should be drawn up as an annex to the reports of the Permanent Mandates Commission ;*

(g) *Expresses the desire that it will be possible for the mandatory Powers in the future to entrust to officials personally responsible for the administration of the mandated territories, as often as circumstances will permit, the duty of representing them before the Permanent Mandates Commission.*

The resolution was adopted unanimously.

65. — QUESTION OF SLAVERY : RESOLUTION SUBMITTED BY THE SIXTH COMMITTEE.

The President :

Translation : The next item on the agenda is the consideration of the resolution proposed by the Sixth Committee on the question of Slavery. Dr. Nansen, Rapporteur, will address the Assembly.

Dr. Nansen (Norway), Rapporteur — Mr. President and fellow-delegates, it must give us all a most uncomfortable feeling to know that slavery is still going on in the world, and I am sure we must all be glad that the League of Nations is trying to abolish this crime against humanity.

You will remember that the first resolution on the question of slavery was passed by the Assembly two years ago in the following terms :

“The Assembly decides that the question of slavery shall be included in the agenda of the Fourth Assembly, and requests the Council to present to that Assembly a report on the information which it shall have received on the matter.”

Since then the Council has taken steps to carry out this resolution and has sent questionnaires to the Governments. Some most interesting and important answers have been received, but, on the whole, there have not been sufficient on which to base future work, or even to enable us to form a definite opinion as to what ought to be done to suppress this evil.

On March 14th, 1924, the Council decided to constitute a Temporary Slavery Commission. That Commission met in July of this year and drew up a most interesting report. The Commission was confronted with two main difficulties. The first was as to the scope of the enquiry entrusted to it. What is meant by slavery ? There are several possible conceptions of its meaning. There is slave-raiding, that is, slavery in its international aspect; there is slavery proper, the deprivation of individual liberty not as a punishment but as an institution; there are practices restricting human liberty, such as, for example, forced labour.

The second difficulty encountered was in regard to the method of enquiry. Experience has shown that questionnaires sent to the Governments do not always result in very satisfactory answers, and the question arose as to whether this Commission on Slavery should have the right to ask private individuals and organisations for information. It was feared that this procedure might seem to be interfering with the Governments, which did not always like such interference, and the matter required great tact.

The Sixth Committee fully agrees that the members of this Temporary Slavery Commission are well qualified to deal with these various questions with the necessary wisdom and tact, and while fully appreciating the difficulties with which the Commission has been confronted, we are sure we can ask it to continue its work on this basis.

The Slavery Commission has drawn up a programme of work which the Sixth Committee has fully accepted, and it suggests that the Commission should be invited to continue its work so that it may be possible to place before the next Assembly a full report on the slavery still existing in the world, and also, perhaps, some proposals as to what should be done to suppress it.

I think this is all that the Assembly can do in the matter at present; we can express our thanks to the Temporary Slavery Commission for the excellent work it has already done, approve its programme and ask it to go on with its work and to send in its report as soon as possible, so as to enable the next Assembly to come to a decision on the steps to be taken to suppress this crime against humanity. (*Applause.*)

The President :

Translation : M. Bonamy, delegate of Haiti, will address the Assembly.

M. Bonamy (Haiti) :

Translation : I have only a few short remarks to make. I wish, in the first place, to associate myself with what has been said in connection with M. Rappard's resignation. Last year I had the good fortune to work with him on the Sixth Committee on the questions of Mandates and Slavery, and had an opportunity of appreciating his exceptional gifts. I hope, and I am sure you all share my hope,

that M. Rappard is not leaving us altogether and that some arrangement will be made which will enable the League to continue to have the benefit of his valuable services.

I will now turn to the resolution of the Sixth Committee on Slavery. As you are aware, this matter first came before the League two years ago. The Third Assembly ordered an enquiry, which was conducted with great energy by the Secretariat. Unfortunately, the material collected did not enable us to come to a definite decision last year. The Fourth Assembly therefore decided that the enquiry should be continued and, in order to ensure its efficacy, entrusted it to a special body.

This body—the Temporary Slavery Commission—was not set up at once. It was only in July of this year that it was able to begin work and, as the Assembly was on the point of meeting, the Commission had to confine itself to settling its method of work.

The establishment of the Temporary Slavery Commission, in any event, is in itself a great step towards the solution of the problem and one which affords me great satisfaction.

The Sixth Committee proposes that we should approve the methods of work adopted by the Slavery Commission. I heartily support this proposal. I am firmly convinced that the Commission will do good work and that, by its efforts, definite progress will soon be made towards the solution of the problem.

If this is to be so, the enquiry that has been begun must be resolutely continued; the Assembly must have exact information upon the position of African natives; it must know what to believe in regard to the complaints which proceed from all quarters as to the inhuman treatment to which they are subjected in certain colonies and mandated territories.

On this point it must be clearly understood that there can be no reduction of the powers conferred on the Slavery Commission by the Fourth Assembly. The enquiry must be exhaustive. No one should fear the truth. Count Bonin-Longare very rightly said in the Sixth Committee: "It is difficult for the Commission to rely only on official sources", and I must point out that no one has contradicted his statement. It was only stipulated—and with equal justification—that, in carrying out its enquiry, the Commission should proceed with the necessary tact in order to avoid injuring the legitimate susceptibilities of the Governments concerned.

In a matter of this kind we cannot rely merely upon official information. I regret to say that colonial officials too often show but little sense of justice or humanity in their relations with natives. The more narrow-minded of them are convinced of the natural and incurable inferiority of the black man and of the absolute necessity of treating him with brutality. Such men show no human feeling at all in their dealings with African natives, and it is naturally to their interest to deceive even their own Government.

The right of petition theoretically held by the natives is a purely fictitious right, as was pointed out in the Sixth Committee by Mr. Roden Buxton, the distinguished delegate of the British Empire, who has just spoken with so much eloquence.

The complete ignorance of the natives makes it impossible for them to have their grievances brought before the Governments concerned, much less before the League of Nations. In the majority of cases, they do not even realise what their rights are. It will, therefore, be recognised that the Commission must of necessity, accept information

from private sources, provided they offer adequate guarantees of reliability and impartiality.

The task of the Temporary Slavery Commission is an extremely difficult one, and it is to be hoped that the Governments will help it in its humanitarian work.

It was suggested in the Sixth Committee that one of the fields in which the Slavery Commission could most successfully work was that of the slave trade amongst the natives. This is undoubtedly true; the whole civilised world is unanimous on this point. Laws have been promulgated in all parts of the world in pursuance of the Conventions regarding the suppression of this iniquitous traffic. All that remains to be done is to apply them.

The Commission should, I think, also give its attention to the regulation of labour conditions in Africa. The system of forced labour, which still obtains in the majority of the colonies, cannot be allowed to continue. It amounts to almost undisguised slavery. Yet all the Powers have solemnly undertaken to abolish slavery in all its forms. Some of them have done their best to organise free labour in their colonies. Why should they not all follow suit? Such a step would not be so impracticable as is alleged by certain people. Moreover, the League has assumed responsibilities in this connection which cannot be evaded. The great principles of justice and humanity laid down in the Covenant, particularly in Articles 22 and 23, constitute a new colonial charter. Mr. Roden Buxton has given us a commentary thereon which displays an extraordinary breadth of mind and carries great weight, not only by reason of the speaker's own authority, but also because he is the delegate of the greatest colonial Power in the world. The principles contained in the Covenant must become a living reality. The enquiries which you have ordered must not be a mere cloak to cover over and so to perpetuate a state of affairs which the whole world recognises to be iniquitous and unjust. (*Applause.*)

The President :

Translation : Does anyone else wish to speak ?
The debate is closed.

I will ask the Assembly to vote on the resolution of the Sixth Committee on the question of Slavery. The resolution reads as follows :

The Assembly, having taken note of the report of the Temporary Committee on Slavery :

1. *Decides to express its gratitude to the members of this Committee for their excellent work;*
2. *Relying completely on the wisdom and tact of this Committee to carry out the delicate and difficult enquiry entrusted to it, approves the programme and the methods of work set forth in the Committee's report.*

The resolution was adopted unanimously.

66. — ELECTION OF THE NON-PERMANENT MEMBERS OF THE COUNCIL : PROPOSAL BY THE CHINESE DELEGATION : REPORT OF THE AGENDA COMMITTEE.

The President :

Translation : The Agenda Committee has considered the following motion submitted by the Chinese delegation at the last meeting :

"It is desirable that the Assembly, in electing the six non-permanent Members of the Council, should make its choice with due consideration for the main geographical divisions of the world, the great ethnical groups, the different religious traditions, the various types of civilisation and the chief sources of wealth."

The Agenda Committee states that as the Assembly has already on two occasions unanimously approved the recommendation contained in the

Chinese motion, there is no doubt as to your assent.

There is therefore no need to refer this motion to a Committee again; I think the best course would be for the Assembly to deal with it direct. (*Assent.*)

It will therefore be placed on the agenda of the next meeting.

The Assembly rose at 1.25 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

EIGHTEENTH PLENARY MEETING

TUESDAY, SEPTEMBER 23rd, 1924, AT 10 A.M. -

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Report of the Second Committee :
Resolutions.

President : M. MOTTA

67. — INTELLECTUAL CO-OPERATION : REPORT OF THE SECOND COMMITTEE : RESOLUTIONS.

The President :

Translation : The first item on the agenda is the examination of the Second Committee's report on the work of the Committee on Intellectual Co-operation. (Annex 10, Document A. 79 (1). 1924. VII.)

The Chairman of the Second Committee is unable to attend the Assembly to-day owing to illness. I would like to offer to M. Garay our best wishes for an early recovery. In the absence of M. Garay, I call upon M. de Brouckère, Vice-Chairman of the Second Committee, and also the Rapporteur for this question, to take their places on the platform.

Professor Gilbert Murray, Rapporteur of the Second Committee, took his place on the platform amidst the applause of the Assembly.)

The President :

Translation : The Rapporteur will address the Assembly.

Professor Gilbert Murray (British Empire), Rapporteur : Mr. President, ladies and gentlemen—I think there is no need for me to address the Assembly at any length on the resolutions contained in the report of the Second Committee on the work of the Committee on Intellectual Co-operation; these resolutions have been very

carefully discussed in the Second Committee. Moreover, as perhaps you have already noticed, the cold which has been travelling through the Assembly during these last few weeks has now made me its victim, so that I shall not be able to make myself heard at any distance.

The resolutions are rather numerous—you will see that there are ten of them and one recommendation—but there is only one question, I think, about which there has been any serious difference of opinion. I refer to the recommendation. The delegation which took the strongest view in opposition to the recommendation in the Second Committee has now been kind enough to assure me that it will not press the matter. I now therefore have pleasure in moving *en bloc* the resolutions and recommendation contained in A. 79 (1). 1924. XII.

The President :

Translation : Professor René Cassin will address the Assembly.

Professor René Cassin (France) :

Translation : Mr. President, ladies and gentlemen—You have just heard the report—unfortunately abridged—submitted by Professor Gilbert Murray, the distinguished delegate of the British Empire. The French delegation is glad to support all the conclusions of the Second Committee, the object of which is to enhance the utility of the work done by the Committee on Intellectual Co-operation.

The French delegation is, moreover, convinced that the Assembly will recognise, as the Council has already recognised, the true purpose of the French Government, and that the League will thus shortly find in the International Institute, which is to be its property, the requisite instrument for the success of the Committee's work.

May I, although a newcomer to this Assembly, be allowed to associate with your resolution the French disabled soldiers and ex-combatants, whose

Associations are, for the first time, represented here in the national delegation? The all-powerful reasons which have urged them to co-operate in your work could not but be fully realised by the accredited delegates of nearly all the nations of the world who constitute this Assembly.

Our disabled soldiers and ex-combatants feel that they are united to intellectual workers by a very special bond of sympathy and by a real sentiment of solidarity.

This bond is due to the fact that intellectual work is like their own sacrifice, disinterested, and still more to the tragic condition to which both have been reduced by the war.

It is sad to record, but it is a fact which should not be overlooked, that in the countries which are slowly recovering from the appalling disaster that overtook us ten years ago, those inestimably precious gifts, human thought and human life, are at a greater discount than ever, and the undeserved suffering which has directly befallen the individual is fated to be alleviated last of all, if ever.

But out of the midst of our common misery a great hope has arisen. It seems impossible that the League, which was founded to establish justice and right, and which owes its very existence to the great thinkers who sowed this idea among the peoples, and to the humble heroes with whose blood the League was baptised—it seems impossible, I say, that the League can live so long on the continued injustice from which these two great classes suffer. It is for the League to assist in preventing ruthless oppression by material interests.

We hope, therefore, that the Committee on Intellectual Co-operation will at last be placed in possession of the necessary means to protect learning by protecting men of learning, and to prevent a further reduction in the number of intellectual workers in Europe, which would be a grievous loss to civilisation.

At the same time, however, the League can and must see that at least the work of economic restoration in certain States which it has undertaken does not entail any diminution of the pensions due to disabled soldiers or the survivors of the fallen. This is the very deep and genuine wish of our French disabled soldiers.

Since the League guarantees to the different peoples a peace based on good faith, respect for treaties and an equitable distribution of burdens, they trust that it will allow the nations which have been most sorely tried by the war to recover gradually from their wounds and will permit the innocent victims to obtain from their debtors reparations which in truth are but a dole, but all the more sacred on that account.

Nevertheless—and this is a point which I cannot over-emphasise—the hundreds and thousands of men whose sentiments I have the honour to represent here are not standing still in egoistic contemplation of their wretched lot, their barely healed wounds. Looking towards the future, they have vowed, despite their suffering—I should say by the very reason of their suffering—to persist in their triumphant efforts for the coming of a new world. No sooner were their arms laid down than they sought to fulfil the promises made to their brothers who fell in the cause of right, and co-operated in all sincerity in the work of peace undertaken by that great man, President Wilson, and by the founders of the League.

Ignoring the sceptics, they have not hesitated—especially in France—to give their support and faith to those whose mission it is to combat ignorance and mistrust, the commonest sources of war and hatred; they have given their help

freely to the intellectuals, the seekers, the educators, in short, to all who keep alive the flame of the spirit and hand on the torch to future generations. It is because they represent the vast majority of a people whose desire for peace is the greater for their cruel decimation, that our men hope that the intellectual workers of the whole world will join hands across the frontiers and give an example of co-operation which shall become one of the most solid foundations of peace among the nations.

For this reason our associations, and among them the French Federal Union, have systematically co-ordinated their efforts with those of the leaders of thought and University students. This is why we are trying to make the many, alas! too many, war orphans understand the sublime sacrifice of their fathers and to make them realise what is meant by the League, the supreme motive for that sacrifice. This is why at congresses of every kind, at Brussels, Belgrade, Vienna, London, Geneva and even in America, at New Orleans, we have advocated the cause of the League before veterans of every country that fought in the war and have urged them, although, I must admit, not yet with complete success, to carry on work similar to ours.

Your work is now being followed, even in the most remote parts of France, with the keenest attention and the greatest confidence. Those who have lived through the horrors of the war naturally cling to the three-fold and inseparable shield that alone can prevent a recurrence of war—arbitration between States, sanctions against the violators of the Covenant and the reduction of armaments, facilitated by security. Any stable work that the League can do in this connection will find in these men firm support, the support which may be expected from those who have suffered greatly and are the more fully alive to realities.

Our disabled soldiers and ex-combatants, to whom love of country is perfectly consistent with the wider love of other peoples and of peace, attach a different value to the immediate material results, even the finest, of an Assembly such as this, from the one they attach to the general questions which are essential to the development of the League and to the efforts to cope with all the scourges with beset mankind.

The discussion to-day reaches, although in an almost entirely technical form, the very fount of our hopes for a legal organisation of nations and the improvement and moral disarmament of the peoples.

It is because our comrades have understood the prime importance of effective intellectual co-operation and of teaching directed in every nation towards the aim of peace that I venture in their name to support the proposals submitted to you—proposals which are still very modest.

Finally, I request the Assembly to take the necessary step by unanimously adopting the resolutions and recommendation submitted by Professor Murray on behalf of the Second Committee. This will be a way of recognising the lofty part which intellectual work has to play side by side with other forms of activity and of encouraging the education of young people in a spirit of wide understanding.

Before concluding, I would ask the representatives of all the nations, not only those nations which took part in the war but also those who were spared that scourge, to associate more closely than hitherto ex-combatants, war cripples, survivors of those who have fallen, and even those who only served in the work of peace which is being carried on in their respective countries.

The League will gain tremendously in power

if the work of educating public opinion is carried on not only in a few countries but simultaneously in all countries. Your efforts must bring about this alliance of the intellectual classes and the masses, this union of the generation which has been sacrificed and the coming generation. If we are to overcome the obstacles which meet us at every turn on the path of peace, we shall have full need of the united hopes and efforts of those who think, of those who act and of those who suffer. (*Applause*).

The President :

Translation : Mr. Charlton, delegate of Australia, will address the Assembly.

(*Mr. Charlton mounted the platform amidst the applause of the Assembly.*)

M. Charlton (Australia) : Mr. President, ladies and gentlemen—In voicing my opposition to the recommendation before the Assembly, I want to say at once that I regard the offer of the French Government as a generous one. As a public man, may I also say that the promoters of this idea are acute, keen men who look well after the national position and realise that their scheme is, from the national point of view, of vital, paramount importance for the future. To that extent I give them credit

At the same time, examining this question internationally, as this Assembly should, I venture to say that if such a proposal is carried into effect, it will not work out in the manner anticipated by this Assembly. Instead of being international, it will, in a very few years, be clearly proved to bear a national aspect only.

The League of Nations was established for the purpose of dealing with international matters on an international basis. For that purpose, Switzerland was chosen as the home of the League. This being so, if it is desired to preserve this international aspect, it is necessary, in my view, to keep all the institutions which come under the League of Nations within the boundaries of the League, so that there may be no room for differences of opinion in the future, from the international point of view.

What is an international institution ? In my view, it is an institution set up for the purpose of co-operating and collaborating with all international institutions of a similar kind. If that view is accepted, each particular institution established within a particular country must be designated a national institution and not an international institution.

If the League is to decide that it must accept all offers, however generous, which may be made for different objects from time to time, what will become of the League a few years hence ? Probably, next year some other country will make an offer in regard to a particular object which should be international. If that country is good enough to make an offer accompanied by a certain sum of money, are we to establish another institution in that country and call it international ? If so, where will it lead us ? Will it lead us to a successful termination in regard to the question of internationalism ?

I venture to say that, as a result, many other nations will decide that they cannot co-operate with an institution, which, after all, is supposed to be the tree of knowledge, and which is established in one particular country. Full information having been obtained regarding certain aspects of specific subjects and historical matters, that information is disseminated to all parts of the world. How long do you think such an organisation will continue

to be an international institution ? Do you think it will receive that co-operation from other countries which is so essential to make it an international institution ? I venture to say that you cannot expect this.

If an institution is established on the territory of the League, every nation in the world will be in sympathy with the object, will co-operate, and will supply such information as they have at their disposal in their own national institutions, knowing that it will be dealt with in a proper manner. To my mind, there is no escape from this position. Much as I applaud the action of the representatives of France, who are doing very well in regard to this particular matter, I say that the plan will not, perhaps, work out in practice as satisfactorily as you anticipate; for that reason, I am opposed to it.

If we have to adopt some such plan as the one before us—and I believe the idea is good—it should be carried out here under the eyes of the League and governed entirely by the League. You will tell me that the Institution, as at present suggested, will be under the jurisdiction of the League. It will to a certain extent; but it must be remembered that, as time goes on, the necessary credits will have to be voted by the French Parliament, as they would by any other Parliament, and the organisation will be at the mercy of the French Parliament for renewed votes in the future. From that point of view, it is not directly under the supervision of the League.

Even if the institution were to develop and continue—though I contend that this is not possible if it is located in one particular country—I take exception to the manner in which the business is done, and wish to lodge a most emphatic protest. If the constitution of the League of Nations permits business to be done in this way, the League is being built on a very weak foundation. If it is desired that all the nations of the world should come in, there must be more democracy.

In the report submitted by the Second Committee I find the following passage : “The Council accepted the offer of the French Government in principle and requested the Assembly to give its opinion on three special points: the powers and duties of the new Institute”, etc. I should like to know whether the Council is superior to this Assembly or is the Assembly the superior body ? I am prepared to admit, as every reasonable man must admit, that the Council must have great powers to administer the affairs of the League of Nations between the meetings of the Assembly, especially as regards matters of urgency. If the Assembly, however, is the superior body, I consider that when dealing with proposals such as the one now before this Assembly, which is not urgent, the Council is not justified in saying that it will accept it in principle and in asking this Assembly to draw up conditions regarding these three specific points. I consider that the duty of the Council was to submit this proposal to the Assembly, asking the Assembly whether it accepts it or not. The Assembly is paramount to the Council, and if the position is to be reversed the League of Nations will not, I am sure, continue for very long. It is against all forms of democracy.

In the recommendation regarding this matter, which is now before the Assembly, it says : “The Assembly notes that the Council has accepted, in principle, this generous gift, for which it desires to express its deepest gratitude”—practically leaving it to the Council to decide this most important matter, the Assembly—which should be the highest authority of the League of Nations—merely deciding the conditions for the establishment of this institution in Paris.

I think that such a procedure is wrong. The Assembly should itself decide whether it will accept this proposal or not, and should draw up the conditions. The Council should be put in the second place, but here I notice that it occupies the first position. If it had been an urgent matter, it would have had to come before the Assembly for endorsement, but here the position is different.

In examining this matter, I have found that many members of the Assembly hold views similar to my own, but say: "The Council has accepted this and, the Council having accepted it, there is nothing for us to do but to draw up conditions which will ensure that the Institution will remain international." I insist that we cannot draw up conditions which will keep an institution international.

The practical working of the Institution will decide that, when it is established, and also the people of other countries in which national institutions are established.

If we are prepared to put one particular country in the position of being the seat of culture, or to increase the prestige of one particular country by making it the seat from which all culture is disseminated, we can say goodbye to the question of an international institution.

We want to see this organisation flourish, and if the idea is good, it ought to be established on a proper basis. The Institution should be established here at Geneva. If the League of Nations is to continue, we should, from the economic point of view, have all our institutions in one centre. This would result in many economies in administration.

It will, of course, be said that these arguments do not apply in this case, because France is supplying the money. But what exactly is our position now, notwithstanding the fact that France is supplying this sum of £12,500, because that is all it is—a million francs sounds magnificent, but when worked out it only amounts to £12,500. Is it to be said that this League of Nations cannot finance an organisation that will cost £12,500? It must be borne in mind by those who say that it is necessary to accept this offer and that it will be a saving to the League that the League of Nations has already passed its usual budget; it has voted 150,000 Swiss francs for intellectual co-operation—a sum equal to £6,000. The other day two additional credits were voted, amounting to about £640, in connection with this Institution. So we are going to expend £640 in addition to what the French Government has offered.

It will be better in principle, better for the future welfare and success of this Institution, even if the money voted must be increased, to establish it here at Geneva rather than on territory outside that of the League.

In saying this, I do not wish to show any ill-feeling towards France. The offer is a most generous one. I do not blame France. If I were a Frenchman, I would perhaps take up the same attitude and fight for such an institution to be established in my own country. I say, however, that this is not a proper thing to do from the point of view of the League of Nations itself, and I therefore contend that we are doing wrong in agreeing to this proposal.

It is proposed that we should establish a Committee of Control. This does not make the organisation any more international; it will be regulated from the centre in which it is established and will depend upon the information distributed to the world from it and upon co-operation with similar State institutions.

The Institution is not likely to be successful under such conditions. It will have to deal, as we all know, with very important matters, matters that are of vital concern, as the last speaker said, to the

great masses of the people throughout the world. Take, for instance, one question, that of patents. Every body knows that the inventor, right through history, has in general been deprived of his rights because no international arrangement existed whereby he could be protected. He has been at the mercy of individuals, syndicates or companies in the different countries who have exploited him by leaving him in poverty while they reaped great advantages financially at the expense of the masses of the people. If this question of patents is to be dealt with universally so that something will be given to the inventor and so that, at the same time, the masses of the people will be protected from exploitation, I say that there must be a common centre.

Can it be expected that all countries will agree to co-operate with one given centre, with one nation, for this particular purpose? They would co-operate if the Institution were situated at Geneva, in neutral territory belonging to the League of Nations. They would not then hesitate to co-operate if something could be devised which would protect the inventor and the people throughout the world.

This is only one illustration. There are dozens of others. The only way in which this work can be accomplished is by keeping it within the territory of the League. I realise this; I see the dangers; I am not satisfied that the Council has the right to say that it has agreed in principle to a certain thing and to ask the delegates here, who represent every country throughout the world and who have obligations and responsibilities to discharge, also to agree to it—because the Council has so decided—subject to certain conditions which may be introduced for the purpose of working the Institution. Accordingly, I say that we cannot put in writing anything which will cover up the fact that, if this plan is to succeed—and I am afraid that it cannot possibly succeed—the world would be putting Paris and France on a pedestal by themselves. Paris would be the seat of knowledge distributing culture to all other parts of the world. This is a position which other nations will not be able to accept, much as they admire France, and nobody here admires France more than I do.

I am only adopting this attitude and speaking as I do because I realise that in the League of Nations we have to deal with things as we see them; we have to be frank. We are not here to try to work together without expressing different opinions in regard to any plan, if we happen to hold those different opinions. Were we to refrain from expressing our point of view, this institution, which should be known to the world as the greatest international institution ever created and which has for its object the establishment of peace and disarmament, will be looked upon by people outside as nothing more or less than a mutual admiration society.

It is just as well to be frank. If delegates believe conscientiously that a scheme is wrong, they should vote accordingly. If they believe it is a good principle to have intellectual co-operation in regard to these scientific and research matters, then it should be established within our own territory. The nations only supported this scheme because they believed it was international; it should be carried on at the headquarters of the League, on neutral territory, as it were. It would ill become the nations, if they think this work should be done, to refuse to find the necessary money to enable it to be done within the territory of the League.

This is one of the things that is going to bring about disruption, and I ask this Assembly not to adopt the proposal. I have not a vote myself, but I know how I should vote if I had one. Without the slightest hesitation, I ask the delegates to deal

conscientiously with this matter on its merits. If they believe it is not in the best interests of the League that this organisation should be established outside its territory, it is their duty to vote against the proposal.

The President :

Translation : M. Pitamic, delegate of the Kingdom of the Serbs, Croats and Slovenes, and Professor at Ljubljana University, will address the Assembly. (*Applause.*)

Dr. Pitamic (Kingdom of the Serbs, Croats and Slovenes) : Mr. President, ladies and gentlemen—The most important and most interesting event that has happened during this session of the Assembly of the League, in connection with the work of intellectual co-operation, is, without doubt, the generous offer and gift of the French Government. We associate ourselves, with the greatest joy and heartiness, with the thanks expressed to the French Government from so many sides.

France was always anxious to spread culture and civilisation far beyond her own boundaries, and it is especially our country which has partaken of French generosity in the sphere of intellectual development. Therefore, it is our simple duty, while congratulating and thanking the French nation for the magnanimous gift it has given to all the nations, to remember what she has done so many times for the nation which I have the honour now to represent.

The gift having been accepted by the Council, it is now the task of the Assembly to answer the questions asked by the Council. It is evident that, apart from the proper working and the administration of the new Institute, it is mainly the safeguarding of its international character which has preoccupied the Council as well as the Second Committee.

It seems to us that the solution, which has been found in the Committee after a long discussion, is a very good one. Yet, we venture to add that, as if the province of national laws and constitutions, so also with regard to the international document concerning the administration of the Institute, not only the document is of importance, but equally, and even more, the spirit in which it is carried out. The carrying out of the scheme in a really international way depends, however, not only upon the administration, but upon us, upon all of us, great and small nations alike. The larger the number of nations which use this Institute, the more will it become international—just as the League itself will become more fully international—and the more the nations will knock at the door. Briefly, the securing and maintaining of the internationality of the new Institute depends chiefly upon the co-operation offered by the different nations. In this respect, we shall try to collaborate as much as possible.

In order to contribute to the practical carrying out of the idea of intellectual co-operation, we took the liberty of proposing in the Second Committee an additional clause to the seventh resolution contained in the very interesting report of the eminent professor, Mr. Gilbert Murray, dealing with the question of facilitating journeys of professors and students for scientific purposes.

This addition reads that the States may be invited to found scholarships in order to make such scientific journeys and studies possible. This proposal was readily accepted by Professor Gilbert Murray and the Committee. Moreover, the new Institute can, in this respect, be of great value as intermediary.

It has often been said that intellectual co-operation is a province in which the aims of the League of Nations can be attained in the most pure and lofty form. May I add now, when so much is being talked about the problem of securities, that there is only one absolute security for the peace of the world. This security abides in the mind and the good-will of mankind. No treaty, no covenant, no diplomatic instrument, and no limitation of armaments—though I do not under-rate these means—but only education, interchange of ideas, a knowledge of one another, an understanding of and respect for one another—briefly, intellectual and moral co-operation—can provide the absolute guarantee for peace, which, however, can even then only be fully attained when love, brotherhood and self-denial are not only written in treaties and covenants, when these virtues are not only on our tongues, but when they dwell in our hearts and form an essential and inseparable part of our minds. To form such a mind is the noblest and loftiest task of intellectual co-operation. (*Applause.*)

The President :

Translation : M. de Halecki, delegate of Poland and Professor at Warsaw University, will address the Assembly.

(*M. de Halecki mounted the platform amidst the applause of the Assembly.*)

M. de Halecki (Poland) :

Translation : Mr. President, ladies and gentlemen—In the Second Committee I had the honour to set forth the reasons for which Poland welcomed the steady progress made by the League of Nations in the field of intellectual co-operation.

I do not propose to go over the same ground here.

As regards the particularly important question of the Institute of Intellectual Co-operation which it is proposed to found, the clear and lucid explanations contained in Professor Murray's admirable report made, I thought, any misunderstanding impossible. We have, however, just listened to an eloquent appeal to all delegates to reconsider this important question, and I consider it my duty to respond to this request.

I have two reasons for doing so. First, countries, which, like my own, have revived to a new life and have resumed the normal course of their intellectual activity, founded great hopes upon the Committee on Intellectual Co-operation. The latter has done its utmost to respond to their desires, and we were all deeply moved by the words spoken by the delegate of the British Empire in the Second Committee on this subject. Owing, however, to the limitation of its means and the lack of the implements of labour, many of the Committee's ambitions still remain impracticable, and consequently we feel great joy at the magnificent prospect opened before us, thanks to the proposal of the French Government.

This proposal—and I now come to my second reason—has aroused similar hopes in other and no less important circles.

It is no mere coincidence that, at this moment, an international congress of students is meeting in one of Poland's old university towns. These students, I am certain, are looking to us at this hour and will welcome with particular satisfaction not only the special resolutions which encourage the activities of students' associations, but also the all-important resolution referring to the Institute of International Co-operation, which will at length enable the Committee to afford these young people, upon whom depends the future of the

League, not merely platonic encouragement but a full measure of support.

Allow me to tell you why, in my humble opinion, the proposal made by the French Government does nevertheless appear to give rise to certain difficulties. The reason is very simple; it is because there is no precedent for the proposal. This, in point of fact, is the first occasion on which, instead of coming before you to complain of the financial burdens imposed upon its Members by the League, a Government has made a spontaneous and concrete offer of practical co-operation which exceeds the obligations contracted by it.

It is said that the new Institute will be established elsewhere than at the seat of the League and that it will not be immediately incorporated in the administrative machinery of the League.

In this connection I would draw the Assembly's attention to an article in the Covenant which has not yet received the consideration it deserves. I refer to Article 24, which explicitly stipulates that there may be in different parts of the world international institutions which, though not incorporated in the machinery of the League, will be affiliated to the League by a special pact, which must be defined in each particular case.

I fully realise that the present case is not wholly analogous and that, contrary to the existing provisions for the various international bureaux, the expenses of the new Institute will, at the outset, be borne exclusively by France. To my mind, however, this difference can only be regarded as disadvantageous to the latter Government, which, moreover—as the French delegates have frequently stated—would be happy if other Governments would share in the work.

It is true that Article 24 speaks of the "direction" of the League. As the Assembly is aware, according to the interpretation which has been given to that article, this means merely a somewhat vague moral patronage, whereas in the particular case which we are considering the entire administration of the Institute, including its financial control and the appointment of its staff, will be entrusted to an organisation set up by the Council of the League—I refer to the International Committee on Intellectual Co-operation.

I think I need say no more on the legal and constitutional aspects of the matter. What is more important is to decide whether in the case in question the seat selected for the Institute is satisfactory from all points of view, and whether the Committee appointed by the League to which I have just referred really affords all the necessary guarantees to assure the international character of the new Institute. I will not, of course, enumerate the many international scientific institutions which, both before and since the foundation of the League, have selected Paris for their seat and are fully satisfied with their choice. I need only mention the *Office international d'hygiène publique*, with which the League is already in close co-operation, and the *Bureau international des poids et mesures*, which is of vital importance in the development of scientific research.

As a Polish intellectual worker, I must in all loyalty discharge what is a simple but necessary duty in bearing witness here to the fact that, after our unsuccessful attempts at insurrection in the nineteenth century, when Polish thought was unable to develop freely in any quarter of the world, the intellect of Poland migrated on two occasions to Paris, where it found an opportunity of free development untainted by alien influences. As was said by one of our poets, yearning for his distant mother-land, the works in which our national genius found full, original and independent expression were conceived on the pavements of

Paris. Here you have assurances which are not based upon or influenced by political feeling or political circumstances, but definite facts in intellectual history. I will give a more recent instance. As you are all aware, an illustrious daughter of Poland, Madame Curie-Skłodowska, has gone to work in Paris, where she is at present a professor at the university, while remaining a professor at my own University of Warsaw. Madame Curie has never forgotten the country of her birth. The members of the Committee on Intellectual Co-operation have come to the conclusion that, if Madame Curie may now be said to have two countries, she has but gained thereby a wider and deeper understanding of international life.

I now come to my second and last question: Is the Committee which I have just mentioned imbued with a spirit which affords every guarantee that it will faithfully maintain the international character of the new Institute?

Those of you who have had time to peruse the many documents emanating from the Committee have, I am sure, found in them abundant proof that this is so. Not to detain you too long, I will give you only a single instance—the welcome offered by the Chairman of the Committee, the great French philosopher whose name you all know, to the great German scientist upon his joining the Committee. M. Bergson's words made a deep impression, even in the summary form in which they were given in the Minutes, and they will never be forgotten by anyone who had the privilege to hear them. At first he applauded the German scientist for converting the masses in ever-increasing numbers to a belief in his lofty speculations and for awakening in them a zeal for pure and disinterested research. Later, he hoped to see yet another conversion; the conversion of intellectual workers, in ever-growing numbers, to the great scientist's conception of the international relations which both before and during the war was identical with that of the League.

With these noble words echoing in my ears, I have the honour, on behalf of the intellectual workers of Poland, to pay a tribute to the French Government for its lofty manifestation, in our days of utilitarian materialism, of its keen, practical and boundless interest in the things of the mind.

I wish to reaffirm my deep conviction that the Institute, which we are, I hope, about to found as the first practical instrument of intellectual co-operation, will assist in converting intellectual workers in all countries to its own conception of the part which should be played by thought in international relations. That part is one of mutual confidence, harmony and reconciliation. (*Applause*)

The President:

Translation: Sir Muhammad Rafique, delegate of India, will address the Assembly.

Sir Muhammad Rafique (India): Mr. President, ladies and gentlemen—When the distinguished scholar whose report we are now considering presented it to the Second Committee, it was specially welcomed as sounding a note of useful criticism. I have no note of criticism to offer now, but only a few suggestions, which I trust will receive the attention of the Committee on Intellectual Co-operation.

We have a definite proposal before us, and we cannot be blind to the fact that it has aroused differences of opinion in the Assembly. On the question at issue, I offer no opinion; on the principle which lies behind it, may I say this? The work must go on. If, therefore, it is decided, in order to maintain the essentially international

character of our intellectual co-operation, that it should continue to be centred at Geneva, then it is our plain duty to see that it is sufficiently provided with funds. None of us can lightly regard the words of the Rapporteur that this work is in danger of failing for lack of funds. If, therefore, we are unable to accept the financial help offered to us, we must provide the necessary funds from our own resources.

I speak strongly, because in my country learning has always been revered for its own sake. The *Rishis*, the wise men, were the most honoured figures in our heroic age. The tie which binds the pupil to his *guru*, or teacher, is one of the strongest we know and is severed only by death. Learning is the one force which knows no nationality, no territorial boundaries; it is international in the fullest sense of the term. A better understanding of each other's intellectual thought, co-operation in stimulating each other's intellectual thought, is therefore the life blood of the League of Nations; unless we maintain this movement in full vigour we cannot advance surely towards our goal, the brotherhood of man.

On behalf of India, then, I beg to express my cordial agreement with the principles underlying the idea of intellectual co-operation. It is obvious that there will be differences of opinion as regards certain details, but what really matters is the appreciation of the main proposal of promoting contact between the different peoples of all countries and of educating the younger generation in the ideals of world peace and solidarity. I venture to think that without some such scheme the work of the League itself would have remained incomplete.

When one visualises the future, one can well imagine the large and important part which the young people, trained in the early impressionable period of their lives to respect and admire what is best in every culture and civilisation, are bound to play in the recognition of international co-operation as the only right and satisfactory method of conducting world affairs. Much of our present trouble would never have come into existence if we, while young, had been thoroughly schooled in the principles of tolerance and universal brotherhood, produced by common understanding and sympathy.

As an Indian, I feel happy and proud to think that the culture of my country, unfortunately not so well understood in the West as it ought to be, will once again in the future, as, by common consent, it did in the past, contribute its own share to the attainment of the ideals on which the League is established. I have not the slightest doubt that by the efforts of the Committee the culture of India will be more widely appreciated and spread than it is to-day.

I am one of those who maintain that the peace and progress of humanity depend on the mutual understanding and co-operation of the East and the West. In the distant past the East kept burning the torch which imparted the light of learning to the far-off corners of the world. Had I the time, I would enumerate the services of the East in the various domains of human thought and activity. And I am happy to say, and I may say with confidence, that India's capacities and resources are not exhausted; she is still a living intellectual force, ready and eager to place her services at the disposal of the world, if only she is given a chance of doing so.

The East, and especially my country, I may be permitted to remark, has many valuable thoughts to offer for the enrichment of the world's literature, science and philosophy, if only her sciences and institutions are properly understood and studied.

Take the example of Hindu culture, the proud inheritance of the vast majority of my countrymen, and you will find that before the dawn of history in the West it taught the lessons of universal brotherhood and universal peace for the acceptance of which this illustrious gathering is working to-day. The achievements of my countrymen in the past are beyond dispute; their achievements to-day are worthy of serious notice.

The work of this Committee will gain in strength and value if it is kept in vivid contact with our numerous universities—not only with the older seats of learning, modelled on Western institutions, but with the great Hindu and Moslem universities brought into being by the combined efforts of the Government, of the Princes, and of the people of India, where a great renaissance of Indian culture is bursting into vigorous life. In India we have our learned societies, some of them over a century old, and cultural organisations depending on the devotion and self-sacrifice of learned men, some known to fame and others content to labour in obscurity; these, I have every hope, will be able to render valuable assistance to the work we are considering at this moment. Knowing the young men of my country as I do, I make bold to prophesy that, given adequate facility and encouragement, they will, true to their own culture and civilisation, prove excellent pioneers and propagandists of the principles which we all desire universally to be recognised and acted upon in the world.

With your permission, sir, I wish to express my gratification at the response made by many countries to the appeal for books and publications made on behalf of the library of the University of Tokio. This is as it should be. Our aim will only be reached when institutions in all the civilised countries, Members of the League, are treated alike in this as well as in all other matters.

I am here to acknowledge the debt we owe to the European savants who opened the storehouse of Eastern learning to the West and at the same time stimulated our own interest in our rich culture. I am here to proclaim the contribution which India is able and ready to make to the world's stock of knowledge from her own treasures, which are increasing every day through the labours of her devoted sons. I am here to declare the message which India has to give to the West drawn from her deep and diffused spirituality, from her respect for ascetic ideals, from her rare capacity for sacrifice and service divorced entirely from material considerations. Finally, I am here to proclaim my confidence that the Committee on Intellectual Co-operation is the instrument for this fusion of Eastern and Western culture, to the infinite advantage of both.

Not through Eastern windows only,
When daylight comes, comes in the light;
In front the sun climbs slow, how slowly;
But westward look, the land is bright.

(Applause.)

The President :

Translation : M. de Brouckère, Vice-Chairman of the Second Committee, will address the Assembly. (Applause.)

M. de Brouckère (Belgium), Vice-Chairman of the Second Committee :

Translation : Mr. President, ladies and gentlemen—When I entered my name yesterday on the list of speakers for this discussion, I could not but feel, on seeing the names of our eminent Rapporteur and of so many distinguished speakers, that I could furnish nothing new to the discussion, and

now, when the President calls upon me to speak, this conviction is borne in upon me still more strongly.

Nevertheless, I trust that the very candour of my confession on mounting this platform will lead you to give me your forgiveness. I am addressing you now because I am anxious to conform to a tradition.

It has become a custom with the League that on all occasions when a proposal of primary importance is brought forward, or when fresh progress has been made in any direction, or—as is the case to-day—when we are solemnly inaugurating the birth of a new institution, those responsible receive from this platform the congratulations of the delegates of the States most nearly concerned.

There are perhaps a number of objections to this practice, but there is also a great deal to be said in its favour, and it would in my view be a matter of profound regret if the practice were given up at the very moment when we are dealing with intellectual co-operation, which those outside our gates have sometimes accused us of neglecting. In order to make clear the nature of my speech, which is a kind of inaugural discourse, I should like to commence, as is the custom, with a truism.

We are witnessing to-day the modest beginning of what is a great thing. I will not claim that intellectual co-operation is a new thing; I am glad to say that it has long been known in the world. If we wished to set a precise date to so great an event as the birth of intellectual co-operation, we might say that it first gained notice in France 130 years ago to-day, at the moment when the illustrious Permanent Secretary of the Academie des Sciences, the philosopher Condorcet, true to himself and to his ideals, consented to martyrdom. He deferred for a few days the moment of his surrender to the executioner in order to gain time to write what he intended to be his own testament and the philosophic testament of his age—his *Nouvelle Atlantide*, the most wonderful and complete scheme of intellectual co-operation which had ever been conceived up to that time.

It was in the year 1793—I trust you will pardon me for dwelling upon this point—which marked the end of the old regime and the beginning of the new, not for France alone but for the world. It was this year in which took place the most tremendous of political changes. This was the year of the birth of that conception which, in face of innumerable difficulties, will make its triumphant progress throughout the world, that conception which may be summarised in two words—democratic government and the brotherhood of nations. These are the ideas on which the League of Nations is based. It is not without interest to recall that the world gave birth in the same hour and in the same circumstances of painful travail to these two ideas, so close akin—intellectual co-operation and the League of Nations.

Just now I heard one of our colleagues—and I trust you will allow me to make this passing observation—accuse France in somewhat bitter terms of a kind of usurpation. But we should, I think, remember that France is, to a certain extent, entitled on historical grounds to house, not the League of Nations' Institute of Intellectual Co-operation, but the League of Nations' first Institute of Intellectual Co-operation. The historical claim to which I refer is clear and we may recall it now.

The idea of intellectual co-operation is not new. Indeed, even if I had not already spoken of the great example of France in 1789, I might remind you of the modest example of Belgium.

It has become a truism to say that my country, which stands at the crossing-place of so many

highways, is exposed to war, because men more often meet together to fight than to come to an understanding or to organise. But through the very fact that our country stands at the meeting-place of many roads, it has often formed a channel for the exchange of ideas. Scholars of all countries have long learned to regard Brussels as one of the chief centres of co-operation, and a large number of international associations have been founded in our country.

Those who have steadfastly toiled and laboured, often with modest means, and sometimes in the face of indifference and even of hostility, have at length created in Belgium centres of intellectual co-operation to which at this very moment the League of Nations is rendering a solemn and, I will add, an unaccustomed tribute by endorsing the resolution now before you and so placing them, as it were, on the agenda of the League.

The idea of intellectual co-operation is not new, and as I reminded you just now, if we were witnessing the modest beginning of a great movement, the League of Nations is not dealing to-day for the first time with intellectual co-operation.

Two years have elapsed since the League created the Committee on Intellectual Co-operation; but I venture to say that it would perhaps be better not to dwell too much on the origin of the League's work on intellectual co-operation, and that our reputation will stand higher if history throws a discreet veil over these beginnings.

We have been privileged—though perhaps we have hardly deserved it—to secure the collaboration of some of the foremost personalities of our time—Einstein, Bergson, Mme Curie, Lorentz, and many others, apart from those present in this Assembly. Yet after two years of unremitting labour they have had to admit that although they have explored every possibility and tried every means of accomplishing some real achievement, they have everywhere encountered the same difficulty—that the League will not give them the requisite funds.

Gentlemen, we have not been generous to intellectual co-operation! I have heard it said in certain quarters that we can do no more and that the world is not rich enough to afford an elaborate programme of intellectual co-operation. I thereupon worked out how much the League of Nations' subsidy to intellectual co-operation costs the world.

I based my calculations on the most international currency, that of America. Taking the smallest unit of that currency, the cent, I reached the following conclusion: In the most heavily taxed countries intellectual co-operation costs one cent per head a little less than once every century, and in the most lightly taxed nation it only costs one cent per head just over once every hundred centuries. (*Laughter.*)

The world may not be very rich, but I think this can hardly be called an exorbitant charge for its intellectual development.

In this Assembly I have rarely heard proposals to increase the subsidies which we grant, and it was with the greatest satisfaction that, a few moments before mounting this platform, I first heard a generous offer put forward.

I heard an Australian delegate say: We only give £6,000 between us; let us make an effort and give £12,000. Unfortunately, it appears that the Australian delegate's proposal has a condition attached to it; the proposal, when stripped of the verbal reservations which surround it, is that the League might give an additional £6,000 to intellectual co-operation on condition that it renounces the £12,000 offered by the French Government. The transaction can hardly be termed a profitable one.

A great deal has been said about this sum of £12,000, and I am glad to see this generous offer, which deserves to be greeted with gratitude and applause, expressed in terms of English currency.

This offer may have a most favourable effect on our future efforts, although, as the Australian delegate rightly said, the sum in question is very small and £12,000 is nothing compared with the sum necessary to provide the whole world with a proper organisation for intellectual co-operation. It is only a beginning, but it is a beginning which should encourage other countries, and as Australia, having expressed this sum in terms of her own currency, sees for herself that it is a small one, she will find it all the easier to display the liberality which we expect from every nation and outbid France in a generous rivalry which will be to the benefit of intellectual co-operation.

I told you that I would not detain you for long, and I will keep my promise. One word more and I have done.

I would like to reply to two objections which have been raised to the recommendation of the Second Committee. It has been contended that, if we accept France's offer and fix the seat of the first Institute of Intellectual Co-operation at Paris, we shall be giving France an unfair advantage and placing her in a privileged position. But why should the existence of this first International Institute of Intellectual Co-operation prevent the creation of other similar institutes? Do you seriously believe that an enterprise which was planned on so vast a scale when originally conceived by Condorcet at the end of the eighteenth century can be achieved by a single institute working in a single direction? Further, can we accept the contention put forward just now by the Australian delegate that all work connected with intellectual co-operation must necessarily be concentrated in one and the same place? A few moments' reflection must make it clear that the centralisation of the whole work of intellectual co-operation in a single place is a material and moral impossibility.

I am reminded of a project which bears some resemblance to the Australian delegate's somewhat too simple conception. In the interests of symmetry and simplicity a new plan was proposed for Paris—or so Edmond About asserts in his novel "L'homme à l'oreille cassée". According to this plan the Imperial Palace would be in the centre; around it would be built the houses of the marshals; around them would be those of the peers of France, and so on in concentric circles around the Imperial palace the houses of the different classes of society. The plan was simplicity itself, but it was too simple to be practicable. I very much fear that the scheme of co-operation which has just been outlined is also too simple to be feasible.

May I be allowed to submit one or two objections? Intellectual co-operation, I take it, means co-operation between all the scholars in a special branch of learning, all the artists, all research workers, all historians, and so on, for the purpose of co-ordinating their work to attain a specific end. Suppose for the sake of argument that oceanographical researches of great interest are being pursued in different parts of the world. It is essential that they should be carried out on a combined plan. Would anyone dream of placing the seat of an international institute of oceanography at Geneva on the shores of the Lake, when its proper place would be on the sea-coast? If you want to found an international institute for scholarly research work, for which a quantity of rare books must be consulted, you will have to place it in one of the three big cities which have the most important libraries—Paris, London or

Washington. My point is sufficiently clear and I need give no further examples.

Human thought is not an artificial thing which can be pruned, as trees are pruned by gardeners, into all sorts of fantastic shapes. It develops spontaneously according to the laws of life, and there is a geography of science, a geography of thought, and an historical and geographical natural selection which makes such-and-such a place suitable for one purpose and not for another.

I will quote another example to make my point clear. We have had experience of intellectual co-operation on a small scale in my city, Brussels. The occasion was the construction of our university. We had been offered a magnificent piece of ground on which all our institutes were to be built. But when we came to study the problem, we were forced to recognise that what was suitable for a Botanical Institute was not suitable for a Faculty of Law, while a place that was suitable for the Faculty of Law was not suitable for the School of Medicine, and so on. We were therefore obliged to build our institutes in different parts of the town.

It is clear, therefore, that there are even more cogent reasons why intellectual co-operation should be established in different parts of the world, one establishment for each of its special branches.

I repeat, the French institute will be the first, but you may be sure that others will follow. There is work for all and no willing offers should be rejected. (*Applause.*)

We are told that France has acted generously, but that she will thereby gain an unfair advantage because other countries will not imitate her generous action.

Well, ladies and gentlemen, that will depend on you. Personally, I am an optimist, and I think France's generous example will be followed. It is for this reason that I see in this proposal the beginning of a big thing. I think that, henceforward, every country will be forced to follow in France's footsteps. They will be compelled to do so by that irresistible force which we call the logic of circumstances.

Yes, the creation of the first institute at Paris will give France a great scientific advantage and a great moral advantage, and as, despite the cynics, intellect plays a certain part in the world, this great scientific and moral advantage will eventually become a political advantage. This is where the other countries will become involved. They will not be able to let France keep this political advantage. They will realise that intellectual co-operation is something concrete, something real, that it constitutes an element of power, and they will be forced to try and gain this element for themselves. They will be stung into competition and will finally understand, what they perhaps failed to understand at first, the utility of intellectual co-operation. The battle will then be won for science and learning and the consequences will be favourable for our work and for mankind. In this connection I would like to recall the eloquent words of one of the previous speakers—namely, that it is by ensuring intellectual co-operation that we can really ensure peace.

The work of the First and Third Committees is undoubtedly of the most urgent importance. We shall hail the successful conclusion of that work with the greatest satisfaction and shall congratulate our colleagues on their achievement. But at the same time we shall proclaim that a stable peace can only be ensured by intellectual co-operation.

As soon as the League of Nations, which spells co-operation among the peoples, was conceived, it became clear that political co-operation was a primary condition for the fusion of good intentions

which were often in conflict. The next stage was to ensure economic co-operation and to discipline and co-ordinate the great material forces which have so often clashed and have caused so many wars. The third step is to remember that man is a rational being, whose efforts may be directed towards evil as well as towards good, that the intellect is a supreme force and that the only method of establishing peace on a firm basis is to dispel hatred and disarm the mind. This aim will not be attained until thinkers all over the world have learnt to work together and to acquire that feeling of brotherhood which is born of common endeavour.

I repeat, intellectual co-operation is not a conception of minor importance. It is the very basis of our work, and not until we have won intellect to our side will the peace of the world be established on a secure foundation. (*Loud applause.*)

The President :

Translation : There are still the names of Sir James Allen and M. de Jouvenel on my list of speakers. Although it is now somewhat late, I am sure that, in view of the importance of the discussion, all our colleagues will remain until the vote is taken.

Sir James Allen, delegate of New Zealand, will address the Assembly.

(*On mounting the platform, Sir James Allen was greeted with the applause of the Assembly.*)

Sir James Allen (New Zealand). — Mr. President and delegates—I desire to endorse the remarks that were made by my colleague from Australia with regard to the action of the Council in accepting the gift of France when it had an opportunity of referring the question to the Assembly. It is very essential, in my judgment, that the privileges of the Assembly should be safeguarded as far as possible. There was no necessity for hurry, on this occasion, in accepting the gift. It may be said that the Council has not committed the Assembly; but it is very difficult indeed for the Assembly to reverse a decision of the Council, and I think that it would be a breach of faith, or almost a breach of faith, towards France were the Assembly to do so after the Council has given its judgment.

I also want to endorse the remarks of my colleague from Australia with respect to the international character of these organisations. I do not think that their internationalism can be sustained for any length of time unless they are absolutely under the control of the League and are located at the headquarters of the League at Geneva. When this organisation for intellectual co-operation was started two years ago, I felt it my duty to vote against the appropriation. I have watched the work of that organisation for the last two years. Although I have nothing whatever to say with respect to intellectual co-operation itself, except that I value it as every one of us does, the question arose two years ago, and arises again to-day, as to whether this organisation for intellectual co-operation was an organisation which we were justified in setting up under the Covenant of the League. My conclusion at the time was that the Covenant of the League did not cover organisations of this kind and I have consistently voted against the appropriation.

After watching the work of intellectual co-operation during the last two years, I have come to the conclusion that had I the opportunity of exercising my vote again I should do exactly what I did two years ago. I should vote against it. I venture to ask the other members of the Assembly whether they

really can say that during these two years the work of the organisation for intellectual co-operation has done much to create the atmosphere which it was hoped that it would create. Is it not safe to say that during the last three or four weeks in this Assembly here at Geneva an atmosphere of good-will has been created which intellectual co-operation alone would not have been able to create in half a century?

I want to help my Australian colleague. I do not know whether he is going so far as to vote against the report of the Second Committee. It is rather a serious thing to do that. Should he do so, I will vote with him. I want my fellow-members to understand that in doing so I believe I am serving the best interests and the best purposes of the League. If we are to encourage the creation of these organisations — and I think that it is very doubtful whether they come within the terms of the Covenant — I cannot see where the end will be. Intellectual co-operation is not the only kind of co-operation which may be created among the nations belonging to the League and those which do not belong to the League. Already, two speakers, who have dealt with the question in the Second Committee, have referred to the possibility of the extension of these organisations. This necessarily means an extension of the budgetary provisions which the League will have to make.

I want to assist my colleague from Australia and, if he does call for a vote, I shall vote with him.

The President :

Translation : M. Henry de Jouvenel, delegate of France, will address the Assembly.

M. Henry de Jouvenel (France) :

Translation : Mr. President, ladies and gentlemen—I respect your time as much as I do the national genius of the different peoples. I will therefore confine myself to thanking briefly the Rapporteur, Professor Gilbert Murray, who is so welcome a figure at this Assembly, and the speakers who followed him, especially M. de Brouckère, M. Pitamic and M. de Halecki, who have so clearly interpreted the views of France. These views, as M. de Brouckère very rightly pointed out, are in keeping with the traditions of my country.

Unlike our colleague, the delegate for New Zealand, France has always felt, as M. Pitamic has just said, that there can be no League of Nations in the fullest sense, that there can be no material disarmament and security so long as there is no moral security, that is to say, until it has been borne in upon every single individual that all nations are interdependent.

This is the function of intellectual co-operation, and I must ask the delegate for Australia to forgive me if at a time when everything should be international the money alone should be French. It is not the fault of France if intellectual co-operation has not hitherto met with financial co-operation.

Two years ago, when my colleague M. Reynald, the delegate of France, asked this Assembly for a slight increase in the credits voted for the Committee on Intellectual Co-operation, what was the reply of the delegate for Australia? He said: "We were told by a number of distinguished men that we should not vote any funds at all for this purpose", and that "they could quite well be found by private individuals." The only private individual who has come forward up to the present is France. France has responded to Australia's invitation, and does not regret doing so, for she has at any rate met with a cordial reception from the other States. (*Loud applause.*)

The President :

Translation : As no one else wishes to speak, the discussion is closed.

The vote will now be taken.

The Rapporteur proposes that the different points of the resolution should be adopted as a whole.

Before we take a vote, Sir Littleton Groom, delegate of Australia, will address the Assembly.

Sir Littleton Groom (Australia) : I should just like to make one or two remarks upon this very important matter.

My colleague has made his protest, but I am quite sure that he never intended to say one word which would injure the feelings of our French friends. He wanted only to emphasise the question of principle—nothing more than that—and the definite principle in view was this, that, when a League of Nations has been established, with its agencies somewhat in the nature of secretariats, the latter should be concentrated at the seat of Government as far as possible. This was the only principle involved, and my colleague expressed, as I also have expressed, his appreciation of France's generosity in coming forward to try and fill a gap in this matter of intellectual co-operation and its development throughout the world.

I speak as a university man from Australia. I am Australian born and I have been educated at an Australian university. I believe that the universities of the world can do much, by spreading a proper spirit throughout the world, to encourage the peace of the nations and the spreading of the finest ideas possible among the peoples.

Those who listened this morning to the magnificent speech made by the Indian delegate, Sir Muhammad Rafique, must echo his sentiments that each nation should be asked to contribute the best of its art, its literature, its science, and its philosophy. Art and science, literature and philosophy, have no boundaries. They are the common possessions of the nations of the world.

My colleague, Mr. Charlton, will echo that sentiment too, but his protest in the Second Committee was to the effect that we should be careful at this time, when we are establishing the League of Nations, that we do not base our work, at the outset, on wrong principles. I am sure that his protest was right. We in Australia are establishing a Federal nation all over the continent and we are trying to create a national sentiment, just as you are trying to create an international sentiment. I as chief delegate for Australia would not exercise my vote in order to prevent this proposal being carried out. My only desire is to let you know that, so far as that aspect is concerned, the principle has our sympathy.

We seek the good-will of you all, and we believe that you, with your large hearts, will accept in a spirit becoming to the older nations the criticism which comes from the younger. We are here to advance intellectual co-operation. At the same time, with all diffidence, we feel that we ought to let you know—if we think the path indicated is not the path along which we should travel—where exactly, in our opinion, it goes astray. In that way we think that we also may contribute by some element of wisdom to the well-being of the League of Nations. (*Applause.*)

The President :

Translation : I asked Sir Littleton Groom to speak after the close of the discussion because I understood that he wished to explain the reason for his vote. I am glad that I took this course, because we find there is now no opposition to the

resolutions submitted by the Second Committee. The honourable delegate of New Zealand announced that he would make his adverse vote conditional upon the adverse vote of Australia. As Australia is no longer opposed to the resolutions, the opposition of New Zealand is thereby removed also. The resolutions and recommendation before the Assembly are as follows :

1. *The Assembly records with great satisfaction the fact that the system of forming national committees on intellectual co-operation is making steady progress.*

It requests the Council to make further representations to the Governments of those States which have not yet formed such national committees, inviting them to promote the creation of such committees and, if possible, to give them financial support in their work of mutual assistance in intellectual matters.

2. *The Assembly shares the opinion of the Council that it would be highly desirable to convene a conference of experts to consider the various problems raised by the question of scientific property, especially in the reports of Senator Ruffini and the replies of the various Governments regarding this question. It requests the Committee on Intellectual Co-operation to organise such a meeting in 1925, after consultation with the Economic Committee.*

3. *The Assembly notes with satisfaction the important results obtained by the Committee on Intellectual Co-operation in regard to the co-ordination of bibliographical work in the domain of physics, and requests the Committee to undertake a similar task in regard to the other sciences, particularly the social sciences.*

4. *The Assembly, noting that the Council has approved in principle the draft agreement with the Institut international de Bibliographie at Brussels, approves this agreement.*

5. *The Assembly adopts the report of the Committee of Experts on the international exchange of publications. It relies on the good offices of the Belgian Government to obtain the partial adherences to the Brussels General Convention of 1886, provided for in the first resolution of the Committee of Experts.*

It also requests the Council to invite all States, whether signatories of the Conventions of 1886 or not, to consider the possibility of accepting the new Convention for the Exchange of Scientific and Literary Publications proposed by the Committee.

6. *The Assembly instructs the International University Information Bureau to embody in one draft all the recommendations of the Committee on Intellectual Co-operation in university matters.*

In view of the proposals made by the Spanish Government at the Fourth Assembly, and the suggestion made at the Second Committee by the Persian delegate with regard to the equivalence of degrees, the Assembly asks all States to communicate what steps they have taken, or intend to take, in the direction indicated by the Committee on Intellectual Co-operation, with a view to attaining as far as possible the aims referred to in the said proposals.

7. *The Assembly, noting with satisfaction that a considerable number of States have replied favourably to the recommendation adopted last year that students should be provided with special travelling facilities, invites all the States :*

(a) *To consider favourably applications from students' associations for measures to facilitate interchanges of students;*

(b) *To grant similar travelling facilities to duly qualified teachers and scholars going abroad in the interests of science;*

(c) To found scholarships for the purposes indicated in paragraphs (a) and (b).

8. The Assembly, being convinced of the necessity of solidarity among the nations, and having witnessed the results of such solidarity in certain countries in the sphere of economics and finance would be happy to see this principle applied in the sphere of intellectual life.

It invites the Committee on Intellectual Co-operation to examine and, if necessary, to refer to the Financial Committee the question of an international loan, under the supervision of the League of Nations, intended exclusively for intellectual development in the countries of those Members of the League which may desire it.

9. The Assembly expresses the wish that the Committee on Intellectual Co-operation should make—under the Council's authority—the same appeal to the universities, academies and other scientific bodies, on behalf of the intellectual workers of Hungary, which it made in November 1922 on behalf of the intellectual workers in Austria. The Council is respectfully asked to act with regard to that matter in the same way as it acted in the case of Austria.

10. The Assembly :

Being convinced of the fundamental importance of familiarising young people throughout the world with the principles and work of the League of Nations, and of training the younger generation to regard international co-operation as the normal method of conducting world affairs :

In view of the resolutions adopted by the Fourth Assembly regarding the encouragement of contact between young people of different nationalities, and concerning the instruction of youth in the ideals of the League of Nations :

Is of opinion that further steps should be taken to promote these objects;

And therefore instructs the Secretariat to investigate the means by which efforts to promote contact and to educate the youth of all countries in the ideals of world peace and solidarity may be further developed and co-ordinated, and to furnish a report to the Sixth Assembly.

Recommendation.

In reply to the three questions asked by the Council;

In view of the fact that the above resolutions and, in general, the whole programme of the League of Nations as regards intellectual co-operation will be carried out more easily with the assistance of the International Institute which the French Government has proposed to found and place at the disposal of the League of Nations, the Assembly notes that the Council has accepted, in principle, this generous gift, for which it desires to express its deepest gratitude;

Being desirous of emphasising the international character which this Institute should possess, both as regards the programme of its work and the choice of its staff, in accordance with the intention of the French Government and of the Council :

The Assembly expresses the following recommendation :

A. The powers and duties of the new Institute shall be defined by the Committee on Intellectual Co-operation in accordance with the principles laid down by the Committee itself—after such consultations as may be necessary to avoid overlapping—and with the instructions of the Council and the Assembly. These powers and duties may subsequently be enlarged by the Committee with the consent of the Council and the Assembly.

B. The Council of the League of Nations is invited to conclude with the French Government all agreements necessary to ensure the establishment, continuity and proper working of the Institute.

In accordance with these agreements, the administration of the Institute shall be entrusted to the Committee on Intellectual Co-operation, acting as a governing body. The latter shall, with the approval of the Council, appoint five persons of different nationalities, who shall form a Committee of Directors. The powers and duties of the Committee of Directors, which shall meet at least once every two months, the term of office of its members and the system of rotation by which its membership shall be renewed, shall be determined by the Committee on Intellectual Co-operation.

The budget and accounts of the Foundation will be communicated to the Council and the Assembly. The accounts will be audited at least once a year by the Chief Auditor of the League, and his report will be annexed to the budget and the accounts.

C. The Committee on Intellectual Co-operation shall determine in each case, after consulting the parties concerned and in agreement with them, the relations with the International Institute of the institutions mentioned in the resolution of the Council, or any other institutions of an intellectual character.

The Committee on Intellectual Co-operation will be ready to collaborate with these institutions with a view to solving particular problems, without, however, interfering in any way with their autonomy.

The resolutions and recommendation were unanimously adopted.

Mr. Matthew Charlton (Australia) : Mr. President, ladies and gentlemen—I want it to be distinctly understood that the President's remarks in regard to there being no opposition are not correct, for they do not apply to me personally. I am just as strong in my opposition to the proposal now as when I spoke, but, unfortunately, I have no vote. If I had a vote, it would be recorded, without doubt, against the resolution.

The President :

Translation : That is understood and will be mentioned in the record of the meeting.

The next meeting of the Assembly will be held on Thursday next, September 25th, at 10 o'clock prompt.

The Assembly rose at 1.25 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

NINETEENTH PLENARY MEETING

THURSDAY, SEPTEMBER 25th, 1924, AT 10 A.M.

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President : M. MOTTA

68. — APPLICATION OF THE DOMINICAN REPUBLIC FOR ADMISSION TO THE LEAGUE OF NATIONS.

The President :

Translation : Before beginning the agenda of the meeting, I have an announcement to make. The Secretary-General has received the following telegram, dated September 23rd, from the Minister for Foreign Affairs of the Republic of San Domingo, in which that Republic applies for admission to the League of Nations :

“In accordance with Article 1 of the Covenant of the League of Nations, I have the honour to apply for the admission of the Republic of San Domingo to the League, and I should be very

grateful if you would place this application on the agenda of the next session of the Assembly of the League. The Government of the Republic is prepared to accept the conditions laid down in Article 1 of the Covenant and to fulfil all the obligations entailed by membership of the League.

“The Government of the Republic has appointed M. Jacinto R. de Castro, one of our most distinguished citizens, as delegate to the Assembly, with full powers to give all the necessary explanations. Meanwhile, the Government of the Republic of San Domingo will be glad to furnish any information which may be required in regard to this application for admission. My Government is very anxious that this application should be communicated to all the Members of the League as soon as possible.

Dr. A. M. SOLER,

Secretary of State for Foreign Affairs.”

In accordance with the usual procedure, I suggest that this question be referred to the Agenda Committee with a request that it should report on the matter as soon as possible.

If there is no objection, I will assume that you approve of my suggestion. (*Assent.*)

69. — REFUGEE QUESTIONS, INCLUDING THE QUESTION OF THE TRANSFER OF THE ARMENIAN REFUGEES TO THE CAUCASUS AND THE CREATION OF AN ARMENIAN NATIONAL HOME: REPORT OF THE FIFTH COMMITTEE: RESOLUTION.

The President :

Translation : Ladies and gentlemen—In order to save time, I suggest that the first and ninth questions on our agenda should be taken together. The first deals with refugee questions in general,

and the second refers to a proposal of the Greek Government for the transfer of the Armenian refugees to the Caucasus and the creation of an Armenian national home in that region. (Annexes 11 (a) and (b), Documents A. 81. and A. 104. 1924. IV.)

In both cases we shall be dealing with reports from the Fifth Committee. The Chairman will therefore be the same in each case, but the Rapporteurs will be different. The Rapporteur for the first question is Mrs. Swanwick and for the second M. de Brouckère.

Separate votes will, of course, be taken on the resolutions, but it would be preferable, I think, to have a joint debate on the two subjects.

Is there any objection to my suggestion ?

This procedure was approved.

I will ask M. Zahle, Chairman of the Fifth Committee, and the Rapporteurs, Mrs. Swanwick and M. de Brouckère, to take their places on the platform.

(M. Zahle, Chairman of the Fifth Committee, and Mrs. Swanwick and M. de Brouckère, Rapporteurs, took their places on the platform.)

The President :

Translation : Mrs. Swanwick, Rapporteur for Refugee Questions, will address the Assembly. *(Applause.)*

Mrs. Swanwick (British Empire), Rapporteur : Mr. President, fellow-delegates—You will see from the report before you that two resolutions have been proposed by the Fifth Committee. The second refers to a particular subject which was brought before the Fifth Committee and which that Committee was of opinion should be investigated. The Committee did not express any opinion as to the competence of the League in this question or upon the subject-matter itself. It considered merely that the case was one of great hardship which should be investigated, so that, if possible, the hardship might be remedied.

The first resolution deals with the question of the Armenian and Russian refugees and the Fifth Committee asked itself three questions : Should the work for the Russian and Armenian refugees continue for the ensuing year ? If so, what sort of organisation was best suited for the efficient and economical prosecution of that work ? What sum should be recommended to the Assembly for this purpose ?

In order that we might be as fully informed as possible, we had the benefit of the presence of Dr. Nansen and M. Albert Thomas with us. They answered questions and gave us their opinions, Dr. Nansen dealing with the prosecution of the work itself and M. Thomas with the question of its transference to the International Labour Office. The resolution asks you, therefore, to accept the proposal of the Council that this work should be so transferred, and also to grant a sum of money to enable the work to be continued during the ensuing year.

The Fifth Committee did not feel that it was competent to go into the intimate and difficult questions of organisation as between the League of Nations Secretariat and the International Labour Office. It, therefore, desired that those negotiations should be continued.

I should like to say, as shortly as possible, a few words upon the nature of the work that we are proposing for the ensuing year. I need not go into the question of competence which was raised in the Committee, and which has been answered,

because that question of competence was practically settled when the work was first undertaken.

The argument is constantly used that the League should not take on more "merely humanitarian work". It is a strange use of words to speak of the work of the League of Nations as "merely humanitarian", as if that were a very little thing, "merely", that is to say, for the welfare of the human race. There is a very great value, in my opinion, in work which is not purely generalised work, but which brings Members of the League of Nations into contact with individual suffering and with individual persons.

Obviously, the League of Nations has the power to carry on this work; it is sometimes asked whether the League should use that power or should allow it to lapse. We all feel that this power must be used with great care and with great prudence. No question must be taken up lightly. We must remember that, if we take up a question, the honour of the League is involved in its prosecution to a good end. Therefore, this question of responsibility is one which we ought to take very seriously indeed. We should not take up work lightly and drop it unfinished, for if the League earned the reputation of acting in this way, its good name would suffer.

The first act in regard to any matter is the assertion of a principle, and the assertion of the principle in this case was made not this year and not last year. It is very important that we should prosecute this work to the best of our ability until it has been completed as well as possible.

The League of Nations has been called an organisation for making peace, and we feel that in the making of peace the constructive work of the League has a very great value. Some of us have been immensely impressed with the great seriousness of the discussions in the First and Third Committees; but the Committee that deals with these other questions does work which, in its way, is as important; for if you are to make peace you have not only to prevent war but you have to create a state of society in which the causes of war are eliminated; the humanitarian activities of the League are of the greatest value for that constructive work. The constructive side of the League is being developed when you try to set up your organisations for arbitration and conciliation; but you want, side by side with these, constructive work on the human side.

The workers of the world must be made to cooperate in the work they are doing for the good of humanity. They speak the same language if they are combined in working for the good of humanity. Thereby, all the forces of good-will are mobilised all the world over. In doing all these things, a motive-power for peace is created which has an effect on all the common people of the world, upon whom, in the last resort, the strength of the League of Nations must rest.

The refugee question, however, is not alone a humanitarian question. It does not only appeal to our pity; it appeals also to great moral principles. We are beginning to realise the solidarity of mankind all the world over, and we must accept the responsibility for the consequences of our own acts or of our own omissions. I am familiar with the phrase "ces malheureux"—these wretched people. If they are wretched, my friends, each one of us, each man and woman in the world, bears his or her share of the disasters that our folly or our incompetence have brought about.

These refugees are the result of our corporate failure throughout the universe to make the world a fit place in which to live. This, I repeat, is also a great moral issue which we cannot quite avoid.

There is, lastly, the political aspect, which is of the utmost importance. What are we making of

these millions of people? What are we doing with them? Houseless, homeless women, women whose place is the home, as you always tell us — and rightly; what homes have we made for those women and those children? Workless, landless men, men who are going to be the rebels of the future: children growing up with no links to social life, kicked about, unwanted: whose citizens are those children? What loyalty have they? They are a danger; they are a disgrace. Cannot they have a new loyalty, a loyalty that will be worth all the national loyalties in the world—a loyalty to the League of Nations?

We are told that it is necessary to be economical. I am quite sure that that is true; I am quite sure that a wise economy is most necessary, but economy does not mean only saving; economy means wise spending, and you may spend in this way so that the money will come back to you a thousand-fold.

There is some fear that this question may become a permanent one. Well, we can only ask at this Assembly that a policy shall be laid down for the ensuing year, but I would ask you to remember, my friends, that this danger, this sore of the body politic of the world, may become permanent; unless we deal with it in time, it may become a chronic danger.

I wish you to ask yourselves three questions: Has the work been well done? Has it been worth doing? Does it not make the League beloved and trusted? I would ask you if you can imagine a better missionary all the world over for the work of the League than Dr. Nansen? Is there anyone who is likely to be a better friend of the League, a better child of the League, than he or she who has its international passport? (*Loud applause.*)

The President:

Translation: M. de Brouckère, delegate of Belgium and Rapporteur of the Fifth Committee, will address the Assembly on the transfer of Armenian refugees to the Caucasus and the creation of a national home in that region.

M. de Brouckère (Belgium), Rapporteur:

Translation: Mr. President, ladies and gentlemen—It is not my purpose to-day to speak in support of the Fifth Committee's resolutions on the general refugee question. Mrs. Swanwick has already done so, and you have all listened attentively to her words, which were the expression of her great qualities of heart and mind.

I have a different task to perform. I have to put before you the Fifth Committee's opinion on a special question which has been submitted to you by the Greek Government. Before dealing with the actual subject of the report, however, I would beg to be allowed to discharge a duty which was formally entrusted to me by the Committee, and to express, and to ask you to express likewise, the deep gratitude of the League of Nations to the Greek Government and people for the welcome they have extended to the Armenian refugees. (*Loud applause.*)

You all know the difficulties which attended the enormous influx of Armenian refugees into Greece. Faced with a sudden invasion of 1,500,000 persons of Greek and other nationalities, the Hellenic Government and people, nobly adhering to the principles of the League of Nations, resolved to make no distinction between their own nationals and others, but to regard all these hapless people—Armenians and others of any nationality who begged for succour—as men having equal claims upon their generous care. (*Renewed applause.*)

This is an additional reason for examining with

particular attention the proposal now before us or, rather, the problem which it places before us

This problem is not the relief of Armenian refugees, but the restoration of the Armenian nation, which is entitled to a separate national existence, to its own national soil, with full rights and full security.

I said that the Armenian nation is entitled to a national existence. In this it stands on the same footing as all other nations, and I might say that it has a particular claim upon the League. It is for the League to guard the rights of all peoples, but it has undertaken definite engagements towards the Armenians.

When the Supreme Council asked the League to accept a mandate for Armenia, the League, not being able to arrange for an actual protectorate, nevertheless undertook a moral protectorate, and I need not remind you of the resolutions which every Assembly in turn has adopted affirming the Armenian nation's right to be restored to an Armenian home.

We are determined to abide by these resolutions, (*Applause.*)

All we have now to do is to decide how to fulfil our promise.

Restore the Armenians to their national home? Yes, but where? The first suggestion was the Caucasus. The report now before you gives the reasons which led the Fifth Committee to consider that it would be impossible, without further investigation and enquiries, to send a large number of Armenian refugees to the Caucasus.

It is a technical problem of an extremely complex nature. The Armenian region of the Caucasus is already over-populated, and there is no reason to believe that present conditions there afford any adequate security. Moreover, it is possible that the settlement of even a small number of refugees there would require sums far in excess of those available.

In a matter of this kind we must act with caution, and the Fifth Committee proposes that we should simply carry out an enquiry, not with any intention of shelving the question or postponing a settlement, but simply in order to put that settlement into a clearer and more definite form.

Settle Armenian refugees in the Caucasus? Settle them elsewhere in Armenian territory? But where is that territory? What are its frontiers?

Only a short time ago we might justifiably have thought that those frontiers were traced, that they had been fixed by so high an authority as President Wilson, whose memory we all revere.

To-day we are compelled to admit that they no longer exist; but at any rate we can say that they are not fixed, either in favour of the Armenians or otherwise. The problem remains open.

It is a political problem, and it is not for me to examine it, since I am submitting this report on behalf of the Fifth and not of the Sixth Committee.

We all realise that the time is not yet ripe to attempt a political settlement of the problem. Circumstances are not favourable.

We must wait. But there are two ways of waiting—we can sit with folded arms or we can bide our time and prepare.

The Fifth Committee advocates the second course, It invites you to wait, but to prepare the way for the Armenians some day to recover their national home.

In order to attain this end, the first essential is that the Armenians should remain a nation.

We might restrict our action to asking the organisation which Dr. Nansen is so ably directing to take certain humanitarian measures on behalf of the Armenians and to endeavour to provide food and work for them. In a few years the Armenians

would be scattered over the world; they would be lost in the general mass of humanity and would cease to form a nation.

Such a solution would be unworthy of the League, and if we permitted it we should have failed to redeem our promise.

We must help the Armenian people to keep their nationality. It would be a crime against humanity, a crime against every principle that unites us here, to allow a nation to vanish from the earth. Let us bear in mind the words of Jaurès: "We have come to the time when humanity can no longer live with the corpse of a murdered nation in its cellar". (*Applause.*)

If we desire the maintenance of peace, let us remember the lessons of history. No nation can be wiped out for ever. A murdered nation will return to life, but it will return amid storm and stress. In the last century nothing brought more wars upon Europe than the attempts of oppressed peoples to regain their national independence and their national existence.

We must, then, prepare the way for the normal and peaceful restoration of the national life of Armenia. While caring for their material preservation, let us also think of their national preservation. Let us enable them to live not only as human beings, but as Armenians. If we cannot guarantee the exercise of their political rights, let us at least try to preserve for them their civil rights. Let us endeavour to protect them whenever any one of the numberless legal problems arises in which we are in a position to act. Let us enable them to continue to speak their mother-tongue and to preserve their national institutions and traditions.

In so doing we should not merely be performing a deed of humanity; we should be doing an act of justice. We should be saying to this suffering people: "Wait in patience! The League of Nations has not abandoned you. Your hour of justice will come, and you will regain once more in safety and security your national existence and your Promised Land." (*Loud applause.*)

The President:

Translation: Mr. Hofmeyr, delegate of South Africa, will address the Assembly.

(*Mr. Hofmeyr mounted the platform amidst the applause of the Assembly.*)

Mr. Hofmeyr (South Africa): Mr. President, ladies and gentlemen—In assenting to the resolutions concerning refugee questions in general, the South African delegation wishes the following reservation to be included in the record of this meeting:

"It is noted that the Fourth Committee has inserted the supplementary credit of 203,000 Swiss francs for the placing and employment of Russian refugees as exceptional and temporary expenditure and has added the rider that the credit should be regarded as temporary, and that the Fourth Committee hopes it will be possible for the item to disappear from the Budget of the International Labour Office at the earliest possible moment.

"This is a material modification of the rider first adopted by the Fourth Committee (see Minutes of seventh meeting of the Fourth Committee) and communicated to the Fifth Committee, which was to the effect 'that the Committee's report to the Assembly should contain an expression of the view that during the forthcoming year some final solution should be found for the question in order that this appropriation should disappear from the budget of the League for 1926'.

"Having regard to the magnitude and complexity of the problem, it would appear that it must of necessity take a considerable time to solve it satisfactorily, a view to which colour is given by the modification in the rider.

"The adoption of the resolution now before the Assembly will undoubtedly bind all States, which vote for it without reservation, to the principle of extended financial support until a final solution for the problem is found, however long that may take. This is brought out by a paragraph in the resolution before us, which says: 'Considering that the most important work which still remains to be done refers to the employment, emigration and settlement of the refugees'.

"The South African delegation holds the view that work of this character does not strictly fall within the scope of the League's activities and should, consequently, only be undertaken in extreme circumstances, and then only for a strictly limited time, in order to enable the Governments directly interested and charitable institutions to set up their own organisations to solve the problem.

"The South African delegation, therefore, while deeply sympathising with the unhappy people concerned, is unable to pledge the Government of the Union of South Africa to financial support beyond the budget for the ensuing year."

Mr. President, ladies and gentlemen, in submitting this reservation, I fully realise the unpleasantness of the duty that is imposed upon me to-day. I find, however, some comfort in the fact that I am able to do so in the close presence and under the benign and soothing influence, in the first place, of our popular and genial Chairman, who so ably presided over the deliberations of the Fifth Committee, and, in the second place, that of our able Rapporteur, Mrs. Swanwick, who the other day gave such timely advice that we should endeavour sometimes to allow our heads to guide our hearts at Geneva. I may say the same of my friend M. de Brouckère, the Rapporteur of the Armenian problem.

I congratulate these two speakers on the excellent speeches they have made. I will not attempt to controvert their statements beyond saying that, after listening to their declarations, it is all the more incumbent upon us to make this reservation.

The delegation of South Africa desires to associate itself especially and wholeheartedly with the tribute which has been paid to Dr. Nansen for the great missionary work which he has performed and for the striking example he has given of what true Christianity means.

We also wish to express our admiration for and our grateful thanks to the Governments, and to the philanthropic societies and to all those who have rendered such material assistance in the alleviation of the distress of these unhappy people.

In dealing with victims of the war, in which connection there is a record of such good service and such unanimity in this Assembly, it is extremely difficult to call attention to the cold, fundamental, rational issues which are involved in this question, because one's action is so liable to be misunderstood. Yet I think it is far better—indeed, it is helpful—to give frank expression to our views. One would scarcely be a friend of the League if one felt misgivings and doubts and suppressed them, though in a matter of this kind one is almost tempted to do so. To float with the stream is so pleasant; but, after all, as Dean Inge once said, that is a feat which any dead dog can

perform. I sincerely hope that our colleagues do not consider us unreasonable in this matter.

We all agree that the work cannot be abruptly discontinued. We do not say that it should be discontinued at all. The question is, not whether the work should stop, but who should carry on the work in its wider scope. The serious question which arises is whether this work, in its widening scope, falls legitimately within the functions of the League.

A grant of money for the relief of acute distress, existing or suddenly arising, even if it may be said to be outside the regular functions of the League, would elicit little or no criticism. Is it, however, prudent for the League, in the first place, to incorporate into its regular machinery work that should be left in other hands, and, in the second place, to raise hopes which cannot be fulfilled and which, having been raised, it would be cruel not to fulfil? What is the use of continuing an investigation into this work if misgivings are already felt as to our ability and as to the funds for carrying on the work?

Is it prudent for the League, moreover, to risk political conflict where the scheme must inevitably impinge upon the internal administration of States? Will not the prestige of the League be undermined in this way? Cannot it be said that the League has discharged its duty when it has helped to render relief in the first acute stage to bring the refugees from inhospitable countries back to their home-lands or to other places or centres where life is more tolerable, if not more congenial, or where suitable employment is likely to be found, or where countries are willing to receive and absorb them? Should not, thereafter, any further responsibility for finding employment for the refugees and for permanently establishing them in their new home rest upon the individual countries concerned, upon philanthropic and Red Cross societies and upon voluntary effort? After all, the League is not a charitable institution. It is very necessary to emphasise this, because, by superseding charitable institutions and charitable work, private charity will be blunted if not arrested.

There is a further consideration. The League is a society of States, with its functions defined in the Treaty and the Covenant. The weakest State Member is the weakest link of the League; but that link constitutes the strength of the League. There are several poor States who are ardent supporters of the League; they are themselves still undeveloped. They have their own acute problems of poor relief, of unemployment, of thousands of their children without schooling, for want of funds. Will they be able to stand the strain? Will they be able to keep up with the pace which is being set? The function of the League is, while giving security, to reduce the burdens and not to increase them. These, I maintain, are weighty considerations which should make us pause, if not call a halt.

In view of the statements already made this morning from this platform, I wish to say as definitely as I can that I am of the opinion that the finding of employment and the establishment and maintenance therein of any section of a community falls entirely outside the functions of the League, and, if undertaken by it, will lead this great institution into deep and troubled waters. Such action is fraught, at any rate, with great risk, if not with positive danger. This view would seem to be endorsed by the resolution of the Fifth Committee, which deals with the Armenian refugees.

Extraneous growths, however laudable the objects may be, will prove dangerous rocks in the present smooth waters of the League. The League should confine itself to its legitimate functions. It should push these with all its might. This is what the world expects from it. In other words,

the powerful, the unique spirit which prevails in the League to-day can best be preserved and strengthened by being controlled and directed within the four corners of the Covenant and the Treaty. Thank God, there are signs that this session of the Assembly is going to prove a landmark in the true work of the League, because it promises to register a real step forward in the cause of a lasting peace for the world.

Mr. President, the South African people have never shirked or neglected their duty in the cause of charity or in helping to alleviate the sufferings of their fellow-men, irrespective of race, colour or creed. When we, therefore, feel obliged to register a reservation in this matter, our colleagues will acquit us of want of sympathy. We do not vote against the resolution; we merely wish on this occasion to make our position clear, and I thank my colleagues for giving me this opportunity of doing so. (*Applause.*)

The President :

Translation : Count Tosti di Valminuta, delegate of Italy, will address the Assembly.

Count Tosti di Valminuta (Italy) :

Translation : Mr. President, ladies and gentlemen—Certain speakers have stated that humanitarian questions lie outside the field of work of the League of Nations. Those who uphold this view have, to my mind, failed to grasp the true spirit underlying the Covenant, the aims pursued by the League and the methods employed by it.

I will not take up your time by reminding you of the provisions of the Covenant dealing with this matter. A single remark will suffice. Social peace is the primary requisite for world peace, which is the final aim of the League. If, therefore, it is desired to remove every possible cause of dissension, we must begin by ensuring to the nations regular conditions of life, comforting them in the hour of misfortune, redressing injustice and, in a word, enabling them to live at peace and in tranquillity by improving their moral and material conditions.

The history of the last days of the Roman Empire is repeating itself, and we are witnessing to-day a vast nomadic movement, leading to the dawn of a new era in the old world of Europe.

Urged on by the hardship of their lot, whole nations are leaving their homes in the war-swept and devastated East and are seeking a roof and shelter in other lands. New slips are being grafted on to the old tree of Western Europe. History will one day recount the effects of this influx of new blood upon the advancement of the races and upon their vitality. The time-honoured balance of our social classes is disturbed and the ancient order changed by the millions of Russians, Greeks and Turks, and the hundreds of thousands of Armenians and Macedonians, who are sowing throughout the basin of the Danube and the Balkans the dangerous seeds of strife and unrest.

The League should devote its whole attention to this racial chaos and the farces underlying the various racial currents, for only so can it help to tide over existing crises and prevent the present painful endeavour to stabilise the world from becoming a source of new crises and fresh national antagonism.

The first subject which claims our attention is the present dispersed and destitute condition of the Armenian people.

That ancient race, decimated by age-long martyrdom, driven from the land of its fathers, the home of glorious traditions and heroic struggles, to which they have clung with stubborn tenacity, carry

from country to country the marks of unspeakable suffering and unending hardship.

A nation is dying. If international solidarity is not an empty term, that nation must be saved. All countries must give proof of their unanimous desire to assist one another by coming to the relief of a race that has contributed so much to the civilisation of the world. Here we have an opportunity of showing that international solidarity is not a mere empty formula or idle boast, but that it is a living and wonderful reality.

The League has consistently shown its concern for the fate of the Armenian people. At each session, especially from 1921 onwards, the Assembly has called particular attention to the necessity of finding a solution for this burning question.

Under the terms of the Covenant, and by all the essential principles of justice and humanity which underlie it, the League is called on to take care of nations that are weak and threatened with destruction, and, in the instance before us, to afford relief to the remnants of that noble and ancient race which has been allowed to wander derelict ever since the terrible upheaval of the war.

The problem of Armenian relief is not merely a humanitarian or a philanthropic one; this unhappy people is also entitled to appeal to the sacred and natural law of the right to live.

I will not detain the Assembly long, as you will shortly be asked to consider a more definite aspect of this question. I will merely remind you in passing that, in the Treaty of Sèvres, Armenia was recognised as a High Contracting Party. That treaty has not been ratified and is, therefore, no longer legally valid. It did, however, reflect the *de facto* of a situation which has not altogether ceased to exist as far as the Armenian people are concerned. (*Applause.*)

I must ask you, too, to recollect that President Wilson constantly showed his solicitude for the fate of this unhappy people, and even traced the boundaries of the territory, far exceeding the present frontiers of the Republic of Erivan, which he proposed to allocate to them.

The work to be done by the League in this matter does not end with the functions that have been assigned to it; it also depends upon the trend of public opinion, as evinced in all civilised countries by the foundation of Armenian refugee relief committees. The greatest names in politics, finance and charity are included on the subscription lists opened by these Committees, which have set up orphanages and unemployed workshops.

Allow me again to make special mention of Greece on account of the great work done by her in receiving as her own children several tens of thousands of exiled Armenians and granting them generous hospitality at a time when she herself was passing through a crisis due to the enormous numbers of her own refugees. Very large sums indeed were allocated by the Greek Government and have proved a heavy burden on her budget.

But these sums allocated by Greece, however large, could not suffice. The sources of charity in the different countries will one day dry up. Obviously, the Armenian people cannot depend entirely on the charity of the world, and the League, in conformity with the engagements entered into and renewed by it and in conformity with the spirit of the Covenant, must take this urgent work in hand.

Various schemes have been investigated. Some appear to be almost entirely impracticable, others far from certain in their results. Two of these schemes have hitherto claimed the attention of those interested in the question, namely, the foundation of an Armenian home in the Caucasus,

beyond the present boundaries of the Republic of Erivan and the transfer of 50,000 Armenian refugees to the territory of Sardarabad, which would first be improved by irrigation works on a large scale and by the construction of rural dwellings.

For various reasons neither of these schemes affords, I think, any prospect of easy success, and still less prospect of speedy success.

I entirely concur with what has been said by the Rapporteur in this matter. Moreover, the Assembly will be asked to-day for its opinion on this specific point.

As it is feared that the two schemes to which I have referred cannot be carried out, at any rate within a measurable interval of time, it would appear necessary to give the Armenian refugees without delay any relief that we are able to furnish.

The League could work in two ways. In the first place, a certain number of Armenian refugees, who were previously settled in territory awarded to Turkey, could be repatriated.

It is, I think, indisputable that Articles 37 to 45 of the Treaty of Lausanne give the League the power to assist racial minorities in any steps which may be taken by the refugees belonging to these minorities with a view to returning to their home.

I have no doubt whatever that in this matter we may count not only on the tried zeal of the organisations of the League but also on the goodwill of the Ottoman Government.

I will not make any concrete proposals, but I rely upon the opinions which the Council in its wisdom will decide to adopt.

A second task which the League can undertake is to settle Armenian artisans in countries where the refugees have found a home, in so far as these countries are able to absorb them. The transfer—a very desirable measure—of the High Commission for Refugees to the International Labour Organisation affords us an assurance that whatever is humanly possible will be done by an organisation so eminently fitted for its special task.

Whatever measures may be adopted, speed is essential. Every moment's delay will increase and prolong the sufferings of the Armenian emigrants. Poverty, sickness, lack of food and shelter, the dread uncertainty of the morrow, are daily depleting the ranks of these unhappy people, for whom we Italians feel the most active sympathy.

Let us be thankful that the situation of the Greek refugees is less heartrending than that of the Armenians, owing to the magnificent assistance they have received in their mother-country.

It is, no less essential, however, that the League should continue the splendid work undertaken by the High Commission for Refugees, and more especially by its distinguished chief, Dr. Nansen.

This work has up to the present achieved admirable results, with the co-operation of the Greek Government.

I will venture to remind you of the interest taken by the Italian public in all this philanthropic work. The Italian Association of the Knights of Malta interpreted the feeling of our people by taking a large part in the work of refugee relief.

The Press in nearly every country has drawn attention to the vast stream of emigration due to the exchange of populations between Greece and Turkey, and has expressed admiration of the energy displayed by the Greek Government in overcoming the serious difficulties with which it was confronted. What can only be termed a human wave came rolling from the shores of Asia and swept over the lands of Old Greece, which was already overpopulated, and has shown from time to time signs of an exhaustion that is the outcome of the great

efforts to which civilisation owes so many conquests of the mind.

Notwithstanding the huge sums of money spent by the Greek Government in this undertaking—sums estimated at more than £3,000,000—some 500,000 Greek refugees, we are told, still await a final decision as to their fate. This is why the Second Committee has to submit to the Assembly a proposal for a loan of £10,000,000. The universal sympathy felt for the efforts made by the Greek Government and the Refugees Settlement Commission is sufficient guarantee of the success of the proposed loan. The interest taken in it by the League will give the latter yet another claim to the admiration and gratitude of the entire world.

It cannot be too strongly emphasised that in redoubling its efforts on behalf of the refugees, the Government at Athens is contributing to the maintenance of the peace of the world.

Italy has always sympathised with, and endeavoured to further, the revival of economic life in the countries that were the most severely ravaged by the war. She is therefore keenly interested in the work of settling the refugees.

With the growth of prosperity and the rebirth of civilisation, violence disappears and harmony reigns amid the peaceful activity of nations.

I have still to speak of the Russian refugees. There are two aspects to the problem—a legal and an economic aspect.

The High Commissioner has found a highly satisfactory solution for the legal problem. Some means had to be devised of giving this horde of refugees legal protection, full civil rights and, above all, an opportunity to travel unhindered to places where better conditions of labour would enable them to find profitable employment. The identity certificate which nearly all Governments have recognised has given the refugees a legal status and assured them the protection they required.

It is more difficult to find a complete solution for the economic problem. What is required is an arrangement whereby these hordes of exiles can settle permanently in their country of adoption and be absorbed by the existing population in such a way that they will not become a source of trouble, as is still too often the case, to the countries that receive them.

In Italy these difficulties are hardly noticeable, as there are very few Russian refugees of the labouring class in the country. Such refugees as are in Italy belong almost entirely to classes which previously enjoyed a high social rank. Thanks to a good education, and particularly to a thorough knowledge of foreign languages, many of them have succeeded with but little difficulty in obtaining well-paid appointments in our financial or commercial organisations. Private charity has also given them every assistance and the Government has done much for their welfare. The Italian Red Cross, which sent a mission to Russia and considerable relief to the Tzaritzin district, has recently placed a large sum at the disposal of the Committee on Intellectual Co-operation for the assistance of Russian intellectual workers. Further, under a regulation issued by the Royal Government only a short time ago, the fees for transit visas required by refugees crossing Italy were considerably reduced.

But if, thanks to special circumstances obtaining in Italy, the problem of the Russian refugees does not give rise to serious difficulties in our country, the Italian Government is none the less convinced of the serious nature of the problem in all the countries of Central Europe and the Danube. The economic crisis through which they are passing, its attendant effects upon industry and commerce, the enormous numbers of unemployed, the depreciation of currencies, and the general lack of means

all constitute a serious handicap to the settlement of refugees in those countries, notwithstanding the good-will shown by the Governments and the generosity of private citizens. For these reasons only a great technical organisation such as the International Labour Office, with the vast network of communications which it possesses in all countries of the world, can guarantee complete success.

This is all I have to say upon the distressing and serious problem of refugees.

On behalf of the Italian delegation, I wish to support the proposals made by the Rapporteur and to make a recommendation that the competent bodies should act, not merely swiftly, but at once; every day's delay means further suffering and only accentuates the moral distress of these unhappy people, who really need all the strength they have to face their misfortunes.

Over and above such work as can be done by the League and the International Labour Organisation, there will always be unlimited opportunity for private charity, which will, we trust, continue to act even more promptly, more generously and in a wider field than hitherto.

Allow me to make one more appeal to the philanthropy of all nations, which has done much to relieve the bitter struggles and miseries of life.

We have already passed beyond the phase of first endeavours.

You all know how that the Holy See has intervened on behalf of the refugees, irrespective of differences of creed.

We have expressed our admiration of the work achieved by the American relief organisations, by a nation that we might reasonably say set the example of charity to the rest of the world. During the first few years America gave on an average nearly 10 million dollars a year to the Armenian refugees alone.

France, as always, has been most generous. She formed a relief committee that has collected considerable sums.

We must not forget the help given by the British nation nor the money it contributed to the Lord Mayor's Fund. Other help on the same scale was organised in Italy, Belgium, Roumania, Poland, Czechoslovakia, the Kingdom of the Serbs, Croats and Slovenes, and elsewhere.

It would perhaps be best to continue and co-ordinate the efforts made by these different national bodies and enter into some form of agreement for the purpose.

In any case, great generosity has been shown everywhere, and from all quarters spontaneous help has been steadily forthcoming. When the Governments were hampered by financial, political or other difficulties, the people themselves have been indefatigable in their endeavours to relieve human suffering and their charity has swept away all barriers.

All these measures will one day have good and salutary results. The seeds of gratitude will grow and blossom, and will one day become deep-rooted in the hearts of the peoples.

In former times national misfortunes and disasters led to terrible reactions throughout the world. Let us look forward to a new and better world, "*che solo amore e luce ha per confini*". Let us trust that a new message of peace and a greater longing for brotherhood and love may come to us from that East which has hitherto been the scene of war and revolution.

We have all fought in or witnessed the most terrible of wars; we know "*di che lagrime gronda e adi che sangue*" the effects of the policy followed in the early years of this century, and we can only trust that a new dawn will arise to shed upon

a suffering and estranged mankind its dazzling light of justice and of love. (*Applause.*)

The President :

Translation : Sir James Allen, delegate of New Zealand, will address the Assembly. (*Applause.*)

Sir James Allen (New Zealand): Mr. President, ladies and gentleman—With the humanitarian principles so forcibly expressed by Mrs Swanwick, I am in accord, but I differ from her as to the means by which we are to obtain the funds to carry out her ideals. There are two possibilities, voluntary effort and the taxpayer's pocket. Mrs. Swanwick resorts to the taxpayer's pocket. I am not quite sure that she would advocate that in Great Britain, for there, I gather, they rely upon voluntary effort for their hospitals rather than collect the money out of the taxpayer's pocket.

New Zealand, in proportion to its population, has probably subscribed by voluntary effort more money for the relief of distressed refugees on the continent of Europe than any other country here represented to-day. I am, therefore, in entire sympathy with the effort which is being made to do whatever is possible for these unfortunate people. I am very much afraid, however, that if the League is to resort to the taxpayer's pocket, voluntary effort will be stemmed altogether. The voluntary donations from New Zealand have already decreased. Whether that is the result of contributions from the League funds during the last two or three years or not I am unable to say. I want to say a word also on the transfer of the Armenian Refugees to the Caucasus. Reports have been made with regard to this land and I understand that they have been unfavourable and that it has been estimated that the large number of people which some thought might be settled in the Caucasus was a very great exaggeration. Therefore, I am bound to make, as regards my country, a similar reservation to that which the delegate of South Africa has made. I cannot pledge my country to support the contribution next year.

Last year, when this question came up before the Fourth Committee, I was very much in sympathy with the work done by Dr. Nansen, and here I want to express to Dr. Nansen and those who have been working with him the gratitude of my country for what they have done for the refugees and in regard to the work of repatriation. I think we all owe to him and to his organisation a very deep debt of gratitude and I admire Dr. Nansen very much for all that he has done. When the question came up before the Fourth Committee last year, I felt bound to take the responsibility of supporting the appropriation, although I knew that when I had made an appeal to the Government of New Zealand to subsidise from Government funds the voluntary contributions, the Government could not see its way to do so. Yet I took the responsibility and our full contribution has been paid to the League. But I could not guarantee that it will be so paid in future. I therefore make this reservation. I am sorry that I have to do so, because I am in full sympathy with the work which has been done.

The President :

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

M. Andréadès (Greece) :

Translation : Mr. President, ladies and gentlemen—I do not wish to prolong the discussion, even for a few minutes. I have, however, a duty to discharge in connection with the refugee question; I desire to offer the grateful thanks of my country

to the League for the patronage which it has given to the work of the Greek Government.

One fact is especially striking in this connection, namely, that the League is able, thanks to its prestige alone, to obtain that which the great States were only able to obtain by means of material sacrifices or undertakings. Only yesterday, if one State desired to help another it was obliged either to advance money or to furnish security for a loan which meant an undertaking for a possible payment. To-day, the League of Nations—and I must strongly emphasise this point—does not enter into any engagement, whether present or future. It approaches the capitalists and simply says to them: Here is a financial transaction which has a philanthropic object, involving no risk. This is enough. Why? Because the League enjoys an unparalleled prestige and because, in addition, it has organisations the equivalent of which could not be found elsewhere.

Any capitalist to whom the League applies knows, first, that the recommendation made to him is never based on interested motives and, further, that it is the outcome of profound and exhaustive study. He appreciates, as he is bound to, the full value of your Economic Section and your Financial Committee.

Allow me in this connection to give you a personal impression. M. Tsouderos, the Greek Finance Minister, and myself have twice had occasion to attend the proceedings of the Financial Committee. We are credited with knowledge of the finances of our country, since M. Tsouderos has been the responsible Minister in three Ministries and I myself have been lecturing on this question for twenty-two years. I must acknowledge that M. Tsouderos and myself were struck by the remarkable manner in which the members of the Financial Committee, who come from all countries in the world, had assimilated in all their details the questions of the Greek financial situation and fiduciary currency.

The League of Nations may therefore be proud both of its prestige and of its organisations. And in the present case it may also be proud of the work that it proposes to achieve. As was said just now, there are a million and a half refugees deserving our compassion, since they are in no way responsible for the hardships that have befallen them. Although they belong to a well-educated and hard-working people they would probably, had they been abandoned to their fate, have given way to despair and become a cause of social unrest, the effects of which might have been felt beyond the frontiers of Greece. Thanks to the intervention of the League, these people will recover the position they have held for twenty-eight centuries as an element of order and progress. The wealth they will produce will reward Greece for the sacrifices that she is making for them. They will assure the service and the amortisation of the loan, which will thus be seen to be the ideal type of loan—a productive loan.

The League obtains this result not merely by guaranteeing the loan but by agreeing to supervise the use of the proceeds of the loan. The Rapporteurs have told you of the measures already taken by the Greek Refugees Settlement Commission, which consists of representatives of the League and of the Greek Government. They have told you of the hundreds of thousands of refugees who have already been settled, the tens of thousands of houses that have been built and the tools and machinery that have been distributed. The results already obtained are a sure guarantee that the work will be brought to a successful conclusion.

As I am speaking of what was done last year, I cannot omit to make special mention of Mr. Morgenthau, the High Commissioner of the League,

who has devoted himself to his work with an enthusiasm, authority and competence which every refugee will gratefully acknowledge. (*Applause.*) He had a worthy collaborator in Mr. Campbell, and will find an equally worthy assistant in the latter's successor, M. Bonzon, who has been in Greece for the past few weeks. I might mention many others. One name is on all lips — that of Dr. Nansen, who inaugurated this great philanthropic work. (*Applause.*)

The resolution submitted by the Second Committee expresses in conclusion the earnest hope that the loan may be successfully issued. There can be no doubt of it. The loan indeed is an absolutely gilt-edged investment. I have no time to go into further details and must be content with giving you two figures. The receipts assigned to the loan have this year yielded 750 million drachmæ, or £3,000,000, whereas the service of the loan requires only £1,000,000. There is thus a margin of 200%, which will steadily grow, both in proportion to the increase in the receipts—and the latter undoubtedly will increase, thanks in part to the work of the refugees—and also in proportion as the Greek exchange, which has already improved, is stabilised, thanks to those measures the efficacy of which has been recognised by your Committee and which have already been adopted by decree.

Again, the lands and houses distributed to the refugees have been given in mortgage. The value of these lands and houses is estimated, by Mr. Campbell, the League's representative, at £10,000,000, which is exactly equal to the amount of the loan.

The loan is therefore a fully guaranteed financial transaction. An additional guarantee will be found in the scrupulous fidelity with which Greece has hitherto observed her engagements. Although I do not wish to detain you too long, I will, with your consent, say a few words on this point.

In the autumn of 1922 Greece passed through a critical moment in her history. Military reverses and political upheavals were followed by an unprecedented influx of refugees from Thrace and Asia. The army had at the same time to be reconstructed, for peace was not signed and we required a strong army to obtain an honourable peace. Accordingly, the requirements to be met by the Greek Treasury were extremely heavy.

At that moment certain individuals, including even foreigners, advised Greece to follow the example set by others. They pointed out that her enemies had at that time completely suspended payment of their foreign debt and suggested that it was at least possible, as in the case of other countries, to pay the coupons in a lower currency than the pound sterling, the value of which, by the way, had increased from 25 to 450 drachmæ to the pound sterling.

Greece had the courage and good sense to reject this advice. It preferred to make a heavy increase in existing taxation. Further, after a forced loan, yielding 1,600 million drachmæ, a capital levy was introduced and even the poorest classes were subjected to special taxes.

By means of these efforts—which have been justly termed by a foreign speaker heroic—we succeeded in a single year in increasing taxation receipts from 1,220 million drachmæ to 2,370 million drachmæ, an increase of almost 100%.

By these means, we succeeded in paying our foreign creditors' coupons in sterling and in arresting currency inflation at home.

Many speakers, in the Committees and the Assembly alike, have paid a striking tribute to the work done by the Greek people on behalf of this refugees. I wish to offer my warmest thanks to those who have been heard by the Assembly, and

more especially to the delegates of Belgium and Italy, who spoke with so much eloquence and nobility of mind.

I should add, however, that in coming to the aid of the refugees the Greek people were only following the dictates of their own hearts. They were opening the door to their persecuted brethren. The acceptance of the heavy sacrifices which we have made in order to pay our foreign creditors in sterling called for a greater effort of will on the part of the Greek people. That will of the people has never defaulted.

Greece in those tragic hours of the autumn of 1922 may be likened to the merchant who, at a time of terrible economic crisis, honoured his signature, though at the price of a pound of flesh. Just as that merchant, once the crisis is over, is rewarded by the confidence of all, so Greece, within scarce a year of the Treaty of Lausanne, has the satisfaction of seeing her public funds attain a level which they had not reached even on the morrow of the victorious Peace of Bucharest and the Peace of Sèvres, while the Bank of England, the most ancient and, in many respects, the most conservative of the large banks, advanced her £2,000,000 on a loan which has yet to be issued.

If you grant your patronage to this loan, you will not merely do a good deed—for you will give a home to a million and a half refugees—you will not merely be following an enlightened, humanitarian and constructive policy—as it was so felicitously termed by the lady delegate of the British Empire—but you will assist the capitalists in making a good investment.

Thus the League will earn the right, not only to the deep gratitude of the Greek people, of whom I am proud to be the mouthpiece in this Assembly, but also to the congratulations of the whole world, which is steadily coming to regard it as an ever-growing moral force for the well-being and advancement of mankind. (*Applause.*)

The President :

Translation : Does anyone else wish to speak ? I declare the discussion on both questions closed. The resolutions proposed by the Fifth Committee are as follows :

1. *The Assembly feels it its duty to pay a whole-hearted tribute to the High Commissioner, Dr. Fridtjof Nansen, both for his unceasing devotion, of which for more than four years he has given proof, in assisting refugees of every nation and for the high qualities which he has displayed in the carrying out of his onerous duties.*

The Assembly would record the fact that, with very limited means at his disposal, Dr. Nansen has saved from misery, and often from death, hundreds of thousands of human beings, and would render him the grateful thanks due to him as a benefactor of humanity ; it relies on his cordial co-operation for the continuance of the work : on behalf of the refugees.

The Assembly :

Considering that the most important work which still remains to be done refers to the employment, emigration and settlement of the refugees ;

Considering, moreover, that the Council has adopted the High Commissioner's recommendation for the transfer to the International Labour Organisation of the work still to be accomplished, subject to the approval of the Governing Body :

Adopts the Council's decision of June 12th, 1924, and places at its disposal sufficient funds, that is to say, 203,000 francs, specially set aside for the administrative services required to deal with the establishment of the Russian and Armenian refugees during

the year 1925, and requests the Council to continue negotiations with the Governing Body of the International Labour Organisation in order to determine the precise conditions under which the work now in course of accomplishment shall be completed.

2. *The Assembly :*

Moved by the Greek delegate's statement in regard to the confiscations effected in certain banks to the detriment of the Armenian and Greek refugees ;

While making no pronouncement in regard to the facts with all the details of which it is not acquainted, or in regard to the competence of the League in this question :

Urgently invites the Council to make a careful enquiry into the facts in question and then to take such measures as it may consider necessary, should it decide that the matter comes within the sphere of action of the League of Nations.

3. *The Assembly :*

Bearing in mind the resolutions passed by the First, Second and Third Assemblies and by the Council in favour of the Armenians ;

Desirous of manifesting its sympathy towards these unfortunate people ;

Having considered the proposals made for the settlement of the Armenian refugees in the Caucasus and elsewhere ;

Considering it undesirable, however, to express any opinion on the merits of such proposals until they have formed the subject of careful and impartial enquiries :

Invites the International Labour Office, in collaboration with Dr. Nansen, to institute an enquiry with a view to studying the possibility of settling a substantial number of Armenian refugees in the Caucasus or elsewhere ;

And adds a further sum of 50,000 francs to the Refugee budget for 1925 for this purpose, it being understood that, by voting this credit, Members of the League assume no obligation as to the execution of any scheme whatever in this connection.

The Assembly :

Further declares that, until an Armenian national home can be established, every possible facility should be given to the refugees to establish themselves in productive employment in other countries so as to maintain and safeguard their national existence.

Finally, it proposes that the Greek Government and nation should be thanked and congratulated on the admirable efforts which they have made on behalf of the Armenians, and that gratitude should be expressed to the United States and other countries for the generosity which they have never ceased to show towards the Armenians. It further proposes that they should be asked to continue to afford these unhappy people a help which is indispensable and of great value during the crisis through which they are passing.

No objection has been put forward to the text of the resolutions proposed by the Fifth Committee.

Certain speakers have made reservations, but no delegate has actually pronounced himself against the resolutions.

In these circumstances, I think I may say that the resolutions proposed by the Fifth Committee are unanimously adopted.

The resolutions were unanimously adopted.

70. — APPLICATION OF THE DOMINICAN REPUBLIC FOR ADMISSION TO THE LEAGUE: REPORT OF THE AGENDA COMMITTEE.

The President :

Translation : The Agenda Committee has just communicated its report on the application of

the Dominican Republic for admission to the League.

It unanimously proposes that the question should be included in the agenda of the Assembly and referred to the Sixth Committee.

Is there any objection ?

The proposals of the Agenda Committee were adopted.

71.—FINANCIAL RECONSTRUCTION OF AUSTRIA: REPORT OF THE SECOND COMMITTEE: RESOLUTION.

The President :

Translation : We have now to consider the report of the Second Committee on the financial reconstruction of Austria. (Annex 12, Document A. 90. 1924. II.)

I call upon the Chairman of the Second Committee and the Rapporteur on this question to take their places on the platform.

(M. Garay, Chairman of the Second Committee, and M. Georges Bonnet, Rapporteur, took their places on the platform.)

The President :

Translation : M. Georges Bonnet, Rapporteur, will address the Assembly. (*Applause.*)

M. Georges Bonnet (France), Rapporteur :

Translation : Ladies and gentlemen—In compliance with the request made by our President, I will enumerate as briefly as possible the essential points in the report on the financial reconstruction of Austria, which I had the honour to submit to the Second Committee.

You will remember the circumstances in which this problem arose two years ago, when Austria asked for the assistance of the League. It is true to say that at that time Austria no longer had either a currency, credit, or a budget. One year later, in September last, the Assembly found that Austria's budget was already nearly balanced, that her currency was almost stabilised and that the loan issued under the control of the League had proved a complete success.

She still had, however, a critical period before her in view of the economic conditions that were even then anticipated.

We may now observe that 1924 is noteworthy for two outstanding events. First of all, the Austrian budget was completely balanced; the expenditure of the Austrian Government did indeed slightly exceed the estimates, but a balance was obtained to all intents and purposes between receipts and expenditure.

The second important fact was the economic crisis in Austria in the early months of 1924—which affected industry, agriculture and finance at one and the same time. It was, of course, due to economic circumstances, but also, we must admit, to the speculation which was rife in Austria and which led to a loss on the Stock Exchange estimated by the Financial Committee in its report at 58 million French francs.

These are the two principal facts to be remembered if we wish to appreciate the full significance of the agreement made by the Financial Committee with the Austrian Government and approved by the Council.

You will remember how in March the Austrian Government approached the League on two questions: the question of the level at which budget equilibrium should be realised; and,

secondly, the use which should be made of the balance of the loan not required to cover the deficit in the budget. In June 1924 the Council instructed the Financial Committee to enter into negotiations with the Austrian Government. The Financial Committee went to Austria towards the end of August and then returned to Geneva. It came to an agreement with the Austrian Government and the Council endorsed that agreement in a resolution which appears in my report. I need not therefore read it. It is stated, however, in the resolution that the Council approves the conditions which are recommended by the Financial Committee, as those under which the system of budget control can properly be modified at an early date and subsequently terminated.

What are the effects of the resolution proposed by the Financial Committee and adopted by the Council? First of all, the Council agrees that the budget may be balanced at a considerably higher level than was anticipated: if the expenditure allowed is slightly higher than the amount originally estimated, the budget is balanced by means of an equivalent increase in receipts.

In the second place, the Austrian Government undertakes to carry out a series of measures proposed by the Financial Committee.

I do not intend to examine the chief of these measures in detail, but it may be desirable to mention some of them. In the first place, the report of the Financial Committee states that the balance-sheets of Austrian companies should be established as far as possible on the basis of the gold franc. It should be remembered that this measure has already been adopted in Germany, and it is obvious that foreign capitalists who might be inclined to finance Austrian companies would naturally desire to have clear balance sheets showing as accurately as possible the companies' financial position. For this purpose balance-sheets must be drawn up on a gold basis.

The Financial Committee desires the establishment of a legal ratio between the Austrian crown and a given weight of gold. It also wishes to see certain taxes modified, particularly the joint stock companies' tax, which is considered excessive and is calculated in a way that allows of all kinds of irregular practices. It again proposes certain modifications in the present Austrian fiscal legislation, which puts difficulties in the way of the issue of debentures.

I do not propose to enter further into the details of the principal measures proposed by the Financial Committee. Moreover, the Assembly is not, I think, competent to deal with the details of the various measures embodied in an agreement made between the Financial Committee, the Austrian Government and the Council.

The essential point in these measures is, of course, that they are an attempt to effect the complete restoration of Austrian credit. In 1922 the country had suffered from an unexampled financial crisis. The measures taken by the Financial Committee put an end to the crisis, but there was still an economic crisis from which Austria suffered particularly severely last winter. That is why the Financial Committee considered that certain additional measures should be taken to restore Austrian credit from the economic point of view.

Austria requires foreign capital. It is essential for her that confidence in the country should be gradually restored thus bringing back capital that is indispensable to her. Considerable progress has already been made, and the principal measures taken by the Austrian Government should inspire confidence in foreign capitalists. But it does not appear as though the control which has always been one of the essential elements in Austria's

credit, and which must be considered as such, can possibly be modified or removed until the requisite conditions of stability have been fulfilled.

I have only one more word to say and that is, that we sincerely desire the removal of the control as soon as possible. We hope and trust that it will be removed; we are convinced of it, because that would be the best possible proof that Austria had at last recovered financial stability and economic prosperity. (*Applause.*)

The President :

Translation : M. Mensdorff-Pouilly-Dietrichstein, delegate of Austria, will address the Assembly.

(*M. Mensdorff-Pouilly-Dietrichstein mounted the platform amidst the applause of the Assembly.*)

M. Mensdorff-Pouilly-Dietrichstein (Austria) :

Translation : Mr. President, ladies and gentlemen—The resolution which the Second Committee has submitted to you and which will, I hope, be adopted by the Assembly, shows what great progress has been made towards the financial reconstruction of Austria. It also takes note of the decision adopted by the Council rather more than a week ago.

The Federal Chancellor, Monsignor Seipel, has expounded the Austrian Government's point of view before the Council with the frankness and lucidity that characterise all his public statements. I sincerely regret that the Chancellor, with the authority conferred upon him by his office and his personality, cannot repeat his speech on this platform. I can assure you that he regrets that he is unable himself to tell you how grateful he is for the cordial welcome you gave him when he came into this hall, and how comforted and deeply moved he was by his reception.

He would have liked to assure our distinguished President that the courteous and friendly words of welcome he addressed to him found a sincere echo in his own heart. He would have liked to express his friendship for M. Motta and for his country, Switzerland. He would have spoken with an eloquence that I cannot possibly emulate; but I can at least assure the Assembly that the Chancellor's feelings of friendship and his desire for the continuance of even closer relations with our neighbour—relations I might say, that were established centuries ago—are endorsed and approved by Austrians of all ranks, irrespective of party.

I wish to thank M. Bonnet for his careful and exhaustive report in which he has embodied the resolutions submitted to you. M. Bonnet does not make any attempt to conceal the difficulties recently experienced by Austria as a result of the economic crisis which many countries have had to undergo. He himself explains that it was not only Austria which suffered from that crisis. He recognises both the efforts that have been made to re-establish a balance in our budget and also the sacrifices that we have made and still have to make.

The work of financial reconstruction is not yet complete, but it is well on the way and no one can deny that we have made great progress in the last two years.

Monsignor Seipel has told the Council that when we approached the League two years ago, asking it to assist in laying the foundation of the financial reconstruction of our country, we resolved to be absolutely frank and to lay before you the situation as it was, withholding nothing. Experience has shown that this was our best course. We followed it again this year when we gave the Council and its Austrian Committee full details of the situation as it is at present, and invited the representatives

of the Financial Committee to come to Vienna and conduct a thorough examination on the spot of the present state of affairs.

The results of this enquiry are embodied in the report of the Financial Committee, on the basis of which the Council adopted the resolutions of September 16th, included by M. Bonnet in his report.

I have to thank M. Bonnet for expressing the hope that confidence will soon be restored in my country's financial position. I am glad he used the word confidence, because we are extremely anxious to see greater confidence reposed in the future of our country, confidence which would, we feel, be reasonable and justified in view of the natural resources of Austria and of the gifts and talents of her people, who, during the last few years, have given unequivocal proof that they can face the most severe trials without flinching; greater confidence, too, on the part of other countries in the economic power of Austria, in her industry and in the ability of her people; the confidence, finally, of our own people in the success of the work which is being done in Austria by the League.

I had an opportunity, ere the League had taken our financial reconstruction in hand, of pleading my country's cause on this platform, and I perhaps exhausted your indulgence and patience by reiterating that nothing would assure the popularity of the League and silence all sceptical or hostile criticism more effectively than substantial assistance, assistance that would be plain to see, to a country which was in a critical economic condition, as ours was at that time.

This assistance was given but a short time afterwards, and it is, I believe, generally recognised to-day that the first great practical achievement of the League is inseparably bound up with the financial reconstruction of Austria. I am glad that this is so, not only as an Austrian, but as a member of this Assembly and as a firm supporter of the work done by the League.

I have every confidence that you will find Austria increasingly imbued with the fundamental principles of the League.

I would like to say now that one of these principles—one which has played a most important part in this year's deliberations and which has been strikingly confirmed by the statements made on this platform by the Prime Ministers of the greatest Powers—I refer to arbitration, has been applied by our Government, wherever possible, for some time past.

Austria was one of the first countries to sign and ratify the optional clause of the Permanent Court of International Justice.

Some little time ago the first delegate of Czechoslovakia, Dr. Benes, told you of the treaty of friendship and compulsory arbitration concluded between our countries. That treaty was concluded in the best possible spirit. We agree entirely with the desire expressed by Dr. Benes—and I am authorised to say so—that the treaty should not under any circumstances be considered a dead letter, but rather a real and effective contribution towards relations of good neighbourliness between our countries. As a friendly and well-informed observer of events in my country, Dr. Benes will be able to confirm my statement, that our Government's policy is dictated by a policy which has for its object the conclusion of as many arbitration treaties as possible.

Shortly after the conclusion of the treaty with Czechoslovakia, Austria made arbitration treaties with Hungary and Poland. We hope to conclude others at an early date and my Government, at

any rate, desires in all cases to interpret these treaties in the widest and most general sense.

The Austrian Government earnestly desires to associate itself with the work of the League. It is steadfast in that policy, not only on account of the financial reconstruction of the country whose destinies it controls, but also out of deep conviction, and because it wishes to collaborate in founding a real peace and in creating that atmosphere of universal harmony which can alone bring about the assuagement of passions and the moral disarmament that we all desire, disarmament which, in the ever-changing phases of its progress, we are watching with growing hope and confidence. (*Applause.*)

The President :

Translation : Does anyone else wish to speak ? The general debate is closed.

The draft resolution proposed by the Second Committee reads as follows :

The Assembly is glad to note the progress in the work of Austrian reconstruction taken in hand under the auspices of the League of Nations.

It notes the decision of the Council prescribing the conditions under which the system of budget control can properly be modified at an early date and subsequently terminated.

The resolution was unanimously adopted.

72. — INTERNATIONAL LOAN FOR GREEK REFUGEES AND OTHER WORK OF THE FINANCIAL COMMITTEE: REPORT OF THE SECOND COMMITTEE: RESOLUTIONS.

The President :

Translation : The next item on the agenda is the examination of the report of the Second Committee on the International Loan for Greek Refugees and on the other work of the Financial Committee. (Annex 13, Document A. 94. 1924. II.)

I call upon M. Sugimura, Rapporteur, to take his place on the platform.

(M. Sugimura, Rapporteur of the Second Committee, took his place on the platform amidst the applause of the Assembly.)

The President :

Translation : The Rapporteur will address the Assembly.

M. Sugimura (Japan), Rapporteur :

Translation : Mr. President, ladies and gentlemen—A considerable part of the work of the Financial Committee has already been dealt with by M. Cavazzoni and M. Georges Bonnet, who spoke on the financial reconstruction of Austria and Hungary respectively. I have the honour, on behalf of the Second Committee, to deal with the other work of the Financial Committee and also with two draft resolutions which are now before you.

The first resolution refers to an international loan on behalf of the Greek refugees, and I specially desire to call your attention to it.

In 1922 and 1923 Dr. Nansen, in his capacity as High Commissioner of the League, was actively engaged in affording succour to the refugees who had fled from Asia Minor to Greece.

He himself made it clear, however, that the charitable efforts of private societies were not

sufficient to meet all the necessities of such a wide and far-reaching problem.

The Greek Government appealed to the League of Nations for its moral support and for technical assistance in the preparation of a large credit operation for the purpose of settling the refugees in Greece by providing them with productive employment. A constructive scheme was necessary for that purpose, and this scheme was drawn up and has been partly carried out.

The Refugees Settlement Commission was instituted to provide the refugees with land, houses and work. It has been in operation for a year at Athens under the Presidency of Mr. Morgenthau, former Ambassador of the United States. The organisation was financed for the time being by means of temporary advances.

The Council, after consultation with the Financial Committee, agreed that Greece should sign a protocol fixing the duties of the Refugees Settlement Commission and preparing the way for the issue of an international loan of £10,000,000, for which, in the opinion of the Financial Committee, Greece has offered sufficient security.

I sincerely hope that the great work of settling the refugees, which is of such vital importance for Greece, will be brought to a successful issue, and that the mutual assistance thus afforded in the shape of financial aid will bring effective relief to certain States Members of the League.

The League has already accomplished a great deal in the important but difficult matter of finance. Without going into details, I should like to refer to the magnificent work accomplished in the period between the Fourth and Fifth Assemblies in connection with the finances of the Free City of Danzig, and also to the publications on various financial subjects and the enquiries held into the problems of fiscal evasion and double taxation.

I am sure that I am voicing the unanimous opinion of the Assembly in paying a tribute to all those who have devoted their knowledge and their power for constructive work to the task of bringing us nearer year by year to the great ideal which we are one and all striving to attain. I therefore propose a general resolution marking the Assembly's high appreciation of the great work which has been accomplished. (*Applause.*)

The President :

Translation : There are no further speakers on my list.

I declare the discussion closed.

The resolutions proposed by the Second Committee read as follows :

1. The Assembly :

Learns with great satisfaction the progress made during the last year in the difficult and important task of settling the Greek refugees in productive employment.

It notes the establishment and successful working of the Greek Refugees Settlement Commission; the arrangements made to finance the work of the past year through temporary advances amounting to £ 3,000,000 sterling; the allocation of suitable land by the Greek Government; the housing and establishment upon the land and, to a smaller extent, in industry of a large proportion of the refugees.

The Assembly further notes with satisfaction the improvement in the stability of Greek political conditions, the improved economic position, and the maintenance of a steady value of the Greek currency.

It is glad to learn that the Council, on the advice of the Financial Committee, considers that the time has now arrived when the whole scheme may be placed upon a definite financial basis by the issue of the long-term loan; and that, in view of the above favourable circumstances, the land and revenues proposed for assignment in the Protocol afford a sufficient security for the total sum of £10,000,000 required to complete the work of establishing all the suitable refugees.

The Assembly expresses in conclusion the earnest hope that the loan may be successfully issued and that the whole of the undertaking, so vital to the economic and political stability of Greece, may be carried through to a successful conclusion.

2. The Assembly :

In addition to the special resolutions concerning the reconstruction of Austria and Hungary, and the proposal of an international loan in favour of the Greek refugees :

Notes with satisfaction the other work of the Economic and Financial Organisation in the financial sphere, particularly as regards the Free City of Danzig, the periodical publications of the League of Nations on financial subjects, and the study of the problems of fiscal evasion and double taxation.

As regards the latter point, it hopes that the agreement of principle already reached by the experts will rapidly be given final shape and applied on the lines which may be determined by the Financial Committee and the Council.

The resolutions were unanimously adopted.

The Assembly rose at 1 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTIETH PLENARY MEETING

THURSDAY, SEPTEMBER 25th, 1924, AT 4 P.M.

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President : M. MOTTA

73. — WORK OF THE ECONOMIC COMMITTEE : REPORT OF THE SECOND COMMITTEE. RESOLUTIONS.

The President :

Translation : The first item on the agenda is the discussion of M. Veverka's report on the work of the Economic Committee. (Annex 14. Document A. 97. 1924. II.)

I call upon M. Garay, Chairman of the Second Committee, and M. Veverka, Rapporteur, to take their places on the platform.

(M. Garay, Chairman of the Second Committee, and M. Veverka, Rapporteur, took their places on the platform.)

The President :

Translation : M. Veverka, Rapporteur, will address the Assembly.

M. Veverka (Czechoslovakia), Rapporteur :

Translation : Mr. President, ladies and gentlemen—I have great pleasure in submitting to the Assembly, on behalf of the Second Committee, a short summary of the valuable work done by the Economic Committee during the past year. I will endeavour to put before you briefly the salient points of this work.

In the first place, I must draw your attention to the arduous and intricate task undertaken by the Committee with the view to carrying out the intentions of Article 23 of the Covenant, namely, the removal of certain impediments and vexatious practices and, I might even say, a certain decay of morality, which have handicapped international trade. The aims of the Committee were the simplification of customs formalities and the suppression of unfair competition. Its efforts regarding the first of these questions were crowned by the conclusion of the International Convention at Geneva on November 3rd, 1923, which will come into force on November 27th, 1924; its efforts regarding the second were completed by the elaboration of the amendments and new provisions which it is proposed to insert in the Convention for the Protection of Industrial Property to be considered at the conference which the Netherlands Government intends to convene at The Hague in the autumn of 1925.

These two subjects are intimately connected with the work of carrying out enquiries, collecting documentation and making recommendations

regarding the protection of foreign purchasers against worthless goods and with the work undertaken with a view to suppressing commercial dishonesty. Restrictive provisions and discriminatory treatment applied to foreign firms or nationals have been examined in the same impartial way, and the preliminary ground has been covered in the settlement of commercial disputes by friendly arbitration.

I am particularly pleased to be able to inform you that, in addition to the three ratifications mentioned in the printed report, Belgium has just deposited her ratification of the Protocol and that, according to information which I have received, the British Government, which has become the pioneer of the principles of arbitration, has ratified the clauses in question. I understand that the relevant documents have already been despatched and may be expected to-morrow.

The second field in which the Committee has worked is the analytical study of the causes and nature of economic crises. This task has been carried out on scientific lines with the close collaboration of the International Labour Office. The great logical chain of cause and effect in regard to crises—what are termed economic “barometers”—has been minutely examined with a view to determining indices and discovering practical measures to prevent harmful economic fluctuations.

Another constructive effort was made in the subsidiary but important field of international economics, for the purpose of unifying statistics with a view to the economic organisation of the world as a whole.

This brings me to another object of the Second Committee's proceedings. During our discussions a proposal was made, which belongs to the same category as those to which I have already referred—I mean the principle of equitable treatment of commerce. This proposal took the form of a resolution, which I have the honour to submit for the approval of the Assembly, suggesting an enquiry into the possibility and expediency of an agreement between States for the abolition of trade prohibitions—for what the author of the scheme, M. Cavazzoni, calls “economic disarmament”. If the Assembly approves, the Economic Committee will be instructed to consider what guarantees and securities—I retain the author's figurative expression—could be ensured to States which respond to this call for disarmament.

At the same time, the Economic Committee will, of course, examine the probable reactions of this complex and intricate problem upon all spheres of the trade, Customs and treaty policies of the different States and by what stages we should proceed along the path which leads to the great ideal that we all hope to attain—equitable and unrestricted commerce.

It is in this spirit that I submit for the approval of the Assembly the resolutions now before you.

If you approve them, and so encourage further efforts along the lines indicated, you will appreciably shorten the path of which I have spoken, and I sincerely hope and believe that, in spite of the inevitable difficulties and the accumulation of obstacles, the great ideal of unrestricted commerce will cease to be an ideal and will become what it should become by the irresistible logic of circumstances—a living reality. (*Applause.*)

The President :

Translation : Viscount Ishii, first delegate of Japan, will address the Assembly.

Viscount Ishii (Japan) :

Translation : Mr. President, ladies and gentlemen—The Japanese delegation greatly appreciates

the important work done by the Economic Committee during the period between the Fourth and Fifth Assemblies. Among all the problems that have been considered and explored, Japan attaches particular importance to the question of the equitable treatment of foreigners in international commerce, for she holds that one of the League's highest duties is to prevent unfair discrimination against any Member in its international economic activities.

If we are to establish peace and assure progress throughout the world, we must insist upon mutual respect among nations. I might perhaps even say that the question of the equitable treatment of foreigners is the true gauge of the League's development. During the last month a new era of pacification and understanding has dawned in Europe.

Last year Japan submitted a proposal regarding this question of the equitable treatment of foreigners in international trade. She followed with satisfaction the successful development of that problem, and she has now every hope and confidence that the League will make noteworthy progress in the economic sphere, thanks to the prevailing, favourable atmosphere of peace and concord. (*Applause.*)

The President :

Translation : M. van Eysinga, delegate of the Netherlands, will address the Assembly.

M. van Eysinga (Netherlands) :

Translation : Mr. President, ladies and gentlemen—I wish to make one brief remark on the sixth of the draft resolutions which M. Veverka, in his very lucid report, asks us to adopt.

This sixth resolution, which is due to the initiative of the Italian delegation, brings home to us with great clearness the inferiority of the system now in force with regard to imports and exports as compared with the pre-war system.

Before the war there was practically complete freedom as regards international trade. Since the peace, however, import and export prohibitions and the system of rationing bequeathed to us by the war have been continued.

We may congratulate ourselves that public opinion now justly considers that the time has come to abolish all those impediments which are so opposed to freedom of communications and to the equitable treatment of commerce, both of which constitute the great principles underlying Article 23 (e) of the Covenant.

The Netherlands delegation is aware that the subject dealt with in the sixth resolution has been on the Economic Committee's agenda for some time, and we know that the Committee has examined it with great care and skill under the direction of its Chairman, the distinguished delegate of the British Empire to the Assembly, Sir Hubert Llewellyn Smith. If the Assembly approves the draft resolutions, and particularly the sixth, it would wish to emphasise that this proposal constitutes only a first stage, since the abolition, even the total abolition, of import and export prohibitions will do no more than restore the world to the level it had reached before the war. The League of Nations must not forget that it must make still further progress if it intends really to realise the principles laid down in Article 23 (e) of the Covenant. (*Applause.*)

The President :

Translation : Does anyone else wish to speak ? The debate is closed.

The resolutions submitted by the Second Committee read as follows :

The Assembly :

1. *Records with great satisfaction the success achieved by the International Conference for the Simplification of Customs Formalities and hopes that the Convention at which the Conference arrived may be ratified with the shortest delay by the largest possible number of States. It notes, further, that the Convention constitutes only the first, though a very important, stage in the improvement of international commercial relations, and it hopes that the Economic Committee will do its utmost to make further progress in the same direction ;*

2. *Takes note of the proposals of the Committee aiming, by means of amendments and additions to the Industrial Property Convention, at more effectual protection against unfair competition, and expresses the hope that these proposals may receive the support of the States Members on the occasion of the forthcoming Conference for the Revision of the Convention for the Protection of Industrial Property ;*

3. *Takes note of the investigations of the Economic Committee regarding the protection of the foreign buyer against worthless goods and of the conclusions reached. The Committee strongly urges that all the arrangements provided in exporting countries for testing, verifying, and certifying the quality of goods should always be freely available for the benefit of the foreign buyer as well as for that of the home consumer, and that these facilities should be developed and extended and their existence be brought to the knowledge of foreign buyers by suitable methods of publicity ;*

4. *Notes the progress made by the Economic Committee in the study of the question of the treatment to be accorded to foreign nationals and enterprises in the study of economic crises and with regard to the unification of methods of statistics ;*

5. *Again draws the attention of the States Members to the great benefit which international trade would derive from the prompt ratification by the largest possible number of States of the Protocol on Arbitration Clauses ;*

6. *With reference to paragraph 1 of Article 3 of the Convention relating to the Simplification of Customs Formalities, which has already been signed by thirty-one States and ratified by six ;*

Considering that the system of import and export prohibitions and restrictions constitutes a serious impediment to the free development of international trade, and also

That the general situation might in future be favourable to action in this sphere :

Desires the Council to instruct the Economic Committee to consider the possibility and expediency of an agreement between States Members of the League and States non-Members with a view to the final suppression of import and export prohibitions and restrictions and, if necessary, to suggest the most suitable methods of achieving this object. Provisions relating to the protection of the vital interests of States shall not be affected.

The resolutions were unanimously adopted.

74. — THE SITUATION IN GEORGIA: REPORT OF THE SIXTH COMMITTEE: RESOLUTION.

The President :

Translation : We now pass to the fifth item on our agenda, the situation in Georgia. (Annex 15, Document A. 95. 1924. VII.)

I invite M. Enckell, Chairman of the Sixth Committee, and Mr. E. M. MacDonald, Rapporteur, to take their places on the platform.

(M. Enckell, Chairman of the Sixth Committee, and Mr. E. M. MacDonald, Rapporteur, took their places on the platform.)

The President :

Translation : The Rapporteur will address the Assembly.

Mr. E. M. MacDonald (Canada), Rapporteur :
The question of the situation in Georgia, which has been dealt with by the Sixth Committee, was put forward by the delegations of the British Empire, France and Belgium. The report of the Sixth Committee is before you.

Perhaps you will permit me, in a very few words, to outline the present situation in that unhappy country. A proud people, which for centuries had maintained its independence, became merged in the Russian nation a little over a hundred years ago. After the Great War, in common with a great many other countries in a similar position, the Georgian people asserted their independence on February 26th, 1918, and adopted a constitution on the lines of a democratic Republic. That nation so reconstituted was, on December 11th, 1920, recognised by the Supreme Council, which was then composed of Great Britain, France, Italy, Japan and Belgium. In view of later events, it is significant to note that on May 7th of the same year Russia herself recognised *de jure* the independence of Georgia, using the following words in the Treaty in that regard : "Russia recognises without reserve the independence and sovereignty of the Georgian State, and willingly renounces the sovereign rights which belong to Russia as regards the Georgian people and terrain."

On January 27th, 1921, the Allied Powers recognised the State of Georgia *de jure* at the same time as Estonia and Latvia, which are now Members of the League. Similar recognition was extended by a large number of other countries : Poland, Roumania, Germany, Czechoslovakia, Austria, Argentine, Panama, Haiti, Mexico, Liberia, Luxemburg and Siam.

On February 21st, 1921, the Minister Plenipotentiary of the new State presented his credentials to the President of the French Republic, and since that date the Georgian Legation has been functioning in Paris. What then happened—and it is an almost unprecedented action in the history of the world—was that Russia, in spite of her recognition of Georgia, proceeded to disregard the step which she had taken and to attack Georgia. Since then the position of that country has appealed to the sympathy of all the nations of the world.

That the status of Georgia, as constituted, has been further recognised and approved is seen by the fact that no less distinguished a person than the present Prime Minister of France, M. Herriot, in 1922 brought the situation of Georgia, as it then was, before the French Chamber of Deputies, where his statement with regard to the position of affairs was approved by the then Premier, M. Poincaré.

The present Chancellor of the Exchequer in Great Britain, Mr. Snowden, brought the situation before the British House of Commons in July of last year. While it may be said, in considering this matter, that Great Britain has recognised the Soviet Government in Russia, it must at the same time be borne in mind that that recognition was limited, and was coupled with a reservation, because Great Britain only recognised the Union of Soviet Republics as being the *de jure* Government of such territories of the former Russian

Empire as recognised its authority. As far as Georgia is concerned, it seems to me, therefore, that she has a full right to claim the sympathy of all the other nations of the world.

The representations which were made to our Committee on behalf of that unhappy State disclosed the following facts :

"The sufferings of the Georgian people are beyond all endurance; the terror, which in Russia is relaxed at times, not only does not know any period of relaxation in Georgia but is becoming more and more violent; deportations, imprisonment, tortures in the dungeons of the Cheka, execution without trial of representatives of all classes are more and more numerous; the arrested political people are treated as bandits, and intellectuals and workmen are deprived of all means of work; Georgians being hostile to the Power, their admission to commercial and industrial enterprises as well as into the public services is hindered by every means; the clergy is persecuted for the exercise of their religious duties, and for having put into the true light the actual state of affairs. The chief of the Georgian Church, Patriarch Catholicos Ambrosius, was condemned to many years imprisonment and is now in close confinement."

This is the situation, and I am sure it is one which will appeal to every member of this Assembly. It is therefore with full confidence that I submit to you the conclusions of the Second Committee. (Applause.)

The President :

Translation : Professor Gilbert Murray, delegate of the British Empire, will address the Assembly.

Professor Gilbert Murray (British Empire) : I rise on behalf of the British delegation merely to emphasise the purely humanitarian character of this resolution. There is no question of interference in the domestic affairs of the Russian Empire. There is no question whatever of using any form of military pressure to bring about a settlement of the fighting in Georgia in one way or the other. But every war or threat of war is the concern of the League of Nations, and if the wholesale slaughter and devastation now taking place in Georgia is not technically a war it is at least a terrible example of human suffering; and the League is concerned, according to Article 23 of the Covenant, in endeavouring to alleviate the sufferings of mankind. We ask the Council to watch for any opportunity that may offer to restore normal conditions in that afflicted region, by any peaceful means in accordance with the rules of international law. The League wishes to offer its good offices to both sides in re-establishing normal conditions. I am afraid that we can do no more than that, but I feel convinced that we can do no less.

It has been suggested, as Mr. E. M. MacDonald pointed out, that the policy of Great Britain has been inconsistent on this matter. On January 27th, 1921, Great Britain recognised Georgia *de jure* as an independent State, and this year the British Government has recognised the Soviet Government; but, as Mr. E. M. MacDonald pointed out, the words of that recognition were very carefully, and I think correctly, chosen.

I venture to suggest that it would not have been proper for His Majesty's Government to interfere in the burning question then at issue between the Soviet Government and that of Georgia. At any rate, the recognition was expressed in very careful and correct language. His Majesty's Government recognised the Union of Socialist

Soviet Republics as being the *de jure* Government of those territories of the former Russian Empire which recognised its authority. It went no further.

One word more. It is only too often the fate of this Assembly to be faced by problems it cannot solve and by masses of human suffering which it cannot with its present resources cure or even alleviate. The question arises in such cases as to what the League ought to do. It is perfectly clear that we must not make promises which we cannot fulfil; it is clear that it would be cruel to encourage hopes which will not be realised. But surely it is equally clear that we cannot simply turn away our eyes from these masses of suffering and pretend, for diplomatic reasons, a callous indifference which we do not feel. I think we can only do, in this and similar cases, what is recommended in the resolution before us. We must beg the sufferers to be patient to the very limits of human patience; we must acknowledge the duty which for the time being we cannot fulfil and ask the Council to watch for every opportunity that may present itself of offering effective mediation and bringing peace to the regions where there is now war. (Applause.)

The President :

Translation : Count Bonin-Longare, delegate of Italy, will address the Assembly.

Count Bonin-Longare (Italy) :

Translation : Mr. President, ladies and gentlemen—The Fifth Assembly has had a proposal laid before it in which the Council is asked to follow attentively the course of events in Georgia with a view to restoring the country to normal conditions and putting a stop to bloodshed.

It is clear that, at the time when the Assembly of the League is in session and is engaged in constructing its noble edifice of universal peace, it cannot turn a deaf ear to rumours of war and strife.

The League would be failing in its duty if, while drafting and codifying the doctrines which are to establish the peace of the world on unshakeable foundations, it affected to ignore the tragedy of a war at the very gates of Europe.

There can thus be no two opinions in regard to the proposal put forward by the Belgian, French and British delegations, and the Italian delegation wishes to support it, more especially as the Rapporteur has given us a very timely reminder that we should not be adopting a new resolution but simply reviving one which was unanimously adopted by the Third Assembly two years ago.

It is, however, one of the immutable laws of international politics that countries cannot allow sentiment alone to guide them, and though we are anxious to do all in our power to save every single life we can, we must remember that we are on difficult ground and that a false step might land us in a very awkward predicament.

The situation of the two countries in conflict is such that the mediating action which we propose to exercise might, notwithstanding our disinterested motives, encounter most serious difficulties. We must, therefore, act with the utmost caution.

Accordingly, I am glad to see from the report before us that the Council is allowed wide discretion as to choice of time and methods.

The Council, which is pre-eminently a political body, will be able to consider the situation from the two-fold standpoint of sentiment and reason. It can steer a course through the shoals of this difficult problem and so attain without difficulty the humane and peaceful aim which we are pursuing. (Applause.)

The President :

Translation : M. de Brouckère, delegate of Belgium, will address the Assembly.

M. de Brouckère (Belgium) :

Translation : Mr. President, ladies and gentlemen—I should like briefly to express my approval of the prudent counsel which the honourable delegate of Italy has just given us and to say how sincerely I share the hopes expressed by the British delegate.

In this matter, as in every other, caution is essential. Not only in the Caucasus, but everywhere else, the League may find itself on treacherous ground. We must, first and foremost, ask the Council to exercise in the future, as it has done with such conspicuous success in the past, that political wisdom and foresight to which reference has just been made and which, as experience has shown, is very rarely synonymous with inaction. If the League tacitly allows a whole nation to fight and perish without taking the slightest heed, its inaction would, believe me, prove so serious that, far from merely avoiding incidents, it would provoke the most serious difficulties.

I venture to say that the League's policy would be singularly inconsistent and indeed derisive if, at a time when the foremost intellects of the day are devoting themselves heart and soul to the study of the problem of peace, it should stand aloof, if it sheltered behind a cloud of abstractions and shut its eyes to the fact that war is raging at our gates.

It has been rightly said—and those who are most anxious to intervene and prevent war are obliged to recognise the fact—that, at the present juncture, we can do very little.

But should we on this account remain silent? Surely not. There is a certain virtue in words themselves. Things which we cannot do now we will be able to do when the conscience of the world has given us greater power, and it is this conscience which we must awaken and to which we must appeal.

We must, by unanimously adopting the resolution before us, speak a word of hope to the oppressed. We must tell them that we know that war, unjust war, is raging, and that sooner or later, as soon as the time comes, we will act, we will do our utmost, we will see that justice is done. (*Applause.*)

The President :

Translation : M. Georges Bonnet, delegate of France, will address the Assembly.

M. Georges Bonnet (France) :

Translation : Mr. President, ladies and gentlemen—I should like to say a few words in support of the eloquent speeches which have just been made.

The draft resolution in question has been submitted jointly by the Belgian, British and French delegations, and you will remember that it was eloquently defended in this Assembly by M. Paul-Boncour.

As M. de Brouckère has just emphasised, the League of Nations cannot remain silent in the presence of sufferings such as are now being endured by the Georgian people. The League must make its voice heard, and this is the aim of the draft resolution which you are asked to adopt.

It is true that we must exercise the utmost caution. Legal considerations must be taken in conjunction with sentimental ones. We claim that the text before you takes both into consideration, and accordingly the French delegation

associates itself with what has been said by the previous speakers, and asks you to adopt the resolution. (*Applause.*)

The President :

Translation : Does anyone else wish to speak? The discussion is closed.

The Sixth Committee asks that its report should be submitted by the Assembly to the Council in order that the latter may be able to take it into consideration at the time and in the manner which it may consider the most opportune.

On this understanding, I put the following resolution to the vote:

The Assembly decides to authorise the transmission to the Council of the report of the Sixth Committee regarding the situation in Georgia (Document A. 95. 1924. VII), in order that the Council may be able, at a time and in the manner it may consider the most opportune, to take into consideration the indications it contains.

The resolution was unanimously adopted.

75. — ELECTION OF THE NON-PERMANENT MEMBERS OF THE COUNCIL : PROPOSAL OF THE CHINESE DELEGATION : RECOMMENDATION.

The President :

Translation : The next item on the agenda is the discussion of the Chinese delegation's proposal regarding the election of the non-permanent Members of the Council.

You will remember that on September 22nd the Assembly decided, in conformity with the proposal of the Agenda Committee, to deal with this question direct. I think it will be well to refresh your memory as regards the Chinese delegation's proposal. It reads as follows:

“This Assembly reiterates the following recommendation adopted unanimously by the Assemblies of 1922 and 1923:

“It is desirable that the Assembly, in electing the six non-permanent Members of the Council, should make its choice with due consideration for the main geographical divisions of the world, the great ethnical groups, the different religious traditions, the various types of civilisation and the chief sources of wealth.”

His Excellency M. Chao-Hsin Chu will address the Assembly. (*Applause.*)

M. Chao-Hsin Chu (China) : Mr. President, fellow-delegates—The point of view of China regarding the allocation of the non-permanent seats on the Council is a very old one. It dates really from the inception of the League itself.

In 1920, Dr Wellington Koo, delegate of China, urged that the prestige of the Council should be maintained and increased and that the way to increase its prestige was to make it representative of the whole world. He then pointed out the need for proper Asiatic representation on the Council, in view of the wealth, the civilisation, the population and the area of that vast continent. He uttered a warning note, the justice of which has since been conclusively proved, namely, that, failing adequate representation, Asiatic countries might feel that their interests were not receiving proper consideration and that the League was merely a Western institution.

In 1920 and 1921, in electing the four non-permanent Members of the Council, the vote of the Assembly was recorded in such a way as to give three seats to Members representing Europe and the two Americas, and one to Members representing Asia and other parts of the world. In other words, the first two Assemblies of the League did strictly observe what we may call the "geographical principle" of allocating the non-permanent seats on the Council by continents.

In 1922, when the rules for the election of the non-permanent Members of the Council were adopted, the Assembly at the same time decided to extend, in the form of recommendation, the scope of the resolution adopted by the First Assembly regarding the geographical principle. M. Tang Tsai Fou, chief delegate of China, in his address at the Assembly stated that China only accepted this recommendation as a "compromise" and "without prejudice to its future freedom of action". His Highness Prince Arfa-d-Dowleh, delegate of Persia, also addressed the Assembly on this subject, giving his warm support thereto.

In 1922, by a resolution of the Council which was supported by the majority of the Third Assembly, the non-permanent seats on the Council were increased from four to six. The view of the Chinese delegation was that five seats should be allocated to Europe and America and the remaining, one to Asia. China in this matter is perfectly consistent; we think it is proper and fitting for the Council further to increase the number of non-permanent seats in order to include all the important Members according to geographical division.

The revised method of election of the non-permanent Members proposed by the First Committee of the Assembly of 1922 was deferred till the Assembly of 1923, in view of the fact that the ratification by the States of the amendment to Article 4 of the Covenant had not been completed; this amendment gave the Assembly power to lay down by a two-thirds majority the rules and regulations for the election of the non-permanent Members of the Council.

In 1923, no action could be taken, since ratification was still incomplete, but the Assembly again recommended the principle for voting contained in the resolution of 1922, and once more adopted the recommendation which is set forth again to-day in the proposal made by the Chinese delegation.

This year the question of the principle for voting does not appear on the agenda, but there is no reason why the Assembly should not be asked to adhere to the very sound principle enunciated in the recommendation affecting the geographical distribution of the non-permanent seats on the Council. I have, therefore, every confidence, in view of the past votes of the Assembly, that unanimous approval will be given to this recommendation which has been renewed annually. In that event, China hopes that the recommendation will be put into effect.

The President :

Translation : I call upon Prince Arfa-od-Dowleh, delegate of Persia, to address the Assembly.

(Prince Arfa-od-Dowleh mounted the platform amidst the applause of the Assembly.)

Prince Arfa-od-Dowleh (Persia) :

Translation : Mr. President, ladies and gentlemen—Last year, in the course of the debate on the distribution of the non-permanent seats on the Council, I had occasion to discuss at length the necessity of taking into account the geographical,

ethnographical, commercial and religious circumstances, as well as the civilisations, of the different States Members of the League of Nations represented by them.

Persia has always supported, and she supports again to-day, the proposal to award a non-permanent seat on the Council to Asia, which is the largest continent in the world. The population of Asia represents more than half the human race. Persia was the birth-place of the great world religions and the cradle of the Aryan race from which you are all descended. She cannot, therefore, be content with only one seat out of ten on the Council of the League of Nations.

It is only just and fair that Asia should be given her share of the non-permanent seats and that, at the table where the Japanese representative takes his place with so much competence and authority, we should also see a representative of one or other of the great races which inhabit the continent of Asia.

For that reason I have the greatest pleasure in supporting the proposal put forward by the honourable delegate of China and in asking the Assembly to accord it a favourable reception. But it is not sufficient to lay down a principle each year. That principle must be applied; and accordingly, this year, Persia does not come forward as a candidate herself for a seat on the Council, but supports the candidature of China in order to secure unanimity in favour of an Asiatic country.

China has a population of 450 million souls. It is the most populous community in the whole world. We have a right to expect that she will be given one seat out of ten. *(Applause.)*

The President :

Translation : M. Sugimura, delegate of Japan, will address the Assembly. *(Applause.)*

M. Sugimura (Japan) :

Translation : Mr. President, ladies and gentlemen—The Japanese delegation, warmly and actively supports the Chinese delegation's proposal, which it considers to be in every way consistent with the demands of equity and justice.

We earnestly hope that the Fifth Assembly will adopt this proposal and thereby show once more its impartiality and its traditional loyalty. *(Applause.)*

The President :

Translation : There being no other speakers on my list, the discussion is closed.

The text of the recommendation reads as follows :

The Assembly reiterates the following recommendation adopted unanimously by the Assemblies of 1922 and 1923 :

"It is desirable that the Assembly, in electing the six non-permanent Members of the Council, should make its choice with due consideration for the main geographical divisions of the world, the great ethnical groups, the different religious traditions, the various types of civilisation and the chief sources of wealth."

The recommendation was unanimously adopted.

76. — TRAFFIC IN WOMEN AND CHILDREN. REPORT OF THE FIFTH COMMITTEE: RESOLUTIONS.

The President :

Translation : We now come to the report of the Fifth Committee on the work of the Advisory

Committee on the Traffic in Women and Children. (Annex 16, Document A. 83. 1924. IV.)

I call upon the Chairman and Rapporteur of the Fifth Committee to take their places on the platform.

(*M. Zahle, Chairman of the Fifth Committee, and M. So al, Rapporteur, took their places on the platform.*)

The President: The Rapporteur will address the Assembly.

(*M. So'al mounted the platform amidst the applause of the Assembly.*)

M. Sokal (Poland), Rapporteur:

Translation: Mr. President, ladies and gentlemen—On behalf of the Fifth Committee, I have the honour to submit to you the report and resolutions which it has adopted regarding the traffic in women and children.

In conformity with the rules of the Assembly, I will confine myself to calling your attention only to the essential features of the report. Before I deal with the main problem, I should like, by way of introduction, to quote a passage from M. Léon Bourgeois' book: "L'œuvre de la Société des Nations", Chapter VI: Social and Humanitarian Work of the League, which contains an admirable appreciation of the importance of the League's work in this field.

M. Léon Bourgeois says:

"The authors of the Covenant did not see fit to define exactly what should be the humanitarian activities of the League of Nations except in Article 23 (c), by which the League is entrusted with the general supervision of agreements with regard to the traffic in women and children... Nevertheless, it was clearly their intention to encourage the new institution to undertake in addition any other duties which might be proposed to it in this field, since here, as elsewhere, it would be obeying one of the fundamental principles laid down in the Preamble of the Covenant: 'The promotion of international co-operation to achieve international peace and security'."

It is therefore plain that the authors of the Covenant attached considerable importance to the social and humanitarian work of the League.

I will now deal with the Fifth Committee's resolutions, on which I will only make a few brief comments in order not to repeat what is already stated in the report.

The first resolution submitted to you by the Fifth Committee reads as follows:

"1. The Assembly expresses its keen satisfaction with the work accomplished by the Advisory Committee on the Traffic in Women and Children, and adopts its report and resolutions."

I need only add that the Advisory Committee, which is composed of particularly eminent and competent experts, affords the League extremely valuable assistance, and that the efficient and conscientious work of the Social Section of the Secretariat is beyond all praise and deserves special mention here.

The second resolution reads as follows:

"2. The Assembly expresses its regret that so few States have as yet ratified the International Convention of 1921, and recommends that those States which have not yet adhered to

or ratified the Convention should be invited to give the reasons which have prevented their doing so."

The Fifth Committee has had the satisfaction of recording several new ratifications of the 1921 Convention, but it considers it essential to make fresh representations to the Governments which have not yet ratified it.

Resolutions 3, 4 and 5 read as follows:

"3. The Assembly endorses the resolution of the Council approving the decision of the Advisory Committee regarding the annual reports, and inviting those States which have not yet furnished these reports to be good enough to do so in the future, and further inviting those States which sent in their reports for 1922 too late to be included in the summary of annual reports to furnish them by April 1st of each year in the case of Western States, and by July 1st in the case of Far-Eastern States.

"4. The Assembly endorses the following decision of the Council:

"The Council, being of opinion that a full collection of laws and regulations relating to the traffic in women and children is essential to the work of the Advisory Committee, again invites those Governments which have not already furnished copies of such laws and regulations to be good enough to do so with the least possible delay."

"5. The Assembly also endorses the following decision of the Council:

"The Council invites those States which have undertaken to appoint central authorities, but have not yet appointed them, to do so without delay, and requests them to be good enough to communicate the names of these authorities to the Secretariat."

These three resolutions need no comment. The documentation referred to in them must obviously be available if the Advisory Committee and the Social Section are to carry on their work without interruption.

The sixth resolution reads as follows:

"6. The Assembly endorses the following decision of the Council dated June 11th, 1924:

"The Council of the League of Nations, greatly appreciating the readiness with which many Governments have complied with the request formulated by the Council on April 19th, 1923, regarding some aspects of the system of licensed houses, expresses the hope that those Governments which have not yet made known their opinions on the subject will furnish the information asked for, and requests the Advisory Committee to continue its study of the question in the light of any further replies which may be received."

This work is extremely important. The collected replies of the different Governments on certain aspects of the system of licensed houses would form a particularly important and useful document.

The Committee also examined the questions of the employment of women police in the campaign against prostitution, emigration and immigration considered in relation to the traffic in women and children, the results of the International Emigration Conference held in Rome, the application of the Convention to mandated territories, a proposal regarding propaganda, and the employment of foreign women in licensed houses.

The Committee also took note of the institution of an expert enquiry on the extent of the traffic in women and children. We hope that this enquiry, which is still in progress, will throw light on the present position of the problem. Its results are not yet known, but we hope that the Advisory Committee will be able to include them in its report to the next Assembly.

The Committee has had a very important proposal laid before it as regards propaganda. It hopes to be able to make definite recommendations on this subject next year.

I have now only to submit a few observations of a more general nature.

At a time when this Assembly is seriously considering the questions of security, disarmament and arbitration, with a view to establishing the peace of the world on a solid foundation, it is not out of place to recall the words of one of our most eminent colleagues, who said that peace is impossible until international solidarity had become an accomplished fact and until moral disarmament is effected together with military disarmament.

What must we do to attain this end? How can we develop the feeling of international solidarity and co-operation? There is but one way—to make the League known to the world and to teach the great masses of the people of its aims and activities. The Prime Minister of Great Britain, Mr. Ramsay MacDonald, told us a few days ago that the League was not sufficiently known. That is unfortunately true. Not only must great publicity be given to its work, but we must find a way of awakening the interest of the masses and of bringing home to them what the League means. In this way we shall obtain their support.

These ends can only be gained if we pursue our work on the lines indicated by one of the authors of the Covenant, who, happily, is still the foremost champion of the League—M. Léon Bourgeois. He tells us:

“This is the only propaganda which can be truly effective and which—to use an expression that has been often abused, but that we will employ in its best and highest sense—may be called *propaganda by facts*. The fact which must be instilled into every mind, the fact which is powerful enough to bear down all resistance and to disarm all ill-will, is that international life is a reality.”

Our social activities are clearly part of this international life. The growth of the International Labour Organisation is the best proof that through the social activities which go to the roots of life we can attain the goal to which we all aspire.

I therefore hope that the social and humanitarian work of the League will continue to develop, inspired by the noble sentiments which I have quoted from M. Léon Bourgeois' book.

In conclusion, I would like to cite the following memorable words of the honourable delegate of France:

“Let us, by establishing the organs of international life, exemplify the needs of that life. Let us teach men of different nations and different races to live their lives in common. Let us bring home to all the world-wide reality of solidarity between nations and between men, and we shall have taught the best and most persuasive lesson which it is possible to teach.”
(*Applause.*)

The President:

Translation: Does anyone wish to speak?
The debate is closed.

The text of the resolutions is as follows:

1. *The Assembly expresses its keen satisfaction with the work accomplished by the Advisory Committee on the Traffic in Women and Children, and adopts its report and resolutions.*

2. *The Assembly expresses its regret that so few States have as yet ratified the International Convention of 1921, and recommends that those States which have not yet adhered to or ratified the Convention should be invited to give the reasons which have prevented their doing so.*

3. *The Assembly endorses the resolution of the Council approving the decision of the Advisory Committee regarding the annual reports, and inviting those States which have not yet furnished these reports to be good enough to do so in the future, and further inviting those States, which sent in their reports for 1922 too late to be included in the summary of annual reports, to furnish them by April 1st of each year in the case of Western States, and by July 1st in the case of Far-Eastern States.*

4. *The Assembly endorses the following decision of the Council dated June 11th, 1924:*

“The Council, being of opinion that a full collection of laws and regulations relating to the traffic in women and children is essential to the work of the Advisory Committee, again invites those Governments which have not already furnished copies of such laws and regulations to be good enough to do so with the least possible delay.”

5. *The Assembly also endorses the following decision of the Council dated June 11th, 1924:*

“The Council invites those States which have undertaken to appoint central authorities, but have not yet appointed them, to do so without delay, and requests them to be good enough to communicate the names of these authorities to the Secretariat.”

6. *The Assembly endorses the following decision of the Council dated June 11th, 1924:*

“The Council of the League of Nations, greatly appreciating the readiness with which many Governments have complied with the request formulated by the Council on April 19th, 1923, regarding some aspects of the system of licensed houses, expresses the hope that those Governments which have not yet made known their opinions on the subject will furnish the information asked for, and requests the Advisory Committee to continue its study of the question in the light of any further replies which may be received.”

The resolutions were unanimously adopted.

77. — PROTECTION OF WOMEN AND CHILDREN IN THE NEAR EAST: REPORT OF THE FIFTH COMMITTEE: RESOLUTIONS.

The President:

Translation: The next item on the agenda is the discussion of the report of the Fifth Committee on the Protection of Women and Children in the Near East. (Annex 17, Document A. 85. 1924. IV.)

The Danish delegation informs me that Mlle Forchhammer has been appointed substitute Danish delegate. The Fifth Committee appointed Mlle Forchhammer as its Rapporteur on the question of the Protection of Women and Children in the Near East.

Mlle Forchhammer will address the Assembly. (Applause.)

Mlle Forchhammer (Denmark), Rapporteur : I shall be very brief. It is difficult to be brief regarding a question which is near to one's heart, but the pressure of important work still before the Assembly makes it imperative, and I bow to the necessity.

I shall only say a very few words about the work which is comprised in this title—"The protection of Women and Children in the Near East". The report of the Fifth Committee is before you, and I hope you will be able to read more especially the reports which have been sent in by the Chairman of the League of Nations' Commission, Dr. Kennedy, and by a member of the Committee who is working at Aleppo, Miss Karen Jeppe.

The work has made very considerable progress, and it is interesting to notice that it is not only a work of reconstruction, in the sense that it is uniting members of the same families who have been scattered and that it is making people who have been in great misery self-supporting and useful citizens again, but it is also a work of reconciliation and thus corresponds with the high aims of the League of Nations.

It is shown that in Constantinople the Turkish women interest themselves in the work of the League of Nations, Home for these women and children, and at Aleppo several Mohammedans work together with the Christians in this cause. In Aleppo and in Syria it has been possible to take some steps towards bringing the native Arabian population into good relations with the Armenians who have come into the country and who are now received very hospitably by the native population and protected most effectively by the mandatory Power, France.

It has already been said several times to-day that the League, by doing this humanitarian work, is gaining favour with public opinion. The experience I have gained from speaking about the League in various places confirms this view very thoroughly and I am quite sure that the League, by pursuing work of this kind, itself gains credit as well as giving both material and moral support to work which is really of vital importance to the people for whom it is done.

I am sure I can speak in the name of the whole of the Fifth Committee when I strongly urge this Assembly to continue the work which was started by the First Assembly, and which has been confirmed by all the other Assemblies, by accepting this report and the recommendations and resolutions which are embodied in it. (Applause.)

The President :

Translation : No delegates have sent in their names to speak on this question.

The discussion is therefore closed.

The resolutions read as follows :

1. *The Assembly expresses its thanks to the Governments responsible for the territories under mandate or under Allied control in which members of the Commission for the Protection of Women and Children are working for the support they have given to the Commission and its members, and it requests them to continue to give this support.*

2. *The Assembly approves the reports of Dr. Kennedy and Miss Karen Jeppe; it expresses its great appreciation of the work they and their assistants have accomplished.*

3. *The Assembly decides that as in 1924 the sum of 75,000 francs shall be allocated for the work of the Commission during 1925.*

The resolutions were unanimously adopted.

78. — ERECTION OF A CONFERENCE HALL ON THE GROUND PRESENTED TO THE LEAGUE OF NATIONS BY THE REPUBLIC AND CANTON OF GENEVA AND BY THE CITY OF GENEVA : REPORT OF THE FOURTH COMMITTEE : RESOLUTION.

The President :

Translation : We will now consider the report of the Fourth Committee on the Erection of a Conference Hall for the use of the League of Nations. (Annex 18, Document A. 82. 1924. X.)

The Chairman of the Fourth Committee being detained at another meeting, I will ask the Vice-Chairman of the Fourth Committee and the Rapporteur to take their places on the platform.

(*M. Zumeta, Vice-Chairman of the Fourth Committee, and M. van Eysinga, Rapporteur, too: their places on the platform.*)

The President :

Translation : The Rapporteur will address the Assembly.

M. van Eysinga (Netherlands), Rapporteur :

Translation : Mr. President, ladies and gentlemen—I have the honour to submit to you the following draft resolution on behalf of the Fourth Committee :

"The Assembly approves the report of its Fourth Committee on the question of the erection of a Conference Hall of the League of Nations; directs that the measures proposed in the report should be carried out, and recommends that the Members of the League should give the widest publicity to the conditions of the competition in connection with the erection of a Conference Hall."

I have little to add to what I have just read.

You will remember that in 1922 the Assembly had the pleasure of receiving a communication announcing that the Republic and Canton of Geneva together with the City of Geneva had offered the League the ground adjoining the offices of the Secretariat with a view to the construction of a Conference Hall.

The 1923 Assembly greatly regretted that the financial position of the League at that time did not allow it to commence building operations. This year, however, the Fourth Committee is pleased to be able to announce that, after very carefully considering the matter, it has come to the conclusion that the finances of the League allow of the work being started. The cost will be about 4,500,000 gold francs. This sum may be distributed equally over the budgets from 1926 to 1929. The Assembly will probably be able to use its new Conference Hall in two years' time.

The erection of this building, which has now become possible, is an imperative necessity. The ever-increasing number of conferences taking place under the auspices of the League makes the erection of a new conference hall absolutely indispensable. In this connection the Fourth Committee unanimously endorses the remarks addressed to the Assembly by M. Ador a few days ago. I take this

opportunity of saying how much we regret the absence of our eminent colleague, who is prevented from taking part in our work by illness, and I offer him our best wishes for his speedy recovery. (*Applause.*)

The Fourth Committee has given careful consideration to the technical side of the erection of the building, but I do not think we should go into details on this point, in view of the fact that all I could tell you is contained in the report. There is one point, however, which I should like to emphasise.

The Fourth Committee considered that for the erection of a building of so eminently international a character as a new hall for the League's conferences, an international competition on the widest basis should be organised. With this end in view, and in pursuance of a proposal made by M. Barboza Carneiro, the Brazilian delegate, it is proposed, in the draft resolution I have read, that the Members of the League of Nations should be asked to give the widest publicity in every country of the world to the conditions of this competition. For this international competition there will naturally have to be an international jury, which will be appointed by the Council.

In this connection I wish to say that the Fourth Committee is particularly glad to be able to recommend the Assembly this year to commence the erection of this building, as by carrying this scheme into effect the League will be putting the ground to the use for which it was intended by the generous donors, the Genevese authorities. (*Applause.*)

The President :

Translation : The Rapporteur in his report addressed a friendly message to a member of the Swiss delegation, M. Gustave Ador. I wish to thank him for doing so and will undertake to communicate his remarks to M. Ador, who is ill and for whose speedy recovery we all earnestly hope. (*Applause.*)

I need hardly say that I will also inform the authorities of the Canton and City of Geneva of the very kind terms in which the Rapporteur referred to them.

Sir Hubert Llewellyn Smith, delegate of the British Empire, will address the Assembly.

Sir Hubert Llewellyn Smith (British Empire : Mr. President, ladies and gentlemen—As I was myself a member of the Sub-Committee over which Jonkheer van Eysinga presided, it would be out of place, perhaps, for me to congratulate him upon the contents of the report which you have just heard.

My object in speaking is to emphasise one particular passage in that report, which suggested that the Building Committee of the new hall should consult expert opinion with a view to ensuring that the hall shall possess the necessary acoustical properties. I refer to this in order to lead up to an announcement on behalf of my Government which may, perhaps, be of interest to the Assembly.

I hope and believe that the Assembly will agree with the unanimous view of the Sub-Committee of the Fourth Committee, namely, that what we want to aim at in this new building is not an erection of dazzling magnificence with the corresponding expense; what we desire, and what we must have, is a building which, however simple in its form—and, perhaps, in virtue of that simplicity—shall perform fully and adequately the essential functions and purposes of an Assembly Hall of the League of Nations.

Among those elementary conditions to be fulfilled, I put first of all that the delegates of the different countries should be able to transact

their business under conditions of reasonable comfort, that they should be able to breathe and, above all, that they should be able to hear one another speak. (*Hear, hear.*) These may seem elementary conditions; yet I understand that in the present state of knowledge no architect can confidently predict that a hall which he is about to erect will possess the necessary acoustical properties. That being so, and in view of the vital necessity of the fulfilment of that condition, it is the more imperative that we should have recourse to the very best scientific assistance, and it is satisfactory to know that men of science are more and more studying the principles of acoustics in their application to buildings.

I myself had the advantage a few months ago of seeing some very interesting experiments being carried out in the National Physical Laboratory near London with the view of testing the acoustical properties of a legislative assembly hall yet to be erected. I am not going to detain the Assembly by describing what those experiments were, but I mentioned them to my colleagues on the Sub-Committee, and, with their assent and approval, I have since been in communication with the Department of Scientific Research, which controls the National Physical Laboratory, with a view to ascertaining whether, and, if so, under what conditions, the same facilities could be placed at the disposal of the League of Nations for carrying out a similar series of experiments on our proposed hall.

I am very glad to be able to say that I have now received a communication from my Government which permits me to announce that, if the Assembly so desires, it is prepared to conduct a similar set of experiments on the new conference hall of the League of Nations and that, as a mark of the interest it takes in the new hall, it proposes that the whole expense of these experiments shall be borne by the British Government. (*Applause.*)

The President :

Translation : We all realise the importance of good acoustic properties to public assemblies and therefore fully appreciate the very practical offer which Sir Hubert Llewellyn Smith has made on behalf of his country. Great Britain is undoubtedly one of the countries which has had most experience in this matter, as she may be said to be the mother of parliamentary government.

I am sure, ladies and gentlemen, that I am voicing your opinion in thanking the British Government for its generous offer. The League will be very glad to avail itself of the experience of the eminent experts of Great Britain. (*Applause.*)

Does anyone else wish to speak ?

The discussion is closed.

The draft resolution proposed by the Fourth Committee reads as follows :

The Assembly approves the report of its Fourth Committee on the question of the erection of a Conference Hall of the League of Nations; directs that the measures proposed in the report should be carried out, and recommends that the Members of the League should give the widest publicity to the conditions of the competition in connection with the erection of a Conference Hall.

The resolution was unanimously adopted.

79. — ALLOCATION OF THE EXPENSES OF THE LEAGUE : REPORT OF THE FOURTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the discussion of the report submitted by the

Fourth Committee on the Allocation of the Expenses of the League.

I call upon M. Bignami, Rapporteur, to take his place on the platform.

(M. Bignami, Rapporteur, took his place on the platform.)

The President :

Translation : The Rapporteur will address the Assembly.

M. Bignami (Italy), Rapporteur :

Translation : Mr. President, ladies and gentlemen—The question of the allocation of expenses, which is certainly the most difficult problem in the internal economy of the League, has been studied and a solution found by the Fourth Committee. The draft resolution which the Committee submits to you has been unanimously approved by representatives of the States who took part in the discussion, including the delegations of those States which have submitted requests for the reduction of their number of units.

As the arguments in favour of the resolution are contained in the report, which we have the honour to submit to you, I propose merely to read the text. (Annex 19, Document A. 102. 1924. X.)

The President :

Translation : Professor Novakovitch, delegate of the Kingdom of the Serbs, Croats and Slovenes, will address the Assembly.

M. Novakovitch (Kingdom of the Serbs, Croats and Slovenes) :

Translation : Mr. President, ladies and gentlemen—I will be very brief. I asked to be allowed to address the Assembly because I wish to express my admiration of the work done by the Committee on the Allocation of Expenses and of the impartial spirit in which it has pursued its very embarrassing task. I also desire to express the hope—which we all, I think, share—that we shall shortly succeed in establishing a final scale.

How is it that we do not yet possess a final scale ? It is, I think, because the Committee on the Allocation of Expenses is not yet in possession of all the data it requires to enable it to fix with fairness the proportion in which the Members of the League should contribute to its expenses.

It is, therefore, our duty, as Members of the League, to facilitate the Committee's task by providing it with all the necessary information and data.

I therefore hope and trust that all States, which, for one reason or another, have not yet furnished all the necessary data regarding their financial and economic situation, will do so as soon as possible, so that we may in the near future adopt a final scale, which will put an end to the various complaints that are received, by providing us with a permanent standard which will be both just and equitable. (*Applause.*)

The President :

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

M. Sugimura (Japan) :

Translation : The Japanese delegation desires to express its most sincere gratitude to all the distinguished members of the Fourth Committee and, above all, to its eminent Rapporteur, who

have shown so much consideration and sympathy for our case. (*Applause.*)

The President :

Translation : If no one else wishes to speak, the discussion is closed.

The text of the resolution reads as follows :

The Assembly, in view of the fact :

That the work of the Committee on the Allocation of Expenses, presided over by M. Réveillaud, is not yet concluded, though the system proposed by the said Committee opens up the prospect of reaching a satisfactory conclusion, as mentioned in the report which this Committee submitted to the Assembly on July 4th, 1924 (A. 14. 1924. II) ;

That the Assembly adopted a provisional scale for 1923 and also adopted a provisional scale for 1924 on the same lines as the 1923 scale, at the same time instructing the Committee on the Allocation of Expenses to place the whole of the units available for that year to the credit of those Members for whom the then existing allocation was particularly heavy ;

That in such a delicate matter it is clearly advisable to await the conclusion of the work of the Committee on the Allocation of Expenses and to make no changes in the provisional scales approved for 1923 and 1924, since, in the circumstances, such changes would necessarily be arbitrary and would consequently meet with numerous objections ;

That the same conditions still exist as so rightly called forth from the 1923 Assembly a unanimous impulse of sympathy for Japan when she was stricken by an earthquake that destroyed a great part of her wealth ;

And that applications have been received even during the last few days from other Members for a reduction of their quotas :

(a) *Invites all States Members of the League to communicate to the Secretary-General their detailed budget estimates for 1923 (1923-24) and to send in future the budget estimates and closed accounts for each financial period immediately they are published ;*

(b) *Requests the Council to ask the Committee on the Allocation of Expenses, presided over by M. Réveillaud, to continue its researches, with the object (in view of the difficulties of drawing up a definitive scale at a time when the exchange fluctuations are so pronounced) of preparing a fresh provisional scale to be submitted to the 1925 Assembly and to come into force as from 1926 for a period to be decided upon ;*

(c) *Resolves that the rebate of 12 units granted to Japan for the year 1924 shall be maintained for the year 1925 ;*

(d) *Resolves that the 35 units available owing to the resumption of payment by the Argentine shall be held in reserve ;*

(e) *Requests the Committee on the Allocation of Expenses to divide these 35 reserved units in such a way as it may consider equitable, taking into consideration the claims of States Members for whom the existing allocation is particularly heavy ;*

(f) *Approves for the year 1925, subject to such modification thereof as may result from the utilisation by the Committee on the Allocation of Expenses of the 35 units mentioned above, the scale, which is based on that of 1924, annexed to the present resolution.*

SCALE OF ALLOCATION OF THE EXPENSES OF THE LEAGUE FOR 1924

	Units		Units
		Brought forward	702
Abyssinia	2	Nicaragua	1
Albania	1	Norway	11
Australia	26	Panama	1
Austria	1	Paraguay	1
Belgium	15	Persia	6
Bolivia	5	Peru	10
Brazil	35	Poland	25
Bulgaria	7	Portugal	9
Canada	35	Roumania	29
Chile	15	Salvador	1
China	65	Kingdom of the Serbs, Croats and Slovenes	26
Colombia	7	Siam	10
Costa Rica	1	Spain	40
Cuba	9	South Africa	15
Czechoslovakia	35	Sweden	18
Denmark	12	Switzerland	15
Esthonia	3	Uruguay	7
Finland	10	Venezuela	5
France	78		
Great Britain	88	Total	932
Greece	9		
Guatemala	1	Argentine	35
Haiti	2		(held over)
Honduras	1		
Hungary	3		
India, British	65		
Irish Free State	10		
Italy	61		
Japan	61		
Latvia	3		
Liberia	1		
Lithuania	4		
Luxemburg	1		
Netherlands	20		
New Zealand	10		
Carried forward	702		

The 35 units that are available owing to the Argentine's resumption of payment will be distributed by the Committee on the Allocation of Expenses in accordance with the terms of the above resolution.

The value of a single unit in 1925 will therefore be the total expenses in gold francs voted for 1925 divided by 932. But this figure, which cannot be increased, may be reduced if the said Committee decides to use part of the 35 units in hand for the purpose of making an all-round reduction.

The resolution was unanimously adopted.

The Assembly rose at 6.40 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-FIRST PLENARY MEETING

FRIDAY, SEPTEMBER 26th, 1924, AT 3.30 P.M.

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80. CONTRIBUTIONS IN ARREARS: REPORT OF THE FOURTH COMMITTEE: RESOLUTION.
81. FOUNDATION OF AN INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW AT ROME: COMMUNICATION BY THE ITALIAN DELEGATION.
82. REQUEST BY THE GOVERNMENT OF PANAMA REGARDING CONTRIBUTIONS PREVIOUS TO 1923: REPORT OF THE FOURTH COMMITTEE: RESOLUTION.
83. INTERNATIONAL FEDERATION FOR MUTUAL ASSISTANCE IN THE RELIEF OF PEOPLES OVERTAKEN BY DISASTER: REPORT OF THE FIFTH COMMITTEE: RESOLUTION.
84. PROTECTION OF CHILDREN: REPORT OF THE FIFTH COMMITTEE: RESOLUTIONS.

President: M. MOTTA

80. — CONTRIBUTIONS IN ARREARS: REPORT OF THE FOURTH COMMITTEE: RESOLUTIONS.

The President:

Translation: The first item on the agenda is the report of the Fourth Committee on the question of Contributions in Arrears (Annex 20, Document A. 109 (1). 1924, X).

As the Chairman of the Fourth Committee is unable to attend, I call upon the Vice-Chairman to take his place on the platform and also M. Réveillaud, Rapporteur.

(M. Zumeta, Vice-Chairman of the Fourth Committee, and M. Réveillaud, Rapporteur, took their seats upon the platform.)

The President:

Translation: M. Réveillaud, Rapporteur, will address the Assembly.

M. Réveillaud (France), Rapporteur:

Translation: Mr. President, ladies and gentlemen—At a private meeting the Fourth Committee came to a unanimous decision regarding the difficult question of contributions in arrears. I am sure, therefore, that the resolution before you will be adopted by the Assembly without discussion.

The President:

Translation: Does anyone else wish to speak? The discussion is closed.

The resolution proposed by the Fourth Committee reads as follows:

The Assembly:

(a) Authorises the Secretary-General:

(1) To accept the Liberian representatives' proposal that the balance of 106,581.30 gold francs due under the budgets of 1921, 1922 and 1923 should be paid in equal annual instalments spread over ten years as from January 1925;

(2) To strike out of the accounts of the League the balance of 50,983.89 gold francs due by the Grand-Duchy of Luxemburg for the financial year 1922, on the understanding, however, that Luxemburg waives all claim to her share of the surplus of the 1923 budget;

(3) To strike out of the accounts of the League the balance of 38,176.83 gold francs due by Persia for the financial year 1923, on the understanding, however, that Persia waives all claim to her share of the surplus for that financial year.

(b) Invites the Secretary-General:

(1) To make further urgent representations to Costa Rica, Honduras, Nicaragua, Peru and Bolivia;

(2) To submit to the Council at its session in June 1925 a report on the results of these representations in order that the Council may consider whether and, if

so, in what form the question of the contributions due from these Members of the League should be placed on the agenda of the Sixth Assembly.

The resolution was unanimously adopted.

81. — FOUNDATION OF AN INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW : COMMUNICATION BY THE ITALIAN DELEGATION.

The President :

Translation : Ladies and gentlemen—Before we proceed to the next item on the agenda, concerning the claim of the Government of Panama regarding its contributions prior to 1923, I have the honour to inform you that Senator Cippico, of the Italian delegation, has an announcement to make.

Senator Cippico will address the Assembly.

(M. Cippico mounted the platform amidst the applause of the Assembly.)

Count Cippico (Italy) : Mr. President, ladies and gentlemen—I deeply regret my absence from last Tuesday's plenary meeting of the Assembly, when the report of the Second Committee on Intellectual Co-operation was fully discussed. Had I been present, I would, naturally, not only have voted in favour of the resolutions submitted by the Rapporteur, my eminent colleague Professor Gilbert Murray, but would have tried to emphasise the magnificent offer made in perfect good faith by the French Government. Through that offer, our Committee on Intellectual Co-operation has ceased to be a mere academy, and is already beginning to carry out its excellent work of dealing with the practical problem of preparing the moral and intellectual goal of a better humanity, without which it is useless to hope for the immediate fulfilment of the lofty ideals of universal peace which we cherish in our hearts.

I would also have said, with an international pride rather, perhaps, than with a national one, something of what has already been done by the Italian Government in order to show the world its attachment to such ideals. Signor Mussolini's Government is responsible not only for the signature of nineteen most important political or commercial treaties with various nations, in order to show, in a practical way, during the last eighteen months its love for international peace, but also for signing eleven of the sixteen International Conventions submitted by the International Labour Office.

In the field of intellectual co-operation, the Italian Government has shown its good-will also by abolishing all fees for foreign students wishing to enter either elementary or middle schools or universities in Italy.

The great problem of the unification of private law, which was earnestly dealt with by Italy, France and England during the war, is seriously attracting the attention of my Government. Two Committees have been appointed, one in Rome and the other in Paris, in order to start the huge work for the unification of the obligations and rights *in personam*. In order to contribute to the solution of such unification—which would mean a further stage towards peace—in order to show its high appreciation of the great example given by France to the world, and in order to show its great interest in the work of the League of Nations and in that of the Committee on Intellectual Co-operation, my Government has asked me to communicate the following declaration to this Assembly :

“The Italian Government has decided to found an Institute for the Unification of Private Law, with its seat in Rome, which will have rights and duties analogous to those of the new International Institute of Intellectual Co-operation which is to be established in Paris under the control of the League of Nations. For this purpose, the Italian Government will grant a yearly sum of 1,000,000 lire.” *(Applause.)*

The President :

Translation : M. Henry de Jouvenel will address the Assembly.

(M. Henry de Jouvenel mounted the platform amidst the applause of the Assembly.)

M. Henry de Jouvenel (France) :

Translation : Mr. President, ladies and gentlemen—You will not perhaps think it out of place if a French delegate thanks the Italian Government in specially warm terms for its magnificent offer and feels some pride at the great advance which we have made in the last few days in the field of intellectual co-operation.

The generous and high-minded offer made by the Italian Government is proof that, faithful to the genius of ancient Rome and true to her great legal tradition, Italy intends to facilitate not merely the collation of texts of law but an assimilation of customs, which will go far to promote the exchange of ideas and will pave the way for a common conception of truth that will be a meeting-ground for different types of mind.

I am sure, therefore, that the Assembly will unanimously thank Italy for her offer and will recommend that the Council and its competent organs, such as the Committee on Intellectual Co-operation, should gratefully accept this gift as soon as possible. For you must all realise that in this way the League will reap a very great moral benefit, and that without any risk. If there is any conquest, that conquest is made on behalf of the League, and if there is any annexation, that annexation is made by the League. We must all trust that the League will make many others of the same kind in the interests of the peace of the world. *(Loud applause.)*

The President :

Translation : M. Fernandez y Medina, delegate of Uruguay, will address the Assembly.

(M. Fernandez y Medina mounted the platform amidst the applause of the Assembly.)

M. Fernandez y Medina (Uruguay) :

Translation : Mr. President, ladies and gentlemen—A day or two ago we accepted the French Government's generous gift of an International Institute of Intellectual Co-operation. This gift, which is worthy of her great traditions, is eloquent testimony of France's gratitude towards the League of Nations.

To-day, a second and a no less generous gift is offered by Italy, a gift which is in every way consistent with the noble traditions of that great Latin race and proves its loyalty to the work undertaken by the League.

On behalf of the Government of Uruguay, I offer my thanks to the Italian Government and join in the expression of sympathy and admiration which we have just heard.

The idea of founding an International Institute for the Unification of Private Law affords us especial satisfaction, in that we in America were the first to undertake a work of this nature, which

was brought to a concrete conclusion in the Montevideo Treaties of 1889.

The splendid offer of the Italian Government will command general admiration. It is only fitting that there should be founded at Rome, the most illustrious name in all the history of law, an institute to undertake the unification of private law.

I have no need to remind you of the ancient traditions of Italy as regards the science of law. The love and the cult of law have ever been one of the chief characteristics of the Italian genius and a constant subject of study by her scholars and her statesmen.

I am tempted to remind you—for like our popular and distinguished President, M. Motta, I am fond of reading and quoting Dante—that the divine poet placed the Emperor Justinian in Paradise with a two-fold light, a token which marks his country's devotion to the science of law. (*Applause.*)

The President :

Translation : M. de Brouckère, delegate of Belgium, will address the Assembly.

(*M. de Brouckère mounted the platform amidst the applause of the Assembly.*)

M. de Brouckère (Belgium) :

• *Translation :* Mr. President, ladies and gentlemen—I ventured a few days ago to predict that the action of France would soon be followed by other nations. As the representative of one of the first countries to take part in the work of intellectual co-operation, I may be allowed to tell you how glad I am that Italy has been the first country to follow the example set by France.

I pointed out the other day that the work of intellectual co-operation was closely connected with the work of the League. To unite men's minds, to unite the policies of the different countries in pursuit of a common aim—democratic government and international brotherhood—these are but the obverse and the reverse of the same medal. Italy, with her ancient civilisation and her history, which tells of so many noble struggles for nationality, democracy and liberty, could never lose sight of the bond that links these two fundamental ideas. It was natural that she should make the first move.

Our Italian friends have long had institutions for intellectual co-operation. The greatest and the best known bears the name of Dante Alighieri. It was, therefore, only fitting that the nation which gave birth to Dante should be the first to appreciate and follow the lead given by France. (*Loud applause.*)

• **The President :**

Translation : Professor Gilbert Murray, delegate of the British Empire, will address the Assembly.

Professor Gilbert Murray (British Empire) : I wish to add a very few words on behalf of the British delegation, and also as a member of the Committee on Intellectual Co-operation. I have also been asked to speak on behalf of the other member of that Committee who is present here, Professor Bonnevie. We desire to express our thanks for and our satisfaction at this effort of the Italian Government.

I think that, after the criticisms which were mingled with our gratitude for the original effort on the part of France, every member of the Assembly must feel great satisfaction at the turn which this affair is taking. In the first place, we must congratulate the French Government, because in

its original letter it definitely expressed the hope that some other nation would follow its example. It was a fine thing to express that hope in the original letter making the offer, and I am delighted to see that it has been fulfilled so soon.

We all feel—and we felt it all the more when Count Cippico's words were vibrating in our minds—the high quality of this action on the part of Italy. I do not call it generous; I think the generosity of it is a comparatively secondary quality. What I admire is the spirit of faith both in the value of things of the intellect and in the value of intellectual co-operation among mankind. Italy has added another proof to those of which history is full, of the high value which she attaches to the highest things of the human spirit.

If there is one phase of international co-operation more than another which needs development in a practical and pressing way, I should imagine it was the development of private law. There are two questions which immediately occur to me, and which I think will have to be considered, perhaps superficially, by the Second Committee, to which this matter must be referred, and by the Council. The first is the problem of *double emploi* or overlapping. As soon as one hears of a new institute of law, one recalls the famous institutes dealing with that subject in the Netherlands and other countries. I do not for a moment suggest that there is not ample room for the new institute, but this problem of overlapping must be settled. Another question will be the exact relation to be established between the original French institute, this Italian institute and all the other institutes which I can now feel are forming themselves in the minds of the members of the various delegations—because there are sure to be others.

The Italian institute is a learned body for the pursuit of scientific enquiry. The French institute is quite different. It is in the nature of a small secretariat attached to the Committee on Intellectual Co-operation.

I mention those points to show that there will be something for the Second Committee, and I hope later on for the Council in collaboration with the Italian Government, very carefully to consider. None of those questions derogates for a moment from the admiration and gratitude with which we regard this action on the part of Italy. With a view to putting this matter in order, I wish to move a formal resolution which, if it is found suitable, might be passed on to the Second Committee :

“The Assembly of the League of Nations expresses its deepest gratitude to the Italian Government for its generous offer to found an International Institute for the Unification (Assimilation and Co-ordination) of Private Law, under the direction of the League of Nations.

“The Assembly, recalling the terms of its resolution, dated September 23rd, 1924, with regard to the International Institute for Intellectual Co-operation, invites the Council to accept this offer, in the name of the League of Nations, and, being desirous of emphasising the international character which this Institute should possess, both as regards the programme of its work and the choice of its staff, in accordance with the intention of the Italian Government :

“Resolves :

“(a) The powers and duties of the new Institute and the constitution of its Governing Body and Committee of Directors shall be defined by the Council of the League of Nations in agreement with the Italian Government ;

"(b) The Assembly invites the Council of the League of Nations, after consultation with the competent organs (including the Committee of Experts contemplated in the resolution of the Fifth Assembly dated September 19th, 1924, the Committee on Intellectual Co-operation, and the Technical Organisations of the League of Nations), to conclude with the Italian Government all agreements necessary to ensure the establishment, continuity and proper working of the Institute. In accordance with the desire of the Italian Government, the general principles to be embodied in such agreements shall be analogous to those laid down in connection with the International Institute for Intellectual Co-operation which is to be established in Paris.

"Care shall be taken, after consultation, to avoid all overlapping."

The President :

Translation : M. Zumeta, delegate of Venezuela, will address the Assembly.

M. Zumeta (Venezuela) :

Translation : Mr. President, ladies and gentlemen—The gifts of France and Italy do but reaffirm a fact that has been known for centuries. Paris and Rome have always been centres for institutions of intellectual co-operation. They now announce to us that they will continue this work under the auspices of the League.

The Venezuelan delegation applauds this proof of international solidarity, this first and splendid manifestation of a new world the birth of which we are witnessing. (*Applause.*)

The President :

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

M. Seferiades (Greece) :

Translation : Mr. President, ladies and gentlemen—The Greek delegation is entirely in sympathy with the proposal submitted by the Italian delegation.

We cannot forget that there has always been close collaboration in the domain of law between Greece and Rome.

Even in the time of the Law of the Twelve Tables, Rome sat at the feet of the law-givers of ancient Greece. Throughout the centuries, down to the time of the Byzantine Renaissance, Greek and Roman law developed side by side.

I therefore venture to state, on behalf of the Greek delegation, that, if only for reasons of heredity, we welcome the Italian proposal with very great satisfaction. (*Applause.*)

The President :

Translation : Allow me, on behalf of the Assembly to offer our thanks for the noble and generous proposal that has just reached us from Rome, the Eternal City, the great teacher and mother of law. (*Applause.*)

This question forms a new item on our agenda and it is, therefore, my duty, in conformity with the Rules of Procedure, to propose that the draft resolution proposed by Professor Gilbert Murray should first of all be communicated to the Agenda Committee, which will probably propose that the matter be referred to one of our six Committees.

I hope that the Committee to which this question is referred will be able to present its report to the Assembly during the present session. (*Renewed applause.*)

Does anyone wish to speak ?

It was decided to refer the draft resolution to the Agenda Committee with the request that it should present its report as soon as possible.

82. — REQUEST BY THE GOVERNMENT OF PANAMA REGARDING CONTRIBUTIONS PREVIOUS TO 1923: REPORT OF THE FOURTH COMMITTEE : RESOLUTION.

The President :

Translation : The next item on the agenda is the discussion of the Fourth Committee's report on the request by the Government of Panama regarding its contributions previous to 1923. (Annex 21. Document A. 110. 1924. X.)

I call upon the Vice-Chairman of the Committee to take his place on the platform, and will ask the Rapporteur, M. Réveillaud, delegate of France, to address the Assembly.

(*M. Zumeta, Vice-Chairman of the Fourth Committee, and M. Réveillaud, Rapporteur, took their places on the platform.*)

M. Réveillaud (France) :

Translation : Mr. President, ladies and gentlemen—The request made to the present Assembly by the delegation of Panama is the outcome of the protracted discussions held during the first two Assemblies regarding the scale of contributions and of the decisions then taken.

The Government of Panama points out that, although the scale of the Universal Postal Union was adopted for the first two years, it was understood that, when the new scale entered into force, the States which were overcharged under the old scale would be entitled to a retrospective refund of part of their contributions. The Sub-Committee appointed to examine this question and also the Fourth Committee, first considered the request of Panama from its legal aspect. This examination afforded, to my mind, abundant evidence that, as the claim was based solely on certain recommendations which were in no sense resolutions, the Assembly was not bound by those recommendations.

While settling this legal point, however, the Fourth Committee was unanimously of opinion that, if there were any practical means of carrying out what was certainly the desire of the two first Assemblies, such a course should be adopted. Unfortunately, upon examining the circumstances, we rapidly came to the conclusion that, for the time being at any rate, there was no means of meeting the quite legitimate claim of Panama as, in present circumstances, the carrying out of the principle involved would mean a charge of more than 9,500,000 francs, or, in round numbers, about half the League's annual budget.

The Committee is therefore compelled to propose that, this year at any rate, the Assembly should not accede to the request made by Panama.

Before proposing, however, that the Assembly should reject this claim, the Committee enquired whether, in view of certain precedents raised by the delegation of Panama, it ought not to modify its conclusions in order to prevent the possibility of Panama being treated less fairly than other countries.

It was found that no contribution or part of a contribution had ever been refunded and that exemptions had only been allowed in respect of contributions which had not yet been paid in and which States were unable to pay.

The Fourth Committee accordingly submits the following resolution to the Assembly :

"The Assembly :

"Being aware that it will be causing to one of the most devoted and most esteemed Members of the League a comprehensible disappointment; and being convinced, nevertheless, that its decision implies no injustice ;

"Decides not to entertain, in the present circumstances, the claim of Panama, which might, however, receive further consideration at some future Assembly."

The President :

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

(M. Garay mounted the platform amidst the applause of the Assembly.)

M. Garay (Panama) :

Translation : Mr. President, ladies and gentlemen—As we have now reached the stage in our proceedings when we look forward to an early closure as a kind of holiday from work, I shall not inflict a long speech upon you.

I merely wish to state that, although the Fourth Committee has, for the moment, reported unfavourably upon our claim, the delegation of Panama considers that the conclusions contained in the report leave the way open for us to take measures at an early date with a view to establishing the special nature of our claim, and do not preclude all possibility of a further effort in the future.

A careful examination of the problem has revealed new aspects which were described by some of the eminent members of the Committee as very serious; but all of them—the members of the Sub-Committee as well as the members of the Committee and of the Secretariat—admitted the spirit of justice which animated the claim put forward by Panama. An attempt was made to find a formula which would reconcile the claims of equity with the exigencies of the financial organisation of the League, but with no success, despite two hours' discussion. Nevertheless, it is by no means impossible to find such a formula. The Committee acted wisely in leaving it to time to provide a solution.

In view of the interpretation given to the resolution proposed to you by M. Botella and M. Réveillaud, members of Sub-Committee "A" of the Fourth Committee—an interpretation which will appear in the Minutes of the meeting held the day before yesterday by the Fourth Committee—I have endorsed the resolution on behalf of my Government. I hold the opinion that, in approving it, the Assembly will adopt a provisional solution which will obviate a conflict between the claims of law and those of equity.

The League of Nations is in honour bound to allow no considerations, not even those of the law, to take precedence over equity.

In conclusion, I would like to thank the Rapporteur and all speakers in the Fourth Committee for the moving words in which they referred to my country and its delegate on this occasion. (*Applause.*)

The President :

Translation : The discussion is closed.

The text of the resolution proposed by the Fourth Committee reads as follows :

The Assembly :

Being aware that it will be causing to one of the most devoted and most esteemed Members of the

League a comprehensible disappointment; and being convinced, nevertheless, that its decision implies no injustice ;

Decides not to entertain, in the present circumstances, the claim of Panama, which might, however, receive further consideration at some future Assembly.

The resolution was unanimously adopted.

As the delegate of Panama, while making certain reservations, has been good enough to accept the Committee's conclusions—which, moreover, are not final, as the question may be reconsidered by a future Assembly—I think I may regard the resolution as adopted. (*Assent.*)

83. — INTERNATIONAL FEDERATION FOR MUTUAL ASSISTANCE IN THE RELIEF OF PEOPLES OVERTAKEN BY DISASTER : REPORT OF THE FIFTH COMMITTEE : RESOLUTION.

The President :

Translation : We will now pass to the third item on the agenda : the International Federation for Mutual Assistance in the Relief of Peoples overtaken by Disaster. (Annex 22. Document A. 105. 1924. IV.)

I call upon M. Zahle, Chairman of the Fifth Committee, and M. Fernandez y Medina, Rapporteur, to take their places on the platform.

M. Fernandez y Medina, Rapporteur, will address the Assembly.

(M. Zahle, Chairman of the Fifth Committee, and M. Fernandez y Medina, Rapporteur, too : their places on the platform.)

M. Fernandez y Medina (Uruguay) :

Translation : Ladies and gentlemen—You have before you the report of the Fifth Committee on this question. I have therefore only a few words to say recommending the draft resolution to your attention and pointing out the consequences which may be expected from the application of Senator Ciruolo's proposal, which aims at establishing a permanent preventive and technical organisation which will be able to collect financial resources and prepare for their utilisation for the purposes of public relief on the occasion of grave disasters.

The Fourth Assembly authorised the Council to instruct the Secretariat to communicate to the various Governments the documents containing the necessary information about the Ciruolo scheme and such particulars as would enable them to continue its study.

In the interval between the Fourth and Fifth Assemblies various Governments have given their views on the scheme. Twenty-eight States have replied, twenty-one of them stating that they accept the principle of the scheme. The Red Cross societies have approved it almost unanimously. Numerous learned associations have not only declared in favour of the proposal but—what is even more important—have set on foot investigations with a view to seeing what can be done in the field of science as regards the prevention of disasters and calamities occasioned by the forces of nature.

The Fifth Committee has endeavoured, in view of these facts, to discover what would be the best method of enabling the examination of the scheme to be completed and its eventual realisation brought about. Certain differences of opinion have been expressed.

On the one hand, it was suggested that the enquiry should be continued in the scientific and technical domain, further efforts being made at the same time to obtain replies from the Governments which have not yet communicated with the Secretariat, and the desire was expressed that we should get into touch with the International Red Cross with a view to asking for its co-operation in the event of a modification of its legal statutes being necessary. On the other hand, the great majority of the Committee desired to give practical effect to the scheme by means of an investigation carried out by a Preparatory Committee; the latter would be instructed to determine, in conjunction with the Secretariat of the League and the author of the scheme, the exact sphere within which the proposed federation would be called upon to take action, *i.e.*, the kinds of calamity in respect of which it would intervene and the extent of the relief which it would grant in cases of extreme urgency, the needs which would have to be met, and the approximate contribution which States would be called upon to pay, and it would then lay before the Council of the League concrete proposals relating alike to the objects in respect of which assistance would be given and to the contribution which each State might be called upon to pay, in order that the Council, after consultation with the various Governments, might submit to the Assembly such resolutions as it considered desirable. A resolution in this sense has been adopted.

The expenditure on the proposed investigations and other work has been estimated at 30,000 francs. The Italian Red Cross Society has generously offered 10,000 francs and the League of Nations will provide 20,000 francs. It is clearly understood that this work will be of a preparatory and temporary nature and that the League of Nations is not pledged to create an organisation or to establish a system which would impose a permanent charge on its budget.

Consequently, the only question for the moment, according to the terms of the proposal submitted to you by the Fifth Committee, is that of undertaking the necessary investigations to demonstrate the methods by which the scheme could be realised. The proposal does not involve any obligations as regards the eventual solution, still less as regards the financial contributions of the various States. In any event, as in the case of all international organisations and conventions, even after a final decision favourable to the accomplishment of the proposed enterprise, adhesion would of course remain dependent upon the decision of each State. (*Applause.*)

The President :

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

M. Seferiades (Greece) :

Translation : Mr. President, ladies and gentlemen—There is no need for me to say that the proposal for a kind of inter-State mutual insurance organisation against disasters, which has been submitted to you, with a modesty reminiscent of Pasteur, by Senator Ciralo, the distinguished President of the Italian Red Cross Society, is this outcome of a lofty and noble conception.

This idea, which was conceived amidst the grim horrors of the war, was proposed for the first time in 1922, during the Tenth International Red Cross Conference which was held at Geneva and presided over by its eminent President, M. Gustave Ador.

It was a kind of revelation, I do not mean a revelation of the moral duties which international

solidarity imposes upon States in their relations with each other, for these duties have always been affirmed both by moralists and by the teachers of international law, but the revelation of a more definite obligation, that of establishing an organisation for the relief of the victims of great disasters and for the prevention, so far as possible, of such calamities.

After the eloquent speeches of the distinguished men who spoke in the Committee in defence of the Ciralo scheme, I will not presume by dwelling on the benefits which such a scheme would confer on suffering humanity.

But if the essentially moral and philanthropic aspect of the scheme is unquestioned and unquestionable, this is not the case with regard to its legal aspect. My purpose in addressing the Assembly is, therefore, not merely to express the Greek delegation's sympathy with the plan submitted to you for examination and our admiration for its author, but also to say that, in my opinion at least, the scheme is quite definitely consistent with the indisputable obligations of the League.

At the very commencement of the Fifth Assembly, two distinguished speakers, our former President, M. van Karnebeek, and the first delegate of Greece, M. Politis, brought home to us very forcibly the fact that the Covenant imposes obligations upon us which we cannot possibly overlook.

I suggest that if we voted against the Ciralo scheme we should be guilty of overlooking Article 23, paragraph (*f*), and Article 25 of the Covenant.

The former of these clauses binds the Members of the League of Nations to "endeavour to take steps in matters of international concern for the prevention and control of disease"; the second states that "the Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world."

Under these circumstances, and in view of the articles I have just read, you will surely consider that the duty of States to assist each other in the event of disasters, a duty that was purely moral before the Covenant was made, has, since the Covenant was signed, acquired the force of a legal obligation?

I do not see how we can possibly hold any other opinion. The clauses I have quoted impose upon us treaty obligations which we cannot ignore.

The Ciralo scheme, if confined within the modest limits suggested to you by the Fifth Committee, is therefore in all respects consistent with the treaty obligations incurred by the States Members of the League.

It is for these reasons, which are essentially humanitarian, but also essentially legal in character, that I welcome this opportunity of offering the Ciralo scheme the very cordial and sympathetic support of the Greek delegation. (*Applause.*)

The President :

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

M. Matsuda (Japan) :

Translation : Mr. President, ladies and gentlemen—The adoption by the Assembly of the two resolutions before you will mark a step forward towards the realisation of the scheme for an International Federation for Mutual Assistance in the Relief of Peoples overtaken by Disaster.

At such a time as this I feel I must say once more, on behalf of the Japanese delegation, how sincerely we admire the lofty humanitarian spirit by which our distinguished colleague, Senator Ciralo, is inspired. I am particularly desirous of expressing on behalf of our delegation our great appreciation of this resolution because, as the representative of the Japanese Red Cross Society, I attended the International Red Cross Conference which was held last year at Geneva under the presidency of our distinguished and esteemed colleague, M. Gustave Ador.

The scheme before you found many supporters even at that early date.

Last year, when, on the eve of the Fourth Assembly, an unparalleled disaster befell our country, all States Members of the League came to our assistance and showed us the very deepest sympathy.

Italy was among the first to offer sympathy and I must repeat once more how very deeply we appreciate the noble work that was done by all the Members of the League.

Senator Ciralo's plan is, in brief, to co-ordinate the relief work undertaken in all countries on behalf of peoples overtaken by disaster, with the object of rendering that work more useful and efficacious. The careful examination and the perfection of the scheme will be entrusted to a Preparatory Committee to be appointed by the Council.

In giving my full support to the resolutions submitted to us and in paying a tribute to the untiring efforts of the President of the Italian Red Cross, I am not merely prompted by the fact that my own country is liable to frequent disasters, but I also consider that the scheme has been conceived in a spirit worthy of the noble ideals of this great universal institution, the League of Nations. (*Applause.*)

The President :

Translation : Mlle Hélène Vacaresco, delegate of Roumania, will address the Assembly.

(*Mlle Vacaresco mounted the platform amidst the loud applause of the Assembly.*)

Mlle Hélène Vacaresco (Roumania) :

Translation : Mr. President, ladies and gentlemen—Even if there were but few to share the warm sympathy expressed by the Roumanian Government for Senator Ciralo's proposal, I would not add to the calamities of his scheme the one which you have most reason to dread at the present moment—a speech from me. (*Laughter.*) But there are portents appearing upon the horizon, which we must watch as they rise. There are appeals which force us to break the silence against which we have for days so deeply sinned, that hapless silence which I picture now as a mere phantom of itself, that silence which it will be so hard to restore, once we have gone our ways. I will respond to the courteously veiled request of our President by placing a rigorous discipline upon my tongue, for he has asked us to restrict what we have to say to as few words as possible, and those words to what is essential. I will be brief.

What is essential, indeed, is contained in the eloquent report from our Rapporteur. As you have seen, he asks the Assembly to instruct the Secretariat to form an organisation to enquire into the methods of granting relief to peoples overcome by disaster.

As you know, the disasters to which he refers are those which may be classed as unavoidable, those cosmic upheavals in which the rebellious elements turn and rend themselves. Suspended in

the midst of space, our planet is subject to the laws, and also, alas! to the whims, of Fate. Here are mysteries we cannot fathom. Sometimes we are fain to think that there is a ruthless alliance formed against us betwixt our own blindness and nature—nature who, breaking the rhythmic flow with which she deals out alternate life and death, forgets the part she plays, and rains down upon us nought but death.

In a flash, headlands split asunder and mountains crumble or burst into crowns of flames. The crested ocean invades the confines of its shores. The frail homes of men are tossed like thistledown upon the wings of the unchained storm.

And when the dreadful cataclysm is past, and the affrighted sun lifts up his head, what does he see amidst the corpses that strew the shore? A few frantic and stricken survivors, dying mothers clutching dead infants to their breasts.

With all my heart I echo the word "speed", which you will find in the magnificently practical scheme of the President of the Italian Red Cross Society, Senator Ciralo. Speed, urgency, is the watchword. Our hands are strengthened to save, since we have at our call the International Red Cross, the machinery that it commands and its self-sacrificing staff. We must act!

We live in a time of trouble and unrest, but also in a time of abundant charity and splendid enthusiasm. The dauntless pioneers who may seem vanquished to-day will to-morrow be the victors, and will be succeeded by even bolder heroes than themselves.

You have, of course, observed that, like many States beset by financial difficulties, Roumania has shown some reserve in responding to the appeal for money, which is the first request contained in Senator Ciralo's scheme. Roumania has made a reserve, and yet, like most other States, Roumania, you may be sure, once these months of economic uncertainty are past, will enter upon a triumphant morrow. I myself have no doubt of it. The golden corn that waves over my country's fields conceals a black wealth of oil beneath. The world lives on wheat; the world thirsts for oil. You may rest assured that Roumania will, at no distant date, respond to the desire shared by all of us that the League should found such a bank as will yield to its shareholders a magnificent dividend—the knowledge that they have discharged their whole duty to man.

How could we, as human beings, remain insensible to the sufferings of Japan, with her rare and exquisite civilisation? None can view with callous indifference the distress of Italy or Greece, and no one will be astonished, therefore, when I say that there is not one, but a thousand, reasons why Italy, that dazzling enchantress, should appeal through Senator Ciralo's scheme to those peoples whose aspect and destiny we know not, but whose affections we shall surely win if, in the dark hour of misfortune, we hasten with the love of a brother to bring them succour.

Ladies and gentlemen, the schemes and the ideals of the League are proving infectious, and we cannot but rejoice that this is so.

Only the other day France, the land of glory and of charm, the land in which liberty and wisdom have found the best and happiest expression, gave to the Institute of Intellectual Co-operation a large sum of money and a home. This home she offered to found, in her beautiful capital, Paris: Paris, the international city whose ancient university was thronged throughout the ages by foreign students—among them, for a time, Dante. And to-day Italy, the home of law, invites the League to establish the crowning achievement of its common efforts at Rome, that city whose citizens

first planned the chaste and unadorned fabric of that temple of law in which we are all worshippers.

To magnificent offers such as these we can but respond in passionate admiration. Such offers, we are assured, will be repeated; they will rain upon us from every quarter of the globe. Why should we not then respond to Senator Ciralo's scheme? It finds an echo in the hearts of the peoples. I would I possessed that silver tongue which speaks when the vast multitudes call, that I might say to you here, at this hour, when we see the eyes of the world turned expectantly towards the League, wistfully awaiting what it alone can give—the security of peace—at this hour when the sole appeal that can move us is an appeal to the heart of humankind: "Behold! justice and loving-kindness are one, and the League of Nations is born."

Some, I know, desire the League to play a predominantly political rôle, to take its place in the political world. But does it not already do so? Could it do otherwise?

Yes, the League is indeed a political institution, but politics must always be leavened by philanthropy, and there can be no true philanthropy without a measure of politics.

We all of us welcome Senator Ciralo's scheme as a plan which is in all respects consistent with the spirit of the League, for the League has provided in the Covenant for help to be given to work of this kind; once more the Covenant assembles the peoples within the fold. And so we welcome Senator Ciralo's scheme; we applaud it and beg the Assembly to recommend it to the Council; and the Government of Roumania supports it with the most earnest and the fervent hopes for its success. (*Prolonged applause.*)

The President :

Translation : M. Georges Bonnet, delegate of France, will address the Assembly.

(*M. Georges Bonnet mounted the platform amidst the applause of the Assembly.*)

M. Georges Bonnet (France) :

Translation : Mr. President, ladies and gentlemen—All members of the Fifth Committee who remember the speech made by our colleague, M. Maurice Sarraut (*applause*), and the eloquence with which he advocated Senator Ciralo's scheme, will feel that it is needless for any French delegate to take part in this discussion, since the opinion of the French delegation is already known to you.

We wish, however, to repeat that the French delegation supports this scheme, notwithstanding, and perhaps even by reason of, our colleague's absence.

I will not detain you long. Indeed, there is little that I can add after the magnificent speech which you have just heard from Mlle Vacaresco and which you have all applauded, a speech instinct with that true eloquence of which she herself spoke.

The scheme submitted to you is not a work of charity. You have a distaste for that word "charity", as has been noted on several occasions both in the Council and in the Assembly.

This does not mean that charity, with all that it implies, is a term that makes no appeal to you, or that you are inaccessible to a proposal that makes a claim on your generosity or that you are deaf to the calls of humanity. But the principle which you wish to establish is the right of every nation to assistance, furnished as an obligation.

This right could be established, and indeed is established, by the scheme which was so ably outlined just now by the Rapporteur.

But many questions remain to be settled, and among others the inevitable question of finance. How much will Senator Ciralo's scheme cost the various countries? What will each State have to contribute? What method of allocation will be adopted? How will the money paid in to the common fund be administered? All these questions require careful consideration, and it is for this reason that the scheme still needs to be further developed, considered and studied in all its aspects.

Be that as it may, we wish to state that the French delegation formally supports the scheme.

Mlle Vacaresco told us just now that generosity was infectious. She instanced the fact that following upon France's gift of the Institute of International Co-operation another generous gift was made by the Italian Government.

There can be no doubt that once the finishing touches have been put to Senator Ciralo's scheme it will lead, by this magic quality, to other schemes of a similar kind and on similar lines.

It is with this wish and in this hope that the French delegation, assured that the League is best qualified to carry the scheme into effect, wishes to reaffirm most emphatically its complete approval of the draft resolution before the Assembly. (*Applause.*)

The President :

Translation : M. Sokal, delegate of Poland, will address the Assembly.

M. Sokal (Poland) :

Translation : Mr. President, on behalf of the Polish delegation, I should like to state that we warmly support Senator Ciralo's scheme and to pay a tribute to the noble initiative of its promoter.

The President :

Translation : The discussion is closed.

The text of the resolution is as follows :

The Fifth Assembly :

Reiterating the tribute paid by the preceding Assembly to the noble initiative and perseverance of M. Giovanni Ciralo, delegate of Italy, President of the Italian Red Cross, and author of the scheme for establishing an international union against calamities ;

Whereas his proposal is in harmony with the spirit of international solidarity by which the League of Nations is inspired, and provides, in accordance with Article 25 of the Covenant, for the fruitful utilisation of the International Red Cross Organisation for works of peace ;

And whereas this proposal has been received with sympathy by the Governments to which it has been submitted ;

But, by reason of the reservations made by a certain number of these Governments, still requires exhaustive investigation before it can be carried into effect :

Decides :

1. *That a Preparatory Committee, appointed by the Council of the League of Nations in accordance with the terms of Article 2 below, be instructed to determine, in conjunction with the Secretariat :*

(a) *The exact sphere within which the proposed international union would be called upon to take action, i.e., the kinds of calamity in respect of which it would intervene, and the extent of the relief which it would grant in cases of extreme urgency ;*

(b) *The needs which would have to be met, estimated on the basis of the information immediately available regarding the funds included in the budgets of States,*

provinces or municipalities, or subscribed by private persons for the relief of such calamities of late years and of estimates to be supplied by insurance experts;

(c) The approximate contribution which would in these circumstances appear to be necessary in order to ensure the execution of this scheme and the amount for which each State would be liable, taking as the basis a proportion corresponding to that of its present contribution towards the expenditure of the League of Nations, without neglecting the possibility of voluntary assistance in the form of donations or bequests.

2. That the Preparatory Committee be formed by obtaining the friendly co-operation of the author of the scheme, of representatives of the International Red Cross Organisations, and technical experts chosen among learned bodies and insurance associations. It will have available, in order to meet its necessary expenditure, the sum of ten thousand francs generously placed at the disposal of the Council by the Italian Red Cross Society, and twenty thousand francs provided by the League of Nations.

3. That the Committee, paying due regard to the investigations and enquiries provided for in Article I, shall lay before the Council concrete proposals relating alike to the objects in respect of which assistance will be given, and to the nature and extent of such assistance, and, further, to the contribution which each State might be called upon to pay, in order that the Council after consultation with the various Governments, may submit to the Assembly such resolutions as it considers desirable.

I would like to emphasise the fact that the resolution commences with a special tribute to the efforts of Senator Ciruolo, delegate of Italy and President of the Italian Red Cross, whom I hail as the founder and pioneer of the International Federation for Mutual Assistance. (*Applause.*)

The resolution was unanimously adopted.

84. — PROTECTION OF CHILDREN : REPORT OF THE FIFTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the discussion of the Fifth Committee's report on the question of the protection of children. (Annex 23. Document A. 107. 1924. IV.)

I call upon M. de Brouckère, Rapporteur, to take his place on the platform.

(M. de Brouckère, Rapporteur, took his place on the platform.)

The President :

Translation : The Rapporteur will address the Assembly.

M. de Brouckère (Belgium), Rapporteur :

Translation : Mr. President, ladies and gentlemen—I only wish to make a few brief remarks on the report which I have the honour of presenting on behalf of the Fifth Committee.

The question before you relates to an international association founded a few years ago, which is not, as has been suggested in certain quarters, a charitable organisation. The association was founded for a very noble purpose, not only from the point of view of health, but also from that of humanity and justice. It is helping many Governments to do their duty towards suffering children.

The Association was definitely founded at Brussels in 1921 after a congress at which thirty-five Governments were represented. Thirty-three States declared on that occasion that the Association was a necessity, as the work which it would be able to perform was most important.

Differences of opinion, however, have since arisen between the Governments, which were then in perfect agreement. Some of them decided that the Association should continue under the form of an inter-State association; others, however, considered that, under Article 24 of the Covenant, the work begun by the Brussels Association should be made part of the machinery of the League.

The first paragraph of Article 24 of the Covenant is worded as follows :

"There shall be placed under the direction of the League all international bureaux already established by general treaties..." (and this is surely true of the International Association for the Protection of Children) "... if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League."

These differences of opinion led to negotiations which culminated last March in the adoption of the following resolution by the Council :

"Subject to ratification by the Assembly, the Council decides that the work hitherto carried out by the International Association for the Promotion of Child Welfare shall in future be entrusted to the Secretariat of the League of Nations."

The Fifth Committee has carefully examined this resolution. It has enquired into the conditions under which the League could carry on the work begun by an association which was not set up as part of the League, and arrived at the conclusions given in the report.

I will merely call your attention to one detail which is of some importance.

The Fifth Committee was of opinion that, if the work hitherto carried on at Brussels was to be continued in a satisfactory manner, it would require a supplementary credit of 40,000 francs.

The request for a supplementary credit was submitted to the Budget Committee, which, for budgetary reasons, were unable to grant it. The Committee informed us that it had not the necessary funds available this year.

In these circumstances the Fifth Committee, being desirous of avoiding a dispute with another organisation of the Assembly, does not propose to question either the financial reasons given by the Fourth Committee or the wisdom of their decision, and suggests that the Assembly should decide that the work be continued until next year with such funds as are available. We are satisfied that this could be done efficiently, even if only on a small scale.

The financial question has only been adjourned and will be reconsidered next year. After a year's experience we shall know the exact sum available for the purpose. (*Applause.*)

The President :

Translation : Mrs Allan, delegate of Australia, will address the Assembly.

Mrs. Allan (Australia) : The report presented by the Rapporteur, M. de Brouckère, invites the Assembly to commit the League of Nations to a new undertaking. Before supporting any proposal

that the League should enter a new field of work, it is the duty of the delegates, in order that the countries they represent shall not be involved in unnecessary or unwise expenditure, to examine the proposal carefully, and to satisfy themselves that the work suggested is such as will tend not only to increase the prospects of peace and happiness in the world, and to improve the conditions of life in all the countries associated with the League, but also to facilitate and strengthen the work of their several Governments. It is in that spirit and with that sense of responsibility within me, that I venture to put before you some considerations that may help to ensure your sympathetic reception of the report presented by the Rapporteur on this new subject.

The Assembly is not, in this case, being asked to commit the League of Nations to the direct undertaking of charitable or humanitarian work. It is being asked to create a new branch of its social service which should act, as it were, as a clearing-house for the ideas and discoveries of those who are engaged in constructive work on behalf of the children of the various nations.

The children of to-day are the citizens, the politicians, the statesmen of the future. Everything that we can do to strengthen the physical constitution, clarify the mental outlook, and improve the moral fibre of the children of to-day will help to ensure the peace of the world when they reach man's estate. All the constructive work in this direction, of every nation in the world, must therefore be encouraged by every means in our power. If the League of Nations sets the sign and seal of its approval, in this definite way, upon that work, it will give an extraordinary stimulus to the activities of those engaged in child welfare work in every quarter of the world, even as far as my own State, over 10,000 miles away.

There has never been a time in the history of philanthropic work when a centre for the collection of information and the exchange of ideas was more acutely needed. During the last ten years those engaged in the work have begun to approach it from a different direction. Previously they laboured hard to remedy the effects of the evils which they found existing and which, with a sort of fatalism, they accepted as inevitable. They established hospitals for the treatment and cure of sick children. They founded homes or established institutions for uncontrollable children; they created children's courts for the sympathetic and intelligent handling of children who had begun to enter upon a career of vice or crime.

A moment's reflection will show you how the point of view is changing. We still keep our hospitals for sick children. But in every part of the world we are establishing baby clinics or infant health centres, the object of which is not to treat the children when they have become sick but to teach the mothers how to keep them healthy, and to assist the mothers by careful and regular observation of the children and, when necessary, by the provision of suitable food.

We still maintain homes for neglected and vagrant and uncontrollably naughty children; but side by side with them we are establishing kindergartens to which tiny children come to work and play, under wise and affectionate and carefully trained teachers, in an atmosphere of love and friendship and co-operation, which is assisting them to develop into normal, happy children, able to adapt themselves properly to the social conditions in which they live.

We still maintain our children's courts and the institutions connected with them, but in different parts of the world careful investigators and psychologists are examining and conducting research

work into the causes of the mental and moral aberration of the children concerned. Not satisfied with trying to cure the boy, for example, of the habit of petty thieving, they are endeavouring to discover the causes that made him a thief. By the discovery of those causes, we shall be able in the majority of cases to remove them or to neutralise their action.

The world is seething with new ideas on the subject of child welfare. We need some central organisation or bureau, which shall keep a record of what is being attempted, of what is being achieved, in this country or in that; to which every organisation doing serious work can come for information and reference; to which it shall bring the knowledge of what it has achieved, and from which it can obtain knowledge of what is being attempted and accomplished elsewhere. Such a bureau would be of immense value to the Governments of the various countries as a guide in framing legislation or in determining the value of organisations seeking their support. It would work in close co-operation with any of the departments of the League engaged in special work, such as the Health Organisation.

There need be no extravagance in expenditure through overlapping. The final result for all the nations concerned should be a diminution of the financial burden caused by the enormous amount of remedial work now necessary in connection with child welfare. Modern social workers are optimists. Their motto is "Prevention is better, and cheaper, than cure". They look forward to a time when we shall be able to assure to every child born into the world a healthy mind in a healthy body, and the opportunity to use both mind and body for his own happiness and welfare of the community in which he lives. The establishment of this centre of communication by the League of Nations will be one means of assisting them to bring about the consummation of their hopes. (*Loud applause.*)

The President :

Translation : The discussion is closed.

The text of the resolutions is as follows :

I.

1. *The Assembly ratifies the decision adopted by the Council at its session in March 1924 providing that the work hitherto carried out by the International Association for the Protection of Children should henceforth be entrusted to the Secretariat of the League of Nations.*

2. *The Assembly requests the Council to reconstitute the Advisory Committee on the Traffic in Women and Children under a new name and with two groups of assessors, one group to attend whenever questions relating to the traffic in women and children are dealt with and the other when questions relating to the protection of children are discussed.*

The Assembly recommends that the assessors belonging to the latter category should include persons qualified to act as representatives of the principal private organisations dealing with the protection of children, and, in particular, the International Association for the Protection of Children.

3. *The Assembly considers that the subjects to be dealt with and the methods of dealing with them should be such as may be approved by the Council on the advice of the Advisory Committee; and considers that in this matter the League can most usefully concern itself with the study of those problems on which the comparison of the methods and experiences of different countries, consultation and interchange of views*

between the officials and experts of different countries and international co-operation may be likely to assist the Governments in dealing with such problems.

4. The Assembly takes note of the fact that the protection of children in certain respects already falls within the scope of the work of existing organisations of the League; for example, protection, from the hygienic point of view, falls within the sphere of the Health Organisation of the League, and the regulation of the conditions of employment of children within that of the International Labour Organisation; and considers that, in carrying out any new duties entrusted to the League, care should be taken to prevent any duplication of work.

5. The Assembly recommends in addition that the Health Organisation of the League should be invited to consider any measures within its competence which it would be desirable and practicable to undertake for the protection of children from the hygienic point of view.

6. The Assembly, considering that the international work proposed is of great permanent, social, scientific and juridical value, regrets that for general budgetary reasons the supplementary funds asked for are not available for 1925. It requests the Council to invite the Advisory Committee, when reconstituted, to present, in its report to the Council and the Sixth Assembly, an estimate of the appropriations necessary for the adequate prosecution of its future undertakings.

II.

The Assembly endorses the declaration of the rights of the child, commonly known as the Declaration of Geneva, and invites the States Members of the League to be guided by its principles in the work of child welfare.

Declaration of Geneva.

"By the present Declaration of the Rights of the Child, commonly known as the Declaration of Geneva, men and women of all nations, recognising that mankind owes to the child the best that it has to give, declare and accept it as their duty that, beyond and above all considerations of race, nationality or creed :

"I. The child must be given the means requisite for its normal development, both materially and spiritually;

"II. The child that is hungry must be fed; the child that is sick must be helped; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succoured;

"III. The child must be the first to receive relief in times of distress;

"IV. The child must be put in a position to earn a livelihood and must be protected against every form of exploitation;

"V. The child must be brought up in the consciousness that its talents must be devoted to the service of its fellow men."

May I point out that the second resolution contains the Declaration of Geneva, which forms what I may call a kind of children's charter? The Assembly's approval of the Declaration makes it, so to speak, the children's charter of the League. This is an important fact which I think calls for special notice.

If there is no objection, I will pronounce the resolutions as adopted.

The resolutions were unanimously adopted.

The Assembly rose at 6 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-SECOND PLENARY MEETING

SATURDAY, SEPTEMBER 27th, 1924, AT 3 P.M.

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President : M. MOTTA

85. — AMENDMENTS TO ARTICLE 16 OF THE COVENANT : REPORT OF THE FIRST COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the discussion of the report of the First Committee on the proposed amendments to Article 16 of the Covenant. (Annex 24, Document A. 108. 1924. V.)

The Chairman of the First Committee regrets that he is unable to attend this meeting ; I therefore call upon Dr. Limburg, Vice-Chairman of the Committee, and Professor René Cassin, Rapporteur, to take their places on the platform.

(*Dr. Limburg, Vice-Chairman of the First Committee, and Professor René Cassin, Rapporteur, took their places on the platform.*)

The President :

Translation : Professor René Cassin, Rapporteur, will address the Assembly.

Professor René Cassin (France) :

Translation : Mr. President, ladies and gentlemen—The Assembly has before it two amendments to Article 16 of the Covenant proposed by the British Government.

These amendments have no connection with the general work on which the First and Third Committees are engaged in pursuance of the Assembly resolution of September 6th, 1924. They originated in certain proposals which were put forward by the British Government in 1923, but the consideration of which was adjourned by the last Assembly for reasons of procedure and expediency.

The British proposal regarding the first paragraph of Article 16 is the more important of the two. The proposal arose from the fact that the original text of the Covenant, as adopted in 1919, was amended in 1921, but this amendment has not been ratified by a sufficient number of Members to become valid. Accordingly, the original text of 1919 remains in force and the amendment of 1921 is still in abeyance.

The aim of the British Government's proposal is to find a text which, by slightly modifying that of 1921, will secure ratification by all States and thus put an end to a situation which is somewhat difficult as the text of 1919 is in force at present.

As regards the substance of the question, we find that the reasons underlying the British amendment are as follows.

When the question of fixing economic sanctions for Article 16 of the Covenant arose, its authors imposed on the Members of the League the obligation of severing all economic relations with any State breaking the Covenant. They expressed this prohibition in the following terms: "which hereby undertake immediately to subject it to the severance of all trade or financial relations between their nationals and the nationals of the Covenant-breaking State"—and repeated the same stipulation as regards financial, commercial or personal intercourse.

It was noted that this text was not quite clear, as it was maintained in some quarters that the term "nationals" employed in connection with economic relations might mean "the inhabitants of a country".

Even those who held that the term "nationals" meant "subjects or citizens of the State" regarded the system originally provided for in the Covenant as very defective. It did not go far enough for those who wished to give an extended scope to the economic blockade, since, if relations between nationals only are prohibited, no account is taken of residents, and persons who are living in the territory of the Covenant-breaking State, but who are not nationals of that State, can continue their economic relations.

Furthermore, this system, which was too narrow in the case of certain Members of the League, was quite impracticable and indeed harsh in the case of other Powers, particularly those Powers which have a large foreign population. Such States might have on their territory a very large number of nationals of a Covenant-breaking State, and these nationals might have formed personal economic ties on the soil of the State which had given them hospitality.

How, then, could all personal, financial or commercial intercourse be forbidden between persons inhabiting the same country, the same town, the same house, or belonging to the same family?

For the above reasons, the text of 1919 was unanimously held to be unsatisfactory, and a new amendment was carried in 1921 which took residence as the criterion. The amendment of 1921 reads as follows:

"...which (Members of the League of Nations) hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the Covenant-breaking State..."

The criterion of residence was thus substituted for that of nationality. There is no reason to doubt that everyone was in agreement on this point.

The text of 1921 was, however, discussed in very special circumstances. You will remember that in 1921 the French delegation submitted to the Assembly a draft amendment providing for an obligatory combination of the two kinds of prohibition founded respectively upon nationality and upon residence. The French delegate eventually withdrew this amendment before a vote had been taken upon it, and the question was discussed in the Assembly without having been sufficiently prepared in committee. As a result no one thought of an optional combination, i.e., one which would maintain the obligation prohibiting relations between residents but which would at the same time authorise Powers wishing to do so to decree an additional prohibition based on nationality.

It was this omission that caused the subsequent difficulties.

The amendment before the 1921 Assembly was carried, but a number of Members of the League have refused to ratify it, stating that they were

quite ready to accept the amendment, but pointing out that if, in the event of a war undertaken with the authorisation of the Assembly or the Council, they took measures based on nationality, they did not want to be told that they were contravening the new international law or acting against the spirit of the Covenant.

There can be no reasonable doubt that if economic sanctions were reinforced in the way suggested by this proposal—provided, of course, that the obligations laid upon States were not more than they could bear—the cause of peace would benefit, since, the better economic sanctions are adapted to circumstances, the less the League will have to resort to more drastic measures, especially to military sanctions.

With this idea in mind, the British Government, which was very anxious to carry through the amendment of 1921, has proposed a new text, which, as you will see, in no way increases the obligations of States as regards the basis of residence, but allows other States which might wish to impose the second prohibition in addition to the first to do so without contravening the spirit of the Covenant.

The Sub-Committee of the First Committee accepted this compromise, and only thought it necessary to put on record an important observation put forward by the Swiss delegation. It should be fully understood that neither the text now proposed, should it be adopted by the Assembly, nor for that matter the text of 1919 or 1921, prejudices in the slightest degree the question of the effect upon international relations which prohibitions issued in one country might have in another country remaining neutral during a war carried on by the League.

Let me explain. Suppose France issues prohibitions regarding relations with the nationals of certain countries. The question which the Swiss delegation did not wish to be prejudged was whether a prohibition based on nationality should have compulsory force on Swiss soil, and whether, for example, a French subject should be entitled to refuse to make payments to which he had been sentenced by the Swiss Courts in exercise of Swiss sovereignty.

The Committee unanimously decided that it need not settle this question, which in point of fact was not actually raised by the amendment. Consequently, the respective national judicatures will have to determine for themselves the effect within their territory of a prohibition imposed by another State on the basis of nationality or residence.

In other words, the Committee did not give a decision on this point, because it would have been exceeding the scope of Article 16.

Another observation was put forward by the Persian delegate, who declared that as regards both residence and nationality Persia would be unable, without very great difficulty, to apply in practice the prohibitions laid down in either the 1921 text or the new text of Article 16. Persia did not wish to prevent the adoption of the amendment; indeed, she made a point of declaring that she would not attempt to escape from the obligations of the Covenant. But it is highly probable that she will avail herself of the option given in Article 16 and ask the Council to reduce certain compulsory prohibitions as far as she is concerned.

Such were the Committee's conclusions as regards the substance of the amendment.

It remained for the Committee to examine its form. The British delegation's amendment was drafted as follows:

"The Members of the League undertake to prohibit all intercourse, even if not between their

nationals and the nationals of the Covenant-breaking State, at least between persons resident within their territories and persons resident within the territory of the Covenant-breaking State."

The Netherlands delegate made a very judicious criticism as regards form; he pointed out that only things which were comparable could be compared with one another. The words "at least" would imply that the words "even if not" which appear in this text suggest a comparison between nationals and residents. The Sub-Committee and the First Committee admitted the force of the Netherlands' delegate's argument, and finally agreed on the following text:

"Which hereby undertake immediately to subject it to the severance of all trade or financial relations and to prohibit all intercourse at least between persons resident within their territories and persons resident within the territory of the Covenant-breaking State, and if they deem it expedient,..."—thus giving it an optional character—

"...also between their nationals and the nationals of the Covenant-breaking State."

To sum up, the text of 1919 took nationality as the single compulsory criterion, while the 1921 text gave residence as the single compulsory criterion. The obligatory combination of the two sanctions has been definitely rejected; there is no question of going back on the principle of 1921. The proposal is to supplement the obligatory criterion of residence by an optional prohibition based on nationality.

In my opinion and in that of the Committee, the British Government's proposal deserves the full approval of the Assembly. In 1919 there was an unsatisfactory text which is still in force. In 1921 a better text was drawn up, but it still did not fully answer the requirements of all the Members of the League. Thanks to the British Government's proposal, it may be hoped that all the Members of the League, without exception, will now be able to ratify the new proposal which is before you. (Applause.)

The President :

Translation : M. Burckhardt, delegate of Switzerland, will address the Assembly.

Professor Burckhardt (Switzerland) :

Translation : Mr. President, ladies and gentlemen—Owing to the large number of foreigners resident in her territory, Switzerland has a particular interest in the first paragraph of Article 16. As you know, she would have preferred the 1921 amendment, which sanctions the principle of residence. As there is now no prospect of this amendment being adopted and as, further more, the amendment now proposed seems to meet with general acceptance, Switzerland decided not to oppose it. She merely requested that a comment should be recorded in the Minutes of the Committee as to what is involved by the optional principle of nationality, and this comment the Rapporteur was good enough to communicate to you.

If, however, this amendment should not come into force, and in any case pending the time when it becomes finally binding, the Swiss delegation wishes to place it on record that the interpretative Resolution No. 13, adopted by the Second Assembly on October 4th, 1921, will remain valid.

The President :

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

M. Sugimura (Japan) :

Translation : Mr. President, ladies and gentlemen—Japan has ratified the first amendment

to paragraph 1 of Article 16, voted by the Assembly in 1921. We trust that the text of the Covenant will not be amended too frequently, so long as the general situation remains unchanged. At the same time, in a conciliatory spirit and in order to maintain the good relations between the States Members of the League, we will raise no objection to the adoption of the draft resolution submitted by the First Committee nor to its transmission to the Governments of the States Members. (Applause.)

The President :

Translation : Does any one else wish to speak?

The discussion is closed.

The text of the resolution reads as follows :

Amendment to Article 16, paragraph 1, of the Covenant.

The Assembly, noting that the amendment to Article 16, paragraph 1, of the Covenant, which was adopted by the Assembly at its second session, has not entered into force and appears to be open to objections which seem to render its entry into force impossible, and considering accordingly that it is no longer opportune for further Members of the League to ratify the said amendment, adopts in place thereof the following amendment, which it recommends should be ratified :

"The latter part of the first paragraph of Article 16 of the Covenant shall read as follows :

"which hereby undertake immediately to subject it to the severance of all trade or financial relations and to prohibit all intercourse at least between persons resident within their territories and persons resident within the territory of the Covenant-breaking State and, if they deem it expedient, also between their nationals and the nationals of the Covenant-breaking State, and to prevent all financial, commercial or personal intercourse at least between persons resident within the territory of that State and persons resident within the territory of any other State, whether a Member of the League or not, and, if they deem it expedient, also between the nationals of that State and the nationals of any other State whether a Member of the League or not."

This amendment shall be submitted for ratification by the Members of the League.

A protocol embodying the amendment shall at once be drawn up in accordance with the principles adopted by the Second Assembly for amendments to the Covenant.

As we are dealing with an amendment to the Covenant, the Rules of Procedure provide that the vote should be taken by roll-call. The President, however, is authorised to take the vote by heads of delegations rising in their seats.

In these circumstances, if no one objects, I will adopt the latter procedure. (Assent.)

(In accordance with the Rules of Procedure, the vote was taken by the heads of delegations rising in their seats.)

The following is the result of the voting :

For the resolution : 22 States
Against : 0.

The amendment is therefore adopted

The amendment was adopted.

I wish to point out that no objection has been made to the Swiss delegation's comment that, pending the entry into force of the amendment, the interpretative resolution regarding Article 16 as amended in 1921 remains applicable. (Assent.)

The text of the resolution proposed by the First Committee regarding the second amendment to Article 16 submitted by the British delegation reads as follows :

Amendment to Article 16 of the Covenant, paragraph 2 of the original text which becomes paragraph 5 of the text as amended in 1921.

The Assembly decides to adjourn to the Sixth Assembly (1925) the consideration of the amendment to Article 16, paragraph 2, of the Covenant, as originally drafted, which has been proposed by the British Government.

If there is no objection, I declare the resolution adopted.

The resolution was unanimously adopted.

86. — **REDUCTION OF ARMAMENTS : (a) CONTROL OF THE INTERNATIONAL TRADE IN ARMS, MUNITIONS AND IMPLEMENTS OF WAR : (b) STATISTICAL ENQUIRY ON THE TRADE IN ARMS, MUNITIONS AND IMPLEMENTS OF WAR : (c) PRIVATE MANUFACTURE OF ARMS, MUNITIONS AND IMPLEMENTS OF WAR. REPORT OF THE THIRD COMMITTEE : RESOLUTIONS.**

The President :

Translation : The next item on the agenda is the discussion of the Third Committee's report on the Reduction of Armaments. (Annex 25. Document 115. 1924 IX.) This report deals with three points :

(a) Control of the international trade in arms, munitions and implements of war ;

(b) Statistical enquiry on the trade in arms, munitions and implements of war ;

(c) Private manufacture of arms, munitions and implements of war.

As both M. Duca, Chairman of the Third Committee, and the Vice-Chairman of the Committee, M. Politis, are prevented from attending the meeting, I call upon the Rapporteur, General de Marinis, delegate of Italy, to represent the Third Committee of the platform.

(General de Marinis took his place on the platform.)

The President :

Translation : The Rapporteur will address the Assembly.

General de Marinis (Italy), Rapporteur :

Translation : Among the questions dealt with by the Third Committee are those of the control of the international trade in arms, munitions and implements of war, the statistical enquiry on the trade in arms, munitions and implements of war, and the control of private manufacture.

The report of the Third Committee on these questions has been distributed and I propose to read it and to draw your particular attention to the resolutions it contains.

(The Rapporteur then read Document 115. 1924. IX.)

The President :

Translation : Does anyone wish to speak ?
The discussion is closed.

The resolutions proposed by the Third Committee are as follows :

I. Control of the International Trade in Arms, Munitions and Implements of War.

The Assembly requests the Council to submit to the Governments of States Members and non-Members of the League of Nations, the draft Convention relating to the Control of the International Trade in Arms, Munitions and Implements of War drawn up by the Temporary Mixed Commission, and to request these Governments to inform the Secretary-General, before the Council meets in December, whether they are prepared to take part in a Conference to be convened in April or May 1925 for the purpose of discussing this draft Convention.

II. Statistical Enquiry on the Trade in Arms, Munitions and Implements of War.

The Assembly, having taken note of the statistical data relating to the trade in arms, munitions and implements of war published by the Secretariat of the League of Nations in pursuance of a decision of the Council, expresses its satisfaction with the work accomplished and requests the Council :

1. *To instruct the Temporary Mixed Commission carefully to consider the information already published and to submit a report on the characteristic features of the trade in arms, munitions and implements of war, as disclosed by this enquiry based on official and public documents, and on the conclusions to be drawn therefrom ;*

2. *To ensure the periodical publication by the Secretariat of the statistical data concerning the trade in arms, munitions and implements of war ;*

3. *To invite States Members and non-Members of the League of Nations to transmit to the Secretariat all documents which they may consider likely to be of assistance in the preparation of this work.* oo

III. Private Manufacture of Arms, Munitions and Implements of War.

The Assembly,

Having taken note of the reports of the Temporary Mixed Commission and the Economic Committee on the control of the private manufacture of arms, munitions and implements of war :

(1) *Requests the Council to invite the Temporary Mixed Commission to investigate this question anew and with an entirely open mind, and to prepare a draft International Convention, taking into account any new circumstances which may have arisen since the report of the Temporary Mixed Commission was submitted to the Fifth Assembly.*

It is intended that this shall serve as a basis for the discussions of an International Conference to be convened for the purpose of concluding a Convention for the Control of the Private Manufacture of Arms, Munitions and Implements of War.

(2) *The Assembly also requests the Council to consider the question of inviting the Government of the United States of America to send representatives to co-operate with the Temporary Mixed Commission in preparing the draft Convention for the Control of the Private Manufacture of Arms, Munitions and Implements of War.*

The resolutions were unanimously adopted.

87. — FOUNDATION OF AN INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW: REPORT OF THE AGENDA COMMITTEE.

The President :

Translation : I have received the following report from the Agenda Committee on the Italian Government's offer regarding the foundation at Rome of an International Institute for the Unification of Private Law :

"The Committee which was requested to give its opinion as to placing on the Agenda proposals submitted to the Assembly in the course of the session has taken cognisance of the draft resolution submitted by Professor Gilbert Murray, delegate of the British Empire, with regard to the foundation at Rome, under the direction of the League, of an International Institute for the Unification of Private Law.

"The Committee considers that, in view of the special importance of this question, the Assembly should be asked to place it on its Agenda and refer it to the Second Committee."

As we are so near the close of the session, it does not seem possible to adhere to the rules regarding the interval which should elapse before this item can be placed on the Agenda, but this formality may be dispensed with if the Assembly unanimous agrees.

If there is no objection, the draft resolution will be placed on the Agenda of the Assembly and referred to the Second Committee, which will be requested to consider it as expeditiously as possible, so that the matter may be discussed by the Assembly before the end of the session. (*Assent.*)

88. — REDUCTION OF ARMAMENTS : CO-ORDINATION OF THE WORK OF THE TEMPORARY MIXED COMMISSION AND PERMANENT ADVISORY COMMISSION : CHEMICAL WARFARE: MILITARY YEAR-BOOK : REPORT OF THE THIRD COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the Agenda is the report of the Third Committee (Annex 26, Document A. 122. 1924. IX) on :

(a) Co-ordination of the work of the two Commissions.

(b) Chemical warfare.

(c) Military Year-Book.

(*On the invitation of the President, M. Skrzynski, Rapporteur, took his place on the platform.*)

The President :

Translation : M. Skrzynski, delegate of Poland and Rapporteur, will address the Assembly.

M. Skrzynski (Poland), Rapporteur :

Translation : Mr. President, ladies and gentlemen—I have the honour, as Rapporteur of the Third Committee, to submit three draft resolutions to the Assembly.

The first relates to the co-ordination of the work of the Temporary Mixed Commission for the Reduction of Armaments and the Permanent Advisory Commission for Military, Naval and Air Questions.

All Members of the Assembly are acquainted with the work of the Temporary Mixed Commission and how much it has contributed to the work in which it has taken part. At the same time the Third Committee has thought it expedient to undertake a certain measure of co-ordination in view of the special work which will be required for the preparation of the programme of the forthcoming Disarmament Conference.

The Third Committee therefore proposes to the Assembly that the Council should be granted special powers with a view to the re-organisation of the Temporary Mixed Commission.

The second resolution deals with chemical warfare.

The third resolution concerns the Military Year-Book of general and statistical information regarding military, naval and air armaments.

As you have the printed report in your hands, I will not enter into details.

I would only point out, with regard to the last resolution, how greatly the Third Committee has appreciated the conscientious and admirable work of the Secretariat, visible proof of which is now in front of you in the form of the Military Year-Book. (*Applause.*)

The President :

Translation : Mr. Roden Buxton, delegate of the British Empire, will address the Assembly.

The President :

Translation : Count Mensdorff, delegate of Austria, will address the Assembly.

Count Mensdorff (Austria) :

Translation : Ladies and gentlemen—I have only one word to say. Austria, as a matter of course, will adhere to any proposal calculated to bring about a reduction of armaments, especially since, in accordance with the stipulations of the Treaty of St. Germain, the disarmament which has been imposed upon her was to be the prelude to a general reduction of armaments.

Our disarmament has been effected; it could not be more complete. The military provisions of the Treaty of St. Germain have even been interpreted to mean that Austria must hand over the gas-masks which were found still in her possession.

Since we are speaking of chemical warfare, I think I may venture to remark that to demand that a country should part with a means of protection against one of the most abominable dangers in modern warfare seems to indicate a wish to push disarmament to the very furthest limits.

I really think gas-masks can hardly be described as a very formidable weapon of aggression. (*Applause.*)

The President :

Translation : Does anyone else wish to speak ? The discussion is closed.

The three resolutions before you read as follows :

1. *Co-ordination of the Work of the Temporary Mixed Commission and the Permanent Advisory Commission.*

Whereas the work of the League of Nations in connection with the reduction of armaments is entering this year upon a period of re-organisation which requires the direct attention of the Council :

The Assembly entrusts to the Council the question of the co-ordination of the work of its Commissions for the Reduction of Armaments.

The Assembly recommends the Council to re-organise the Temporary Mixed Commission in conformity with the following principles :

(1) The Commission shall include the representatives of a certain number of Governments ;

(2) The Commission shall include qualified delegates of the technical organisations of the League of Nations, that is to say :

Representatives of the Economic Committee,
" " " Financial Committee,
" " " Transit Committee,
" " " Permanent Advisory
Commission,
" " " Employers' and Labour
Groups of the Inter-
national Labour Office,
Experts, jurists or others elected by the Council.

(3) Delegates of States not represented on the Commission may be invited to attend whenever the Commission thinks fit.

(4) The Council will invite any States not Members of the League of Nations which may have notified their intention of taking part in the Conference for the Reduction of Armaments to appoint representatives to participate in the work of the Commission.

II. Chemical Warfare.

The Assembly,

Having examined the report of the Temporary Mixed Commission with regard to the probable effects on warfare of chemical discoveries ;

Being convinced that the means which modern science places at the service of warfare renders the latter a great danger to civilisation ;

Recalling the seventh resolution of the Third Assembly regarding the adhesion of all States to the Treaty concluded at Washington on February 6th, 1922, concerning the use of asphyxiating gases in time of war :

Requests the Council, if it considers it desirable, to publish the report of the Temporary Mixed Commission and, if advisable, to encourage the work of making information on this subject generally accessible to the public ;

Noting, on the other hand, the facility and rapidity with which factories for producing chemical substances required in peace-time can be transformed into factories for chemical warfare :

Recommends that the attention of public opinion throughout the world be drawn to the necessity of endeavouring, in the first place, to remove the causes of war by the pacific settlement of disputes and by the solution of the problem of security, in order that nations may no longer be tempted to utilise their economic, industrial or scientific power as weapons of war.

III. Military Year-Book.

The Assembly,

Having noted with great interest the preparation of the Military Year-Book :

Desires to express its satisfaction with the valuable work which has been accomplished and which represents a genuine step towards the fulfilment of the obligations assumed by the signatories of the Covenant in the final paragraph of Article 8 ;

And requests the Council to arrange for the continuation of this work on the lines laid down by the Fourth Assembly, to which the Secretariat has adhered in preparing this first volume, special attention being given to that part of the Year-Book which deals with industrial and economic resources capable of being utilised for war.

If there is no objection, I declare the resolution adopted.

The resolutions were unanimously adopted.

89. — INTELLECTUAL CO-OPERATION : INSTRUCTION IN UNIVERSITIES AND SCHOOLS REGARDING THE AIMS OF THE LEAGUE: DRAFT RESOLUTION PROPOSED BY THE URUGUAYAN DELEGATION : REFERENCE TO AGENDA COMMITTEE.

The President :

Translation : Ladies and gentlemen—M. Fernandez y Medina, on behalf of the Uruguayan delegation, submits a draft resolution as follows :

"The Fifth Assembly of the League of Nations recommends the Council to instruct the Committee on Intellectual Co-operation to prepare :

"(a) A message to be addressed to school-masters, professors of training schools and universities, inviting them to co-operate in the work of the League of Nations by enlisting, for the teaching of the objects of the League in all places where such teaching is authorised or possible, the sympathy and effective assistance of men who, by their capacity or position, are best suited to co-operate in forming an international spirit among new generations and thus serving the cause of peace ;

"(b) A draft text intended to facilitate the incorporation in the teaching of law and history in the universities, faculties and commercial or economic schools, etc., of ideas most favourable to the cause of the League and most likely to make known its objects and the work it has accomplished or is in process of accomplishing ;

"(c) A text to serve as a model in primary schools of all countries for teaching conception of solidarity and international co-operations in connection with the League of Nations.

"The above work might be carried out either by a special Committee or by properly qualified persons or by means of a competition. It shall be the duty of the Committee on Intellectual Co-operation to decide for itself the method of work which it considers most preferable. In any case account should be taken of the different methods of teaching, of the different cultures, and the national spirit of the various peoples.

"Once the texts are accepted by the Committee on Intellectual Co-operation, which will submit a report upon them to the Council, they shall be sent, after approval by the Secretary-General of the League, to the Governments with a request that they shall co-operate by permitting or recommending that education should be carried out on the lines proposed.

"At the same time the text of paragraph (a) should be communicated direct to school-masters and professors."

Under the Rules of Procedure, I am obliged to ask you to refer this question to the Agenda Committee.

I do not wish in any way to prejudice the decision to be taken by the Agenda Committee, but it is obvious that, if this Committee decided to refer the question to one of the existing Committees of the Assembly, our session might be thereby prolonged. I am sure that this is not the desire of the honourable representative of Uruguay, who is the author of this important resolution.

For the moment I can do no more than bring it to your notice, and the Agenda Committee will, I hope, make the necessary proposals to the Assembly in accordance with our Rules.

I will therefore ask the Assembly's opinion as to the reference of the draft resolution to the Agenda Committee.

It was decided to refer the draft resolution to the Agenda Committee.

The Assembly rose at 4.25 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-THIRD PLENARY MEETING

MONDAY, SEPTEMBER 29th, 1924, AT 10 A.M.

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President : M. MOTTA

90. — APPLICATION OF THE DOMINICAN REPUBLIC FOR ADMISSION TO THE LEAGUE OF NATIONS: REPORT OF THE SIXTH COMMITTEE.

The President :

Translation : The first item on the agenda is the examination of the conclusions of the report submitted by the Sixth Committee on the application of the Dominican Republic for admission to the League (Annex 26, Document A. 130. 1924. VII).

I call upon M. Enckell, Chairman of the Sixth Committee, and M. de Agüero y Bethancourt, Rapporteur, to take their places on the platform.

(M. Enckell, Chairman of the Sixth Committee, and M. de Agüero y Bethancourt, Rapporteur, took their places on the platform.)

The President :

Translation : The Rapporteur will address the Assembly.

M. de Agüero y Bethancourt (Cuba), Rapporteur, read his report (Document A. 130. 1924. VII).

The President :

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

M. de Palacios (Spain) :

Translation : Mr. President, ladies and gentlemen—I have not asked leave to speak in order to second the report submitted by our honourable colleague, M. de Agüero, for I am certain that it will be adopted unanimously. But the Spanish delegation would, I think, be failing in a duty enjoined upon it both by its own feelings and by the instructions of its Government if it did not proclaim the profound satisfaction with which it repeats here what has already been said in the Sixth Committee.

The entry of the Dominican Republic into the League of Nations must be regarded as another sign of the growth of the League. When the delegation of the Dominican Republic takes its place among us, another step will have been taken towards rendering the League a World League.

In extending a warm and cordial welcome to the Dominican Republic, I should like to say that I consider the entry of this country into the League of Nations as presaging the entry of other countries, and particularly of other Spanish-American countries. (*Applause.*)

The President :

Translation : M. Zumeta will address the Assembly.

M. Zumeta (Venezuela) :

Translation : Ladies and gentlemen—The Venezuelan delegation desires to be the first of the American countries represented in this Assembly to extend a fraternal welcome to the Dominican Republic, for our country is bound by traditional ties of friendship and sympathy—ties as strong as the mutual disinterestedness to which they owe their origin—with the first of the West Indian Islands won over by Columbus to Latin civilisation.

The Dominican Republic takes her place among us with the pride born of this birthright and of her ardent faith in the future. We offer her our most sincere congratulations.

The Venezuelan delegation welcomes the Dominican Republic as one of the sovereign American peoples awaited by us here, and regards her admission as a happy omen that the day is not far distant when we shall be able to rejoice at the presence of all those who have yet to come for whom the doors stand open and whose seats are waiting for them, since their presence will confirm our faith that the League is permanent and world-wide. (*Applause.*)

The President :

Translation : M. Fernandez y Medina will address the Assembly.

M. Fernandez y Medina (Uruguay) :

Translation : Mr. President, ladies and gentlemen—It is with deep satisfaction that we welcome to-day the Dominican Republic, the guardian of the tradition of the first civilised settlements to be established in America after its discovery. The Dominican Republic is a country that has suffered much, but never despaired. Even in her darkest days she did not “merely exist”, as an eminent Frenchman has put it, but proclaimed to the world through her statesmen and the inspired verses of her poets her unconquerable love of liberty and her indisputable right of independence.

Now that she has entered once more upon an era of liberty, full of high promise for the future, one of her first acts has been to ask for a seat in the League of Nations side by side with her sister Republics of Latin America.

The Dominican Republic has thus splendidly asserted her rights, and I must specially emphasise the importance of her action, which will, I am sure, be appreciated by all Members of the League.

In the name of Uruguay, a country which has always appreciated the true qualities of the Dominican Republic and has never had a doubt as to her future, I desire to declare my satisfaction at seeing our sister nation, which was the first on the path taken by Columbus to America, arise once more in the light of day and take her place among us to bear her share in the work of the League. His coming is an omen that the day is not far off when all the countries of America will be represented at this fountain-head of peace and justice. (*Applause.*)

The President :

Translation : If no one else wishes to speak, I will declare the debate closed.

The debate is closed.

In conformity with the first Article of the Covenant, a majority of two-thirds of the Assembly is required for the admission of a new Member to the League of Nations.

We must therefore take a vote by roll-call.

(*The vote was taken by roll-call.*)

The following 43 States voted :

Australia, Austria, Belgium, Brazil, British Empire, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Guatemala, Hungary, Irish Free State, Italy, Japan, Latvia, Liberia, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Persia, Poland, Portugal, Roumania. Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay, Venezuela.

The President :

Translation : As the Assembly has unanimously voted in favour of the admission of the Dominican Republic, I declare the Dominican Republic admitted to the League of Nations. (*Unanimous and prolonged applause.*)

I will ask the Committee on Credentials to meet at once, if possible, in order that we may be able to admit, during the course of the present meeting, the representative of the Republic which has just become a member of the League.

On behalf of the Assembly, and in my capacity as President, I welcome the Dominican Republic. We wish the people of the Dominican Republic a happy and prosperous future. We are assured that that Republic will actively collaborate in the great work of the League. We rejoice to see the Dominican Republic join the circle of Latin-American Republics which belong to the League. We recognise with the greatest satisfaction that the admission of a new State marks a further step towards that ideal of a world-wide League to which we all aspire and which is the final goal of our efforts. (*Applause.*)

91. — REORGANISATION OF THE LATIN-AMERICAN BUREAU : REPORT OF THE FOURTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the examination of the Fourth Committee's report on the reorganisation of the Latin-American Bureau. In the absence of M. Adatci, Chairman of the Fourth Committee, and of M. Bonamy, Rapporteur, I call upon M. Zumeta, Vice-Chairman of the Committee, and M. Buero, who has very kindly consented to act as Rapporteur, to take their places on the platform.

(*M. Zumeta and M. Buero took their places on the platform.*)

The President :

Translation : The Rapporteur will address the Assembly.

M. Buero (Uruguay) submitted in the name of M. Bonamy the report of the Fourth Committee (Annex 27, Document 84. 1924. X).

The President :

Translation : As I have no speakers on my list, I will read the resolutions proposed by the Fourth Committee :

1. *The number of members of the Latin-American Bureau shall be increased from two to three.*
2. *The term of service of the members of this Bureau shall be increased from two to three years.¹*

(¹) The Secretary-General has already extended to three years the term of service of the two members of the Secretariat who at present constitute the Bureau, subject to the reservation that the Assembly consent to the appointment of a third member.

3. *The Secretary-General shall, when vacancies occur in the general services of the Secretariat, endeavour to secure more appropriate representation of the Latin-American States, provided always that the candidates for these posts possess the necessary qualifications.*

4. *It is understood that the Latin-American Bureau, which was constituted in order to meet particular exigencies, must not be regarded as a permanent organisation. It is desirable that nationals of Latin-American countries should be admitted as permanent members in such a way that one of these nationals shall be appointed in each section of the Secretariat.*

5. *In order that the above scheme may be carried out as rapidly as possible, the Secretary-General shall have power to substitute, upon their expiration or even previously, for the contracts of officials of the Latin-American Bureau contracts as permanent Members of Section, utilising for this purpose the funds allocated to the Latin-American Bureau, or, if the Bureau cease to exist, a special credit to the same amount, which shall be duly allocated.*

If there is no objection, I declare the resolutions adopted.

The resolutions were unanimously adopted.

92. — INTELLECTUAL CO-OPERATION : INSTRUCTION IN UNIVERSITIES AND SCHOOLS REGARDING THE AIMS OF THE LEAGUE : REPORT OF THE AGENDA COMMITTEE : RESOLUTION.

The President :

Translation : The Agenda Committee informs me that it has examined the draft resolution submitted at our last meeting by M. Fernandez y Medina, delegate of Uruguay, on behalf of his delegation.

The Agenda Committee reports as follows :

“This draft resolution recommends the Council to instruct the Committee on Intellectual Co-operation to invite schoolmasters of every class to collaborate in the work of the League of Nations and to prepare and have distributed throughout all scholastic circles texts which will enable young people to become acquainted with the objects of the League.

“The Committee considers that the short period now remaining for the work of the Assembly and the great importance of the question will not enable the Assembly usefully to undertake its examination at the end of the present session and feels that there is every reason to postpone consideration of the matter until the next session.

“It accordingly proposes that the Assembly should place this question on its agenda and refer it to the Sixth Assembly.

“The delegation of Uruguay has intimated that it does not object to this procedure.”

If there is no objection, I suggest that you should adopt the following resolution :

The Assembly decides to place on its agenda and to refer to the Sixth Assembly the proposal of the Uruguayan delegation that the Council should be requested to instruct the Committee on Intellectual Co-operation to invite all teachers and professors to collaborate in the work of the League by preparing and distributing to all scholastic institutions literature instructing the young in the aims of the League.

The resolution was unanimously adopted.

93. — CREDENTIALS OF THE DELEGATE OF THE DOMINICAN REPUBLIC : REPORT OF THE COMMITTEE ON CREDENTIALS.

The President :

Translation : The Chairman of the Committee on Credentials will address the Assembly.

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

Translation : Mr. President, ladies and gentlemen—The Committee on Credentials has examined the documents submitted to it by the Secretariat regarding the delegate of the Dominican Republic to the Fifth Assembly of the League of Nations.

In accordance with a telegram from the Secretary of State for Foreign Affairs of the Dominican Republic, M. Jacinto de Castro is duly accredited delegate of the Dominican Republic to the Fifth Assembly of the League of Nations.

The President :

Translation : Is there any objection to the report ? The conclusions of the report are adopted. (*Assent.*)

I call upon the delegate of the Dominican Republic to take his place among us. (*Applause.*)

M. Jacinto de Castro will address the Assembly.

M. Jacinto de Castro (Dominican Republic), (speaking in Spanish) :

Translation : Mr. President, ladies and gentlemen—The Dominican Republic, having re-established its self-government, considers that the first of its international duties is to take its place in the League of Nations, as a fresh declaration of its intense desire to remain a completely independent sovereign State; and also of its devotion to the principle of law and justice, the acceptance of which by all nations will establish the peace of the world on sure foundations, replacing the methods of force and violence which have brought so much suffering and evil upon mankind.

Inspired by this idea, which constitutes, believe me, the political creed of my country, which embodied in its constitution the principle of arbitration as the solution of international conflicts and disputes, I ratify here before you, ladies and gentlemen, the intention of the Dominican Republic to persevere in the fulfilment of its international obligations, and to submit, with all respect, to the rules laid down by the League in regard to its military, naval and air forces and armaments.

Finally, allow me to express to the Council and the Assembly the deep gratitude of the Dominican people for the promptness and cordiality with which its request has been received; and, I would ask you, not to think that it is my voice only which expresses this gratitude to you nor my heart alone which feels it, but the voice and the heart of my whole nation, which speaks now through me. (*Loud applause.*)

94. — AUDITED ACCOUNTS AND BUDGET OF THE LEAGUE AND OTHER FINANCIAL QUESTIONS : REPORT OF THE FOURTH COMMITTEE : RESOLUTIONS.

The President :

Translation : The next item on the agenda is the report of the Fourth Committee on the budget

for 1925, including the budgets of the International Labour Office and the Permanent Court of International Justice, as well as the audit of accounts for the fifth fiscal period (1923). (Annex 28, Document A. 129. 1924. X.)

M. Adatci, Chairman of the Fourth Committee, has just sent me word that he is prevented from being present at this meeting. I call upon M. Zumeta, Vice-Chairman of the Committee, to be so good as to take his place on the platform, together with M. de Vasconcellos, Rapporteur, who will address the Assembly.

(*M. Zumeta and M. de Vasconcellos took their places on the platform.*)

M de Vasconcellos (Portugal), Rapporteur :

Translation : Mr. President, ladies and gentlemen—The presence on the platform of the budget Rapporteur is always a portent of ill omen to our Assemblies, for he heralds the advance of that army of figures for which there can be no disarmament.

If total disarmament is impossible, we can nevertheless hope for partial disarmament.

In submitting to you a total budget of 22,658,138 gold francs, with the corresponding unit of 24,311.31 gold francs—instead of 23,233,635.70 gold francs, with the corresponding unit of 24,928.79 gold francs, the figures submitted to you for 1924—your Rapporteur is happy to be able to announce for the year 1925 a reduction of 575,497.70 gold francs in the total budget, which is equal to a reduction in the unit of approximately 617.50 gold francs.

If, in addition, I inform you of the pleasant news of the refund of 1,635,274.41 gold francs, contributed as Temporary Advances, it is possible that you will welcome the budget Rapporteur with some small measure of sympathy and a good deal of indulgence.

I feel, indeed, assured of your sympathy when I promise that I will not read the whole of my report but merely the preamble, the last part and the conclusions which I have the honour to submit for your approval and which I hope you will accept.

(*The Rapporteur read the preamble of his report—Document A. 129. 1924. X.*)

I will not revert to the different chapters in my report, which you have had time to examine at leisure. I will only point out that, while proposing the adoption of the supplementary credits, amounting to 1,507,795 gold francs, we have succeeded in effecting a considerable saving in the budget as a whole, thanks to the reductions we have made under the different items.

In order to give you a general summary of the financial position of the League, I cannot do better than read you the final conclusions of my report.

(*The Rapporteur read the last part of his report and the draft resolutions.*)

The President :

Translation : Ladies and gentlemen—You have just heard the essential passages of the Fourth Committee's report and the resolutions which that Committee proposes to the Assembly.

Does anyone wish to speak on the draft resolutions ?

As no one has sent in his name or desires to speak, I think I ought to make one general remark, addressed in particular to the public.

The matter before us is undoubtedly one of the most important on our agenda, since it concerns the finances of the League. The report submitted to you contains, in summarised form, the audit of accounts for the fifth fiscal period (1923) and the budget for next year. The latter is fixed at 22,658,138 gold francs, as you will see in the proposed resolutions.

I should not like the public to receive the impression that, because there has been no discussion on these points in the Assembly, the League approves its accounts and fixes its budget estimates for the ensuing year without having examined or supervised them. The absence of discussion is explained by the existence of the Fourth Committee, which has completed a very long, very complicated and extremely arduous task, and further by the fact that the decisions reached by that Committee were unanimous.

This absolves the plenary Assembly from any need to hold an actual discussion on its budget. I, therefore, wish to emphasise that all questions affecting the finances of the League are subjected to minute examination, with, I would add, most valuable results.

I was anxious to make this statement, not for the sake of the delegates, who are aware of these facts, but for the sake of the public which honours us with its presence, as I should like to remove from their minds what might be an unfavourable impression.

Does anyone else wish to speak ?

I will now put to the vote the resolutions submitted by the Fourth Committee, which read as follows :

1 *The Assembly of the League of Nations, in virtue of Article 38 of the Regulations for the Financial Administration of the League, finally approves the audited accounts of the League for the fifth financial period, ending December 31st, 1923.*

2. *The Assembly, in virtue of Article 17 of the Regulations for the Financial Administration of the League :*

Approves, for the financial year 1925, the general budget of the League, of the Secretariat and of the special organisations of the League, of the International Labour Organisation and of the Permanent Court of International Justice, the total amount of which, including supplementary credits, is 22,658,138 gold francs:

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

3. *The Assembly adopts, in so far as they have been approved by the Fourth Committee, the conclusions of the various reports of the Supervisory Commission submitted to its consideration, and at the same time expresses to the Supervisory Commission its thanks for the services it has so well rendered.*

4. *The Assembly adopts the conclusions of the report of the Fourth Committee.*

5. *The Assembly requests the Committee on the Allocation of Expenses to determine the number of units to be allotted to the Dominican Republic and, when carrying out its task of making the final adjustments in the scale for 1925, to add the number of units thus allotted to those rendered available by the contribution of the Argentine Republic.*

If there is no objection, I declare the resolutions adopted .

The resolutions were unanimously adopted.

The Assembly rose at 11.45 a.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-FOURTH PLENARY MEETING

TUESDAY, SEPTEMBER 30th, 1924, AT 11 A.M.

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95. FOUNDATION OF AN INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW : OFFER OF THE ITALIAN GOVERNMENT.

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•• Approval of the Regulations proposed by the Fourth Committee.

President : M. MOTTA

95. — FOUNDATION OF AN INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW : OFFER OF THE ITALIAN GOVERNMENT : REPORT OF THE SECOND COMMITTEE : RESOLUTION.

The President :

Translation : The first item on the agenda is the resolution proposed by the Second Committee regarding the offer of the Italian Government for the foundation at Rome of an International Institute for the Unification of Private Law.

I call upon the Chairman and Rapporteur of the Second Committee to take their places on the platform.

(*M. Garay, Chairman of the Second Committee, and Professor Gilbert Murray, Rapporteur, took their places on the platform.*)

The President :

Translation : Professor Gilbert Murray, Rapporteur, will address the Assembly. (*Applause.*)

Professor Gilbert Murray (British Empire), Rapporteur : Mr. President, ladies and gentlemen—It is a pleasure, among the very thorny subjects

which the Assembly has at this moment under discussion, to come on one which is accepted with unanimity, and not only with unanimity but with universal gratitude and satisfaction.

I need say only a very few words in commending to the Assembly the resolution proposed by the Second Committee regarding the offer of the Italian Government of an International Institute for the Unification of Private Law at Rome.

There are only two points to which I need call attention. The Second Committee has mentioned by name the bodies which it seemed to it to be desirable for the Council to consult before concluding with the Italian Government all the necessary agreements. These bodies are the Committee of Experts contemplated in the resolution of the Fifth Assembly dated September 19th, 1924, the Committee on Intellectual Co-operation, which seems to deserve special mention in this case, and the Technical Organisations of the League of Nations.

One other point. Several speakers in the Committee laid stress on the absolute necessity of avoiding overlapping with the work of other institutions already in existence, those which resulted from Governmental initiative. This, I think, is all I need to say in commending to your favourable acceptance this scheme, in which I have the utmost confidence and regarding which I would like to express my warm gratitude to the Italian Government. (*Applause.*)

The President :

Translation : M. Leopoldo Palacios, delegate of Spain, will address the Assembly.

M. Leopoldo Palacios (Spain) :

Translation : Mr. President, ladies and gentlemen—The example set by immortal France has been followed by glorious Italy.

Believing that it is the traditional duty of France to work on behalf of peace, the French Government came to the conclusion that nothing can be done

unless the conscience of mankind is won for peace. For this reason it has done its utmost to encourage the work of the Committee on Intellectual Co-operation, the Chairman of which is the distinguished philosopher, Professor Bergson.

The French Government, however, resolved to accomplish something more than its duty, and intends to found an institute at Paris under the control of the League of Nations. We do not know whether all the misunderstandings that have arisen in this connection have yet been completely removed, but in any case we may be sure that they shortly will be. Quite apart from any other reasons, it is sufficient to remember that certain peoples, by working on individualistic and even sometimes purely egoistical lines, have produced results of inestimable value to the whole world, because these peoples embodied the very essence of the spirit of universality. Thus when Rome built up an egoistic code of law, which was simply an expression of her own private interests, she created the most universal code that the world has seen, even though it was based on her own most personal and intimate traditions. The same applies to France in most of the periods of her history. In her case the *empirical* has always assumed the characteristics of the *rational*.

And now close upon the generous action of France has followed that of Italy. These two sister Latin countries, cordially working together in the cause of peace, are offering new institutions to the world.

If any misunderstanding has arisen concerning Italy's generous offer in regard to the unification of international private law, a domain in which there is great diversity and much confusion, this misunderstanding should be immediately dispelled by the reflection that the *private* characteristics of international law do not deprive this branch of jurisprudence of its *public* character. In international law disputes are constantly arising regarding competence, jurisdiction, sovereignty, and so on, all of which are public questions.

The noble example set by these two States therefore deserves to be followed by all other nations.

Spain, therefore, who has achieved so much in the field of intellectual co-operation—she has submitted an important proposal in this matter to the League of Nations—who sends her youth to study abroad and invites professors from universities all over the world to come to her and bring her the fruits of their knowledge, and who holds interchanges with France, Europe and America, rejoices at the generous gifts made by France and Italy. She congratulates the two sister nations and she congratulates the League on the valuable assistance that these institutions, which have been so gratefully accepted, will afford on behalf of universal peace.

The President :

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

M. Andreades (Greece) :

Translation : Mr. President, ladies and gentlemen—Professor Seferiades has already, on behalf of the Greek delegation, paid a tribute to the generous offer of the Italian Government, and has reminded you of the associations that existed in the field of law between ancient Greece and Rome.

I can think of no historical fact that could be more appropriately cited at the present moment. Recent research, and in particular the research in the field of papyrology, has shown that the legislative work of Justinian consisted chiefly in the unification of Roman private law with the private law in force in the Greek cities and kingdoms of the East. This is a precedent of good omen,

for the work of unification connected with the name of Tribonianus has spread throughout the whole world.

I have not, however, come here to repeat what my colleague M. Seferiades has said, but to call your attention to two other facts.

I wish first to pay a tribute—for we have, I think, so far failed to pay an adequate tribute—to one of the most distinguished members of our Assembly, Professor Scialoja. (*Applause.*)

Professor Scialoja, who is heir to a name that is famed throughout Europe in the field of economics, has made that name celebrated throughout the world in the realm of jurisprudence.

His work is known to all the world, but—and this is what more particularly interests us here—I understand that it is to him that is due the initiative for the original proposals regarding the unification of private law made by the Italian Government as early as 1919.

At that time, when the Armistice had only just been signed, two committees for the unification of law were set up on the proposal of the Italian Government. One of these sat at Rome and the other at Paris, and Greece was represented by one of my colleagues, Professor Triondafilopoulos. These committees have achieved much valuable work, for a bill for the unification of civil contract law has been prepared and will, I understand, shortly be voted by the Italian Parliament.

The second matter to which I would call your attention is the following. M. Henry de Jouvenel gave us a lucid explanation of the reasons why the unification of private law is a highly desirable measure, and showed how urgently necessary it is to abolish differences of custom and tradition which are due to differences of law.

If, however, there are certain wide differences in the private law of the various nations, this is entirely due to the fact that these differences correspond to deep-lying differences in economic conditions and national character.

We are, therefore, face to face with a highly desirable, if extremely difficult, undertaking, which can only be properly conducted by an Institute similar to that which it is proposed to set up. By means of the proposed International Institute the undertaking will, I am sure, be brought to a successful conclusion.

Accordingly, the Assembly which offered its grateful thanks to France last week, should now offer its no less grateful thanks to Italy. (*Applause.*)

The President :

Translation : Does anyone else wish to speak ?

The discussion is closed.

I will now read the draft resolution :

The Assembly of the League of Nations expresses its deepest gratitude to the Italian Government for its generous offer to found an International Institute for the Unification or the Assimilation and Co-ordination of Private Law, under the direction of the League of Nations.

The Assembly, recalling the terms of its resolution dated September 23rd, 1924, with regard to the International Institute for Intellectual Co-operation, invites the Council to accept this offer, in the name of the League of Nations, and, being desirous of emphasizing the international character which this Institute should possess, both as regards the programme of its work and the choice of its staff, in accordance with the intention of the Italian Government :

(a) Resolves that the powers and duties of the new Institute and the constitution of its Governing

Body and Committee of Directors shall be defined by the Council of the League of Nations in agreement with the Italian Government ;

(b) *Invites the Council of the League of Nations, after consultation with the competent organs (including the Committee of Experts contemplated in the resolution of the Fifth Assembly dated September 19th, 1924, the Committee on Intellectual Co-operation and the Technical Organisations of the League of Nations), to conclude with the Italian Government all agreements necessary to ensure the establishment, continuity and proper working of the Institute. In accordance with the desire of the Italian Government, the general principles to be embodied in such agreements shall be analogous to those laid down in connection with the International Institute for Intellectual Co-operation which is to be established in Paris.*

Care shall be taken, by means of consultation, to avoid all overlapping.

If no one has any objection, I shall consider the draft resolution unanimously adopted.

The resolution was unanimously adopted.

96. — PENSIONS FOR THE PERSONNEL OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE : APPROVAL OF THE REGULATIONS PROPOSED BY THE FOURTH COMMITTEE.

The President :

Translation : The next item on the agenda is the report by the Fourth Committee on the Pensions for the Personnel of the Permanent Court of International Justice.

The draft regulations concerning the pensions have been distributed to you, but the Committee's conclusions have not been printed, and the Rapporteur will make a statement on them.

I call upon M. Zumeta, Vice-Chairman of the Fourth Committee, and M. Barboza-Carneiro, Rapporteur, to take their places on the platform.

(M. Zumeta and M. Barboza-Carneiro took their places on the platform.)

The President :

Translation : The Rapporteur will address the Assembly.

M. Barboza-Carneiro (Brazil) :

Translation : Mr. President, ladies and gentlemen—The last paragraph of Article 32 of the Statute of the Permanent Court of International Justice stipulates that :

“The Assembly of the League of Nations shall lay down, on the proposal of the Council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the Court.”

A decision which is to a certain extent relevant to this paragraph has already been taken ; on September 28th, 1923, the Fourth Assembly decided that the personnel of the Court, with the exception of the Registrar, should come under the terms of the Provident Fund established for the officials of the League.

On July 7th, 1923, the Council instructed the Supervisory Commission to prepare draft regulations regarding pensions for that part of the personnel of the Court which does not enjoy the benefits of the Provident Fund.

The Supervisory Commission submitted to the Council admirably drafted regulations which provide a just and practical solution for the problem (Document A. 38. 1924. X).

The question was put before the Fourth Committee, which appointed a Sub-Committee to study it in detail. In the light of this Sub-Committee's report the Fourth Committee decided to modify certain parts of the Supervisory Commission's draft. After a very careful examination of the question, the Fourth Committee has approved the draft regulations which I have the honour to submit to you.

The purport of these regulations is as follows :

There is a preamble which states that the proposed scheme applies only to the ordinary judges and the Registrar. Although deputy-judges are, of course, members of the Court, the Fourth Committee does not consider that they fulfil the conditions required to obtain pensions. In this, indeed, it concurs with the Supervisory Commission's view. The granting of a pension to an ordinary judge is justified on the ground that in order to become a member of the Court he has abandoned his former career and former possibility of earning income or of advancement. This reason does not apply to the deputy-judges, who are not subject to the strict rules of incompatibility which apply to the ordinary judges under Articles 16 and 17 of the Statute of the Court.

The Supervisory Commission left it to the Assembly to decide whether the Registrar should be included among the persons entitled to pensions. This point was submitted to the First Committee for an advisory opinion, and in view of the Committee's affirmative reply we propose that the Registrar should receive a pension.

Article 1 lays down the qualifications for a pension. In the case of resignation, judges will not be entitled to pensions unless they have completed five years service, or, in the case of the Registrar, seven years. The payment of a pension will not begin until the person entitled to it has reached the age of 65. Exceptions are allowed in two cases : first, a pension may be granted before five years in the case of judges and before seven in the case of the Registrar in consideration of the state of health or the means of the beneficiary ; and, secondly, it may be granted before the age of sixty-five, but only for the same reasons. In both cases a special decision of the Court will always be necessary.

Article 2 fixes the maximum amount of the pension. This maximum is 15,000 Dutch florins for judges and 10,000 Dutch florins for the Registrar. The maximum pension does not become due in the case of judges until after fourteen years' service, and in the case of the Registrar, sixteen years' service. A judge who has been President of the Court for one period will obtain the maximum pension after twelve years' service ; if he is President for two periods, that is to say, for six years, he reaches the maximum after eleven years. If he is President for nine years, he will be entitled to the maximum after ten years. Thus, even in the most favourable circumstances, a judge cannot obtain the maximum pension unless he has been re-elected a member of the Court.

Article 3 lays down the method of calculating the pension. The system is very simple. Judges are entitled to the payment of a pension equivalent to one-thirtieth of their salary and the Registrar to a pension equivalent to one-fortieth of his salary in respect of each period of twelve months' service. Judges' salaries are taken to comprise a fixed sum, plus all daily duty allowances to which they are entitled. Just as a maximum pension was fixed in Article 2, it was held that a minimum must also

be fixed, and Article 3 lays down that the minimum number of days taken for the purpose of calculating the minimum pension shall be 180 for each period of twelve months. The regulations which I have the honour to submit to you thus provide that judges will receive a minimum pension of 9,900 florins after nine years' service. In case of retirement after five years' service, the minimum pension will be 5,500 florins.

This article also deals with the case of a person who is entitled to a pension but is re-elected to office. The pension will cease to be payable during his new term of office; at the end of this period, however, the amount of his pension will be determined as provided for, on the basis of the total period during which he discharged his duties.

Article 4 fixes the period for the payment of pensions.

Article 5 lays down that pensions will be regarded as coming under the "Expenses of the Court", within the meaning of Article 33 of the Statute.

Lastly, Article 6 lays down the conditions under which the regulations may be amended. It safeguards the rights of persons elected before an amendment is adopted.

Such are, in brief, the regulations which we have the honour to submit to you regarding the granting of retiring pensions to judges and to the Registrar of the Permanent Court of International Justice.

By adopting these regulations you will place the coping-stone upon the work of your predecessors of the 1923 Assembly. You will have fulfilled a solemn engagement entered into by the First Assembly; and you will enable these high functionaries and their chief auxiliary to retire free from all material cares. (*Applause.*)

The Fourth Committee has not forgotten that it is its duty to see that the budget of the League is not overburdened with expenses which are not absolutely essential to the interests of the League as a whole. The scheme submitted to you, while providing the judges with a pension worthy of their high position, is not in any way extravagant, and was not adopted by the Fourth Committee until after full and exhaustive discussion.

I therefore venture to ask you to accept the Fourth Committee's decisions. (*Applause.*)

The President :

Translation : There are no more speakers on my list.

The Rapporteur has explained the draft regulations which were distributed some days ago. These regulations have been unanimously adopted by the Fourth Committee and were not disputed. You will agree, I hope, that they should be adopted, not article by article, but as a whole.

If there is no objection, I shall consider this procedure as approved.

The regulations read as follows :

"For the purpose of Article 32, paragraph 7, of the Statute of the Court, the personnel of the Court shall be taken to comprise judges, the Registrar and the officials of the Registry.

"As the officials of the Registry participate in the benefits of the League of Nations Provident Fund, the present regulations deal only with the ordinary judges and the Registrar."

Article 1.

Ordinary judges and registrars who have, for any reason whatever, ceased to hold office shall be entitled to retiring pensions.

This right, however, shall not be recognised if the persons concerned have been dismissed for reasons other than the state of their health.

In the case of resignation, judges will not be entitled to pensions unless they have completed a period of five years' service, and the Registrar shall not be entitled to a pension unless he has completed a period of seven years' service.

Nevertheless, in the cases referred to in the previous paragraph, the Court may, by a special decision based on the fact that the persons concerned are in a precarious state of health and have insufficient means, grant the minimum pension to which such persons would be entitled, after five years' service in the case of judges, and after seven years' service in the case of the Registrar.

The payment of a pension shall not begin until the person entitled to such pension has reached the age of 65. Nevertheless, in exceptional cases and by a special decision of the Court, in consideration of the state of health or the means of the beneficiary, pensions may be paid to such beneficiary before he reaches the age of 65.

Article 2.

No retiring pension payable under the present regulations shall exceed 15,000 Dutch florins in the case of judges and 10,000 Dutch florins in the case of the Registrar.

Article 3.

Subject to the provisions of Article 2, judges shall be entitled to the payment of a pension equivalent to one-thirtieth of their salary in respect of each period of twelve months passed in the service of the Court, the salary being taken to comprise the following :

(1) Fixed annual salary ;

(2) The whole of the daily duty allowances, the minimum number of days taken for the purpose of this calculation being 180; the duty allowance of the President of the Court shall be reckoned as being 35,000 florins per year.

In calculating the salary, no account shall be taken of sums received as subsistence allowance.

A Registrar shall be entitled to the payment of a pension equivalent to one-fortieth of his salary in respect of each period of twelve months passed in the service of the Court.

If a person entitled to a pension is re-elected to office, the pension shall cease to be payable during his new term of office: at the end of this period, however, the amount of his pension shall be determined as provided for above, on the basis of the total period during which he discharged his duties.

Article 4.

Subject to the provisions of Article 3, retiring pensions shall be payable monthly in arrears during the life-time of the beneficiary.

Article 5.

Retiring pensions shall be regarded as coming under the "Expenses of the Court", within the meaning of Article 33 of the Statute of the Court.

Article 6.

The Assembly of the League of Nations may, on the proposal of the Council, amend the present regulations.

Nevertheless, any amendment so made shall not apply to persons elected before the amendment in question was adopted, unless they give their consent thereto.

If no one wishes to speak I will consider the regulations adopted.

The regulations were unanimously adopted.

The Assembly rose at noon.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-FIFTH PLENARY MEETING

WEDNESDAY, OCTOBER 1st, 1924, AT 10.30 A.M.

CONTENTS:

97. ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS ; PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES :

Report of the First and Third Committees.

President : M. MOTTA

97. — ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS : PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES : REPORTS OF THE FIRST AND THIRD COMMITTEES.

The President :

Translation : Ladies and gentlemen—This morning the Assembly will discuss the most important question on the agenda of this session, that concerning arbitration, security and the reduction of armaments, on which the First and Third Committees were instructed to report to us.

The Chairman of the First Committee is Sir Littleton Groom. The Third Committee elected as Chairman M. Duca, but his place was afterwards taken by the Vice-Chairman, M. Politis.

The Rapporteurs are M. Politis for the First Committee and M. Benes for the Third Committee.

I will ask Sir Littleton Groom, M. Benes and M. Politis to take their places on the platform.

(Sir Littleton Groom, Chairman of the First Committee, M. Politis, Chairman of the Third Committee and Rapporteur of the First Committee, and M. Benes, Rapporteur of the Third Committee, took their places on the platform amidst the prolonged applause of the Assembly.)

The President :

Translation : M. Politis, Rapporteur of the First Committee, will address the Assembly. (*Loud applause.*)

M. Politis (Greece), Rapporteur :

Translation : Mr. President, ladies and gentlemen—My distinguished colleague, M. Benes, and myself are here to-day to report on the work of the First and Third Committees. In your resolution of September 6th you instructed those Committees to study the first two factors in the great problem which the Fifth Assembly was called upon to study, arbitration, security and the reduction of armaments.

We appear upon this platform together, because you associated your two Committees in a common task. We have therefore submitted to you a joint report and we will in turn give you at this meeting the additional explanations which will, we hope, gain your unanimous approval of the work that we have done.

I propose to put before you as briefly as possible the conclusions which were reached by the First Committee.

The resolution of September 6th instructed us to examine the two following questions: First, to consider, in view of possible amendments, the articles in the Covenant relating to the peaceful settlement of international disputes and, secondly, to examine the terms of Article 36, paragraph 2, of the Statute establishing the Permanent Court of International Justice and to define them more precisely in order to facilitate the more general acceptance of the clause by all States.

I will begin with the second point, which requires less explanation. Article 36, paragraph 2, of the Statute of the Court provides States which, in principle, could only recognise the jurisdiction of the Court as optional, with an opportunity of accepting it as compulsory in some or all of the classes of disputes enumerated in Article 13 of the Covenant.

Up to the present only a few States have adhered to the special Protocol opened in virtue of Article 36, paragraph 2, of the Statute of the Court, because the majority did not see their way to accept compulsory jurisdiction in all the cases comprised in the classes of dispute referred to, and also because they were not sure whether, in accepting, they could make the reservations which they consider indispensable.

Careful examination of Article 36 showed that the elasticity of its terms was such as to admit of a large number of reservations and that States having serious reasons for refusing compulsory arbitration in certain special eventualities are able to do so by means of a formal reservation. Upon these grounds, therefore, we have considered it possible to insert a clause in the Protocol inviting the States to undertake to accept within the month following the entry into force of the Protocol the compulsory jurisdiction of the Permanent Court of International Justice in some or all of the classes of dispute covered by Article 13 of the Covenant, subject to reservations which will, we hope, be confined to what is strictly necessary.

Pending the coming into force of the Protocol States will retain the right conferred upon them by Article 36 of adhering to it on their own initiative, optionally and subject to reservations, and we propose that you should recommend them to adhere to Article 36 even before the Protocol has come into force and consequently before the obligation to sign the Article has thereby devolved upon them.

It should not be too hastily concluded that the recognition of the right to adhere to Article 36 with reservations is likely to diminish unduly the range of the compulsory jurisdiction of the Court. We are entitled to hope that countries adhering to Article 36 will exercise great circumspection in regard to the reservations they make; it may even be hoped that many of them will be willing to adhere without any reservation other than that of reciprocity. (*Applause.*)

In any case, whatever the sum total of the reservations made by the States adhering to the special Protocol of Article 36, a great advance will have been made which until quite recently appeared impracticable.

So much for the first point submitted to the First Committee for consideration. I now come to the second, which is much more important and which calls for somewhat fuller explanation.

Your First Committee was asked to examine the system set up by the Covenant for the settlement of international disputes, in order to see what improvements or additions could be made with a view to extending the application of pacific procedure to all international disputes without exception.

You are all familiar with the system set up by the Covenant. I need only summarise it very briefly.

Article 12 of the Covenant imposes on the Members of the League the general obligation of submitting any disputes which may arise either to arbitration or to enquiry by the Council. Arbitration, therefore, remains optional, but if the parties do not agree to have recourse to arbitration they are obliged to appear before the Council. The Council makes an enquiry into the case, and the dispute is only definitely settled if the Council is unanimous in recommending a solution. A unanimous recommendation by the Council is binding, and a country having resort to war against a State which complies with such a recommendation is regarded as violating the

Covenant and incurs the sanctions provided in Article 16.

Such, briefly, is the system established by the Covenant. Its imperfections and omissions are self-evident. These imperfections and omissions we have endeavoured to remove and we firmly believe that we have succeeded.

In the Protocol which we submit for your approval a system has been organised which is applicable to all international disputes without exception. It lays down a certain number of rules which will be compulsorily applied as between States which sign the Protocol.

To begin with, the system will be a two-fold one; there will be the system of the Covenant, which will be applicable between the States Members of the League, and the special system of the Protocol, which will be applicable between the States who have accepted this diplomatic instrument.

There will not, however, always be two systems. It is proposed that the main provisions of the Protocol should sooner or later be converted into amendments to the Covenant according to the normal procedure of revision laid down in Article 26.

One of our resolutions invites the Assembly to request the Council to appoint a special Committee to draft the amendments to the Covenant contemplated by the terms of the Protocol, which will then be submitted for final approval to the next Assembly.

At the root of all the rules contained in the Protocol there is the general principle that, henceforward, wars of aggression are condemned. Henceforward, no war of aggression will be tolerated; only acts of legitimate defence or acts undertaken on behalf of or with the authorisation of the community of the signatory States will be allowed, and every private war, every war of aggression, will not only be condemned and regarded as an international crime, but will be attended by sanctions and accompanied by the necessary penalties to prevent it, and, in case of need, to suppress it.

In order to secure this result, the Protocol establishes a series of procedures covering every kind of dispute and which, in all cases, result in a definite decision.

This is how the system works. Suppose that under Article 15 of the Covenant a dispute which it has proved impossible to settle by judicial means or by arbitration comes before the Council, the Council fails to reconcile the parties, and the latter do not agree, despite a last urgent appeal, to have recourse to optional arbitration. Arbitration then becomes compulsory on the following terms:

Arbitration becomes compulsory first of all if one of the parties demands it. If the parties fail to agree upon the constitution and powers of the arbitrators and upon the procedure, the Council will be called upon to undertake this. Such is the first case of compulsory arbitration provided for in the Protocol.

If either party applies for arbitration, the Council will consider the substance of the dispute and pronounce a decision. This decision can only be taken if the Council is unanimous. It will be binding upon the parties and is attended with sanctions.

If the Council is not unanimous as to the solution to be imposed upon the parties, the dispute will automatically be submitted to arbitration—the second case of compulsory arbitration—the organisation of which is left entirely in the hands of the Council.

You will notice that under the system provided in the Protocol a final and binding settlement is certain to be reached in all disputes either under

the first case of arbitration, if requested by either party or by a unanimous decision of the Council, or under the second case of arbitration, which follows automatically if the Council is not unanimous.

It has been possible to give such wide range to the principle of compulsory arbitration owing to the fact that the Protocol has removed an obstacle which had hitherto prevented the extension of this principle.

At the Assembly meeting on September 6th, I had the honour of pointing out that, whereas with optional arbitration guarantees were needless, with compulsory arbitration they were indispensable.

It is only because we have succeeded in surrounding it in all cases with effective sanctions that we have been able to provide for compulsory arbitration in the cases I have just indicated.

The sanctions enforcing arbitration and, in general, the final decision by which every dispute will henceforth be settled, will vary according to the extent of the resistance offered to the execution of that decision.

If the resistance is purely passive, the sanction will take one of the following two forms. In the first instance, the Council will bring pressure to bear and will use all the weight of its authority to induce the recalcitrant parties to submit to the decision. If this peaceful pressure has no effect, the Protocol recalls the fact that under Article 13 of the Covenant the Council has the necessary resources and powers to enforce the decision. The Council will take measures appropriate to the circumstances—usually economic measures.

If the recalcitrant party offers stronger resistance, and if instead of remaining purely passive it has resort to force and so endangers international peace, more drastic sanctions will be applied, namely, those provided for in Article 16 of the Covenant as interpreted and amplified in the Protocol; these sanctions are not merely economic but also military.

Such are the various sanctions which will ensure that in every case the final decision, once it has been pronounced, will be treated with the respect due to the pacific settlement of a dispute.

The application of this system is automatic and compulsory as between the signatories of the Protocol. Its application is optional as between Members of the League, should some of the parties to the dispute be signatories and others not signatories.

In such an event the State Member of the League which is not a signatory of the Protocol will be invited to accept the pacific procedure provided in the Protocol. If, however, this Member refuses, it cannot be compelled to accept this procedure, and there will be no alternative but to apply the system provided in the Covenant.

The system will apply strictly to States which are neither signatories of the Protocol nor Members of the League. As regards relations between signatories and non-signatories, the Protocol adapts the rules provided in Article 17 of the Covenant. The non-signatory will be invited to conform to the pacific procedure of the Protocol. If it refuses and has recourse to war, the sanctions of Article 16 of the Covenant, as interpreted and amplified by the provisions of the Protocol, will be applied to it.

The application of this system does not in any way affect the powers of the Council or of the Assembly. Should the Assembly be in a position to intervene in the settlement of disputes under the terms of Article 15 of the Covenant, it will retain its full powers. It can undertake an enquiry

into a dispute and can recommend a solution, which, if it fulfils the requisite conditions laid down in that Article, will be as final and as binding as a unanimous decision by the Council.

It has, however, been thought necessary to leave it exclusively to the Council to take such purely executive action as may be necessary in the course of pacific procedure, such as the appointment of arbitrators, consultation of the Permanent Court of International Justice and so forth, as the Council is much better qualified than the Assembly to take action of this kind. The general principle of the competence of the Assembly as laid down in Article 15 of the Covenant is, however, retained under the system laid down in the Protocol.

For the purpose of the practical application to all international disputes of the system we have elaborated, we were obliged to take into account the diverse exigencies of international politics and to make the system sufficiently elastic to be adaptable in all circumstances. We have accordingly allowed for a certain number of exceptions.

The Protocol will not apply to the following categories of disputes: disputes arising out of a unanimous recommendation taken by the Council prior to the coming into force of the Protocol and accepted by a least one of the parties; disputes arising out of acts of violence committed in the name or with the authorisation of the League; and disputes which relate to treaties in force and which seek to jeopardise the existing territorial integrity of States.

The Committee decided that it was quite useless to make explicit mention in the Protocol of the third category, as it was obvious that the pacific procedure laid down in the Protocol would not apply in a case of this kind; the procedure in such cases will be the special procedure stipulated in Article 19 of the Covenant for the reconsideration of treaties and the consideration of international conditions.

There is, finally, another category which does not fall within the terms of application of the Protocol, namely, the cases referred to in Article, 15 paragraph 8, of the Covenant.

This clause provides for the protection of national sovereignty. It prescribes that, if in proceedings before the Council one of the parties to the dispute claims that the question is solely within its domestic jurisdiction, and if the Council unanimously recognises that the claim is justified, the latter must stop the proceedings and must restrict itself to recording the fact without making any recommendation to the parties.

This constitutes what I may call a preliminary question, which must be answered first and which, if answered in the affirmative, will preclude the examination of the substance of the dispute for the reason that such examination is barred under international law.

The Protocol, of course, maintains this rule for the protection of national sovereignty. To avoid any possible ambiguity we decided to mention the fact explicitly in the case of disputes submitted to the Council. We considered it only logical, therefore, that the same rule should apply to the case of disputes submitted to arbitrators.

Should one party claim in proceedings before the arbitrators that the question is solely within its domestic jurisdiction, the arbitrators must, like the Council, restrict themselves to ascertaining whether the claim is correct and must refrain from further action, that is to say, from examining the substance of the matter.

In the case of arbitration procedure, however, we held that, as the disputes in question were of a legal nature, it was desirable that the Permanent Court of International Justice should be consulted

compulsorily, and that its opinion in the matter should be binding on the arbitrators—that is to say, if the Court pronounced the question to be really within the domestic jurisdiction of one of the parties, the arbitrators would be bound to confine themselves to recording the fact in their award without examining the substance of the matter.

While, however, the Committee considered it essential that the rule contained in Article 15, paragraph 8, of the Covenant should be explicitly referred to in the case of procedure before the Council and adapted to the case of procedure before the arbitrators, we also thought it necessary, in order to make its application more flexible, to make a reference to an important provision of the Covenant, that contained in Article 11, under the terms of which, in the event of war or a threat of war, the Council will, on the request of any interested party, meet forthwith and consider the best means for safeguarding the peace of the world.

Article 11 is referred to in the Protocol in order, as I said just now, to render Article 15, paragraph 8, somewhat more flexible in application.

It is thus agreed that, when the Council or the arbitrators have decided that a question comes solely within the jurisdiction of a State, any interested party will have full and unrestricted right to apply for the intervention of the Council or the Assembly under the terms of Article 11 of the Covenant.

It is further agreed that the reference to Article 11 does not in any way modify the situation contemplated in the Covenant. There is no intention of increasing the powers of the Council or the Assembly in any way whatsoever in cases of this nature. These bodies can only give opinions which will in no way be binding upon the parties. The settlement recommended by the Council will only become binding subject to the consent of both parties.

Lastly, it is agreed that the final resort to conciliation contemplated in Article 11 will only be applicable in cases where the substance of the dispute has not been examined. In all cases, however, in which a final decision has been taken upon the substance of the dispute, whether by the Council, by the Court or by arbitrators, Article 11 is inapplicable.

Only one more stone was wanting to complete the structure which we had attempted to build. The Protocol condemns wars of aggression and offers all parties in all cases a pacific procedure involving a final and binding decision which is enforced by sanctions. With a view to the immediate and infallible application of these sanctions, we had to decide which was the State originally responsible for a war of aggression—in other terms, to define and determine the aggressor in each case.

This definition is an easy matter and we found it without difficulty.

It is sufficient to say that any State is the aggressor which resorts to war in violation of the engagement contracted by it either under the Covenant or under the Protocol. It is, however, extremely difficult to apply this definition in each particular case. Once war has broken out, once hostilities have commenced, the question of determining which side began them is a question of fact concerning which opinions may differ.

The first idea which occurred to the members of the Committee was to make it the duty of the Council to determine who was the aggressor in each case, but it was soon realised that intervention by the Council would be attended by many disadvantages, whether that body were given the right to take decisions unanimously or by a majority.

The Committee accordingly attempted to devise an automatic procedure which would obviate any discussion whatever and would make it possible to determine forthwith, by a combination of various external criteria, which was the State originally responsible for a war of aggression. We believe that we have found a solution by means of a system of "presumption".

Our proposal is that you should say that there is a presumption, which shall hold good until the contrary has been established by a unanimous decision of the Council and which arises in a series of hypotheses, the importance of which I commend to your most particular attention.

These hypotheses are three. The first is that of a State which resorts to war after refusing arbitration or refusing to submit to the decision by which the dispute was finally settled. The next hypothesis is that of a State which resorts to war in violation of the provisional measures enjoined by the Council during proceedings for a pacific settlement. The third and last hypothesis is that of a State resorting to war in disregard of a decision recognising that the question in dispute is exclusively within the domestic jurisdiction of the other party, or by failure to employ the last chance of conciliation offered in Article 11 of the Covenant.

It will be noticed that there is an essential difference between the first two and the third hypotheses. Whereas in the first two a presumption of aggression exists if the state of war is accompanied merely by a single condition, in the third hypothesis two conditions are required, first, that a State has disobeyed a decision which recognises that the question is solely within the domestic jurisdiction of another State and, secondly, wilful failure to take advantage of the special provision contained in Article 11 of the Covenant.

This difference is due to the consideration that in the matter of defining aggression it is necessary to render Article 15, paragraph 8, of the Covenant more flexible by showing a State which has been non-suited that it still has, in Article 11 of the Covenant, a last resource for obtaining conciliation. We had therefore to find some means of reconciling the article in the Protocol which contemplates the application of Article 15, paragraph 8, of the Covenant with that which I am now analysing in the matter of aggression.

We considered that it was only just that a State, which was prevented under the terms of Article 15, paragraph 8, of the Covenant, from having the substance of a dispute discussed, should be given a last chance of conciliation before it was abandoned to itself and so driven to make war on the country which had reserved the question as being within its domestic jurisdiction.

I must ask your careful attention to the intricate machinery which I have just described. Should both conditions exist in a single case, there is presumption of aggression. Should both conditions not exist in a single case, war is still forbidden—this rule is by no means abolished. A war undertaken by a country which, having exhausted all available remedies, in the last resort infringes a decision by which the question in dispute was recognised as falling exclusively within the domestic jurisdiction of its adversary—such a war is still forbidden; if undertaken, it will bring into play the sanctions which I mentioned a few moments ago. The only difference is that when the two conditions regarding an act of aggression exist in a single case, there is presumption of aggression. If they do not both exist, there is no such presumption and the aggressor must be determined in accordance with a procedure which will be valid for all cases in which there is no presumption.

What is this procedure ? In cases in which there is no presumption of aggression, the duty of determining the aggressor has to be left to the Council.

If the Council decides unanimously as to the aggressor, there is no difficulty. If the Council is not unanimous, the Protocol, in order to obviate the possibility of a deadlock, proposes that the Council should be bound to enjoin an armistice upon the belligerents and that it should fix the conditions of the armistice by a two-thirds majority, not including the votes of the parties concerned—according to the general rule contained in Article 15 of the Covenant and referred to at the end of Article 16.

The State which violated the armistice or rejected the conditions would automatically be treated as the aggressor.

The sanctions contained in Article 16 will immediately become operative once aggression has been established either by presumption or by a unanimous decision of the Council, or as the result of rejection or violation of the armistice. The only action to be taken by the Council—this is a duty which is enjoined upon the Council and which it cannot conceivably fail so discharge—is that of reminding the signatory States that it is their duty forthwith to apply against the State thus declared the aggressor the sanctions contained in Article 16 of the Covenant as interpreted by the special provisions of the Protocol. In order to leave no room for doubt it, has been formally laid down that States, which at the invitation of the Council and in execution of their international obligations apply sanctions against the aggressor, should, if and in so far as they are authorised to use force, be regarded as belligerents and should benefit by the prerogatives attaching to their status as such.

I have given you a brief survey of the Committee's work. It provides, we are convinced, a complete system which will henceforth guarantee the maintenance of peace to those States which sign the Protocol.

An important advantage inherent in this system is, first, that States who might be tempted to have resort to war will fear the sanctions which will be immediately applied against them. This deterrent effect of the Protocol will, I am sure, prove most efficacious in practice and will in itself prevent many wars. And even if that were not the case, if a State possessed by the evil spirit of war did not fear the sanctions but had recourse to force, its action would be considered an international crime and would immediately be exposed to the collective punishment of the States signatory to the Protocol.

I repeat that those States which sign the Protocol may henceforth be considered as holding a guarantee of peace. War will be either averted or suppressed. A State which is threatened with aggression will, in the great majority of cases, be safeguarded. And if war were unhappily declared against it, it would have the certainty, as the statement on the work of the Third Committee will shortly show you, that it would be surrounded by every possible security that could induce its adversary to come to terms at the earliest possible moment.

Nevertheless, although our system thus affords an immediate guarantee of peace, it does not yet fulfil every requirement as regards justice. It marks a first step in that direction. It certainly checks wars, it strives by indirect means to prevent them, but it cannot claim to be certain of success in preventing all wars.

The essential reason for this powerlessness, which we could do nothing to remedy, is that for a long time to come there will continue to exist

general causes of war not arising out of questions of law. These causes will continue to exist, because there are certain disputes which cannot yet be settled by the application of rules of law. There will be no infallible safeguard against an outbreak of war until the law has been further developed, until rules have been laid down to cover every situation which may arise, until we can be sure that all disputes can be settled not only in a peaceful but also in a juridical manner.

The League of Nations is now entering upon a new phase. It has given the nations a guarantee of peace ; it must now give them justice.

In dealing with the difficulties which we had to surmount at the close of our work we were all, lawyers and statesmen alike, fully awake to the dangers to which peace was exposed as a result of the deficiencies of international law, and we realise that if our work is to be complete, if we desire that it should give the nations justice as well as peace, we must soon endeavour to determine how we can remedy these deficiencies in the law.

Now that our work has come to an end, we realise that, if we wish to keep peace ever with us, we must not expect her to live long alone. There must dwell beside her, her beloved sister—justice. (*Loud, unanimous and prolonged applause.*)

The President :

Translation : M. Benes, Rapporteur of the Third Committee, will address the Assembly. (*Loud applause.*)

M. Benes (Czechoslovakia), Rapporteur :

Translation : Mr. Chairman, ladies and gentlemen—M. Politis, Rapporteur of the First Committee, has explained to the Assembly with his usual clearness and lucidity and with admirable eloquence the whole machinery of the system of arbitration embodied in our Protocol. My task consists in drawing your attention to the salient characteristics of the articles of the Protocol connected with the two other main ideas which underlie it; security and the reduction of armaments.

I do not intend to repeat before this Assembly all that I said at the Third Committee nor what I have written in the report before you. These commentaries are extremely important. They throw light on and complete the text of the articles of the Protocol and they should be read and studied thoroughly, because they indicate the spirit in which the Protocol is to be applied.

I will give you instead a short summary of what we have done in the Third Committee and, without entering into details, I will show you what are the essential problems which we have studied and on which we have taken our decisions.

The First Committee has instituted a system of peaceful settlement of disputes and has devised the methods and machinery to be used ; it has specially devoted its time to finding a means of determining clearly and quickly which State is the aggressor.

In other words, the first part of the Protocol is intended to obviate the possibility of a conflict. It works out the procedure to be followed in dealing with every dispute. Either it effects a peaceful settlement or, the conflict breaking out, it has to indicate the guilty party and decide which State is the aggressor.

The second part of the Protocol is a logical continuation of this constructive work; as soon as a conflict has broken out, and when once it is shown which State is the aggressor, the machinery of sanctions has to be set in motion. Accordingly, the second part of the Protocol deals with the working of the system of security and sanctions.

In this system of security and sanctions we have considered a certain number of questions of which I should like to give you a brief survey.

As soon as it has been decided which State is the aggressor, the system of sanctions becomes operative and has to be set in motion. The three following questions then immediately arise :

1. How is the system of sanctions to be set in motion ?
2. Of what nature are the sanctions that become operative ?
3. What is the scope of these sanctions ?

The replies to these three questions comprise the outstanding features of the whole system embodied in the Protocol and manifestly affect the vital problems in the policy of every Member of the League.

The setting in motion of the system of sanctions is closely connected with the definition and designation of the aggressor. When once the Council has decided which State is the aggressor, according to the system which M. Politis explained to you and which introduces into this machinery an automatic element leaving very little room for doubts or individual opinions on the question, it calls upon the States to apply sanctions forthwith against the aggressor.

There then arises the second question as to the nature of these sanctions. The Protocol says quite clearly in Article 11 that as soon as the Council has called upon the signatory States to apply sanctions, the obligations of all kinds they incur under Article 16, sub-paragraphs 1 and 2, immediately become operative in order that such sanctions may forthwith be employed against the aggressor. This means that economic and financial sanctions, as well as military, naval and air sanctions, must be applied if the occasion is considered to demand them.

If we compare the Protocol with the Covenant, we see that in the Protocol the problem of sanctions has been solved in a very clear, precise and decisive manner.

I will not go into the details, which I made sufficiently clear in the discussions before the Committee. I merely wish to indicate here the principle in its main outline without in the least modifying what I said in the commentary contained in my report.

I consider that the fact that these points are so clearly defined is a sure sign of great progress and that, if the rest of the system in our Protocol works as smoothly as we hope, we may consider the system of sanctions applied in this manner to be a really adequate one.

But there is one last question relating to sanctions: how far is each State obliged to apply sanctions? What forces should it place at the League's disposal to defend a State which is attacked? I think that Article 11 of the Protocol states this sufficiently clearly and explicitly: "These obligations shall be interpreted as obliging each of the signatory States to co-operate loyally and effectively in support of the Covenant of the League of Nations and in resistance to any act of aggression in the degree which its geographical position and its particular situation as regards armaments allow."

We therefore have a standard fixed for us: "loyally and effectively". This standard may not be a mathematically exact one, but it is all the same sufficiently definite to serve as a guarantee.

I am well aware that doubts might arise on this point. But do you not think, gentlemen, that when the system of arbitration is set in motion and acquires prestige, and when the signatory

States decide to take action against the aggressor, the force of international public opinion and their own moral sense, to say nothing of their own interests in putting an end as soon as possible to a dangerous dispute, will induce them to meet their obligations loyally and effectively? I personally am prepared to believe that they will do so.

I therefore consider the replies to these three disturbing questions concerning the application of sanctions to be satisfactory, provided, as I have already said, that the rest of the system works properly and is applied in good faith.

In my report I have explained the differences between the system of sanctions embodied in the Protocol and the system embodied in the Covenant. I will not return to that point, but it must be borne in mind, because we have made considerable progress.

I now pass to the second fundamental question dealt with in the Protocol.

In the system of security which we have developed in the Protocol, the Signatory States are concerned with the aggressor on the one hand and with the party attacked on the other. The system of sanctions of all kinds is applied against the aggressor; but we have not wished to establish a system of punishment alone: we have also wished to provide a definite scheme of assistance to the victim of the attack.

We have completed the system of sanctions against the aggressor by a system of economic and financial assistance to the State attacked, which would clearly render the system of sanctions doubly effective. The Protocol gives a sufficient account of the details of this assistance. I think I may confine myself to drawing your attention to this question, which in specific cases may have a decisive influence on the course of events.

The text of the passage in Article 11 of the Protocol dealing with the question of the assistance to be given to the State attacked sufficiently demonstrates the true significance of our proposal. It reads as follows :

"In accordance with paragraph 3 of Article 16 of the Covenant the signatory States give a joint and several undertaking to come to the assistance of the State attacked or threatened, and to give each other mutual support by means of facilities and reciprocal exchanges as regards the provision of raw materials and supplies of every kind, openings of credits, transport and transit, and for this purpose to take all measures in their power to preserve the safety of communications by land and by sea of the attacked or threatened State."

The third important point in our system consists, on the one hand, in the preparation and application of the sanctions and, on the other, in the preparation of economic and financial assistance. The constant inter-relation between these two aspects of security is one of the essential characteristics of the Protocol.

In view of the complexity of the conditions in which the system of sanctions and the system of economic and financial assistance might have to be applied, the necessary preparations should be made in advance. Accordingly, the Council, through its competent organs, will draw up, first, plans of action for the application of the economic and financial sanctions against an aggressor State and, secondly, plans of economic and financial co-operation between a State attacked and the different States assisting it.

In addition to these purely economic and financial preparations, we have provided for measures of a military character without at the same time transforming our system into a military machine. Hence, in Article 13, we have stipulated that "the Council shall be entitled to receive undertakings

from States, determining in advance the military, naval and air forces which they would be able to bring into action immediately to ensure the fulfilment of the obligations in regard to sanctions which result from the Covenant and the present Protocol".

In order to make the system complete, we have embodied in the Protocol provisions concerning special treaties as a means of carrying out obligations resulting from the Covenant and as an addition to the general guarantees provided for in the Protocol. From this point of view, separate treaties are embodied in our system as a species of military preparation similar to the economic and financial preparations provided for in the Protocol.

As you will observe, the scheme of sanctions constitutes a complete and comprehensive system of security; it unquestionably offers guarantees to that end, which are, I repeat, fully sufficient in themselves, if the rest of the system works smoothly and regularly.

As I desire to show the Assembly the working of the system laid down in the Protocol, I will not enter into questions which we have already debated time and again. I will not revert to the principle of the interdependence of arbitration, security and disarmament, as this has already been definitely approved and accepted by the Assembly. Nor will I refer again to the controversy on the subject of special treaties. The system of arbitration will remedy their chief defects, and as they will be incorporated in the system of obligations arising out of the Protocol, they will become servants of the good cause. I think therefore that we need never again discuss their legitimacy or expediency.

We have still to consider a fourth group of questions. The definition and determination of the aggressor is so difficult a problem that special methods have had to be evolved in order to facilitate the fixing of responsibility for aggression. Three special methods have been taken into consideration, namely :

1. The establishment of demilitarised zones, the violation of which can readily be determined and will therefore be regarded as equivalent to an act of aggression.

2. The adoption by the Council of so-called provisional measures, such as orders to withdraw troops, to declare an armistice, to stop movements of troops, and so on. In this way it will be relatively easy for the Council to determine the aggressor.

3. The provision of means for keeping a watch on preparation for war ; certain provisions of the Protocol are aimed not only at definite acts of aggression, but also at threats of aggression. In such cases the Council can bring into play the system of provisional measures accompanied by enquiries and investigations, and we shall thereby obtain sufficient security against States guilty of bad faith.

In addition to these three questions concerning the aggressor, there is a fourth, namely, the punishment of the aggressor. The penalties provided for in the Protocol do not include annexation of the aggressor's territory or curtailment of this political independence. He will be required to make economic and financial reparation up to the extreme limit of his capacity, not excluding measures of all kinds which will provide guarantees against further aggression.

I have still to deal with the last fundamental question in the Protocol: the reduction of armaments.

In view of the close interconnection between the three great problems before us—the pacific settlement of disputes, sanctions against disturbers of the peace of the world, and the reduction of arma-

ments—the Protocol itself provides for the summoning by the Council of a General Conference on the Reduction of Armaments and for the preparation of the work of this Conference. Moreover, the clauses regarding arbitration and sanctions do not come into force unless a plan for the reduction and limitation of armaments is adopted by that Conference.

Moreover, in order to preserve the connection between these three great problems, the Protocol is to become null and void if the plan adopted by the Conference is not carried out. This point will have to be determined by the Council according to conditions laid down by the Conference itself. We are all agreed that it would have been preferable to bring the system into operation more rapidly, but for a number of political reasons it is impossible to do so for the moment.

The last paragraph of Article 21 provides for the contingency of the Protocol partially lapsing after it has been put into force. Should the plan adopted by the Conference be regarded as having been put into effect, and should any State fail to carry it out in so far as it is concerned, that State would not benefit by the provisions of the Protocol.

But, just as we have established a special parallel between the principle of sanctions against the aggressor on the one hand and the principle of affording assistance to the victim of aggression on the other, we endeavoured, in accordance with the principle of the progressive reduction of armaments, to mark out a kind of parallel in drawing up the plan of disarmament, that is to say, to indicate briefly the conditions under which the reduction of armaments would be carried out. The reduction of armaments will be brought about principally through the general security resulting from the reduction of the danger of war—a consequence of the system of the compulsory pacific settlement of all disputes.

It will also be brought about by the fact that the State attacked can rely upon receiving economic and financial aid from all the signatory States.

Nevertheless, in the case of States which, owing to their geographical situation, are particularly exposed to acts of aggression, the dangers of a sudden attack are so great that they will not be able to base their scheme for the reduction of armaments solely upon these two political and economic factors.

Consequently, as has been frequently pointed out, a number of States will desire, before the Conference is summoned, to know the extent of the military assistance on which they can rely if they are to lay before the Conference proposals for a reduction of armaments on any considerable scale. For this reason the Governments may possibly have to enter into negotiations among themselves and with the Council regarding the reduction of armaments before the Conference is held.

The Council will have to take all these points into account, as well as a number of other factors, in drawing up the general programme of the Conference.

* * *

Such are the essential principles of the second part of the Protocol, to which your attention is specially drawn in the resolution at the end of the report of the First and Third Committees. M. Politis and I submit this resolution for your acceptance; if it is adopted it will fitly crown the work of the Fifth Assembly.

Moreover, in view of the necessary preparations for the Conference on the Reduction of Armaments having been entrusted to the Council, I venture to submit for your acceptance the second resolution,

which will shortly be read to you and which indicates a number of important questions which should be placed on the programme of the future Conference.

In conclusion, gentlemen, let me say this: The Fifth Assembly has taken in hand a great work, fraught with incalculable consequences and well-nigh limitless hopes. It has at a stroke assumed the task of rendering war absolutely impossible. In order to attain this end, it was necessary to create a system of pacific settlement for all the disputes which can possibly arise. In other words, we have endeavoured to create a system of arbitration such that no international dispute, whether juridical or political, can possibly lie outside its compass.

But the scheme must necessarily be complete in every part, and it must be applicable to every type of question. A single loophole, a single door of escape, and the whole structure is threatened with ruin. It was, above all, essential that the term "aggression" should be so clearly defined that there could be no possible ground for hesitation if the Council were called upon to take a decision.

For the same reasons we have endeavoured to make good the deficiencies of the Covenant and to define the sanctions so precisely as to allow no possibility of evasion and to give a sense of definite and absolute security.

It is hard for us to-day to say positively whether the system we have established is really as watertight and complete as it should be. Already we hear critics expressing their doubts. If the Protocol once comes into force we shall soon learn by practical experience whether we have succeeded.

I venture to say, however, even at this stage, that, if it is dangerous to trust solely to the good faith of others, it would be equally dangerous entirely to exclude moral considerations and good faith from our system. In any case the Czechoslovak Government is prepared to sign and ratify the draft Protocol at once. (*Loud applause.*)

Lastly, the Conference on the Reduction of Armaments is indissolubly bound up with the whole system. There can be no arbitration or security without disarmament, and there can be no disarmament without arbitration and security.

In terminating my report, I will venture to point to three facts which are both interesting and important.

Like many of my colleagues, I have taken part from the outset in the work of the League of Nations at Geneva, and I can assure you that never before has the Assembly been animated by such sentiments as it has this year. Never before has the spirit of international solidarity and true humanity permeated our work so profoundly as during the last five weeks. The heavy work of the two Committees has called for the utmost efforts of every one of us, and if I were to do justice to all our colleagues who have untiringly laboured with us on this task my speech would never come to an end.

I am sure you will pardon me, however, if, as the representative of a small country, I venture to

refer more particularly to the invaluable work done by the delegates of France, the British Empire, Italy and Japan. I say this because I desire to recall now, when we have completed our work, what was said in this Assembly during the memorable discussions of the first week, that the peace of the world largely depends on the situation of the small nations, and that the small nations will not be safe until the Great Powers can ensure the operation of a system of compulsory arbitration and sanctions. We must offer the small nations our heartfelt thanks and congratulations for the courage they have shown in discussing problems which are of so critical a character both for themselves and for us all and which have vexed every nation in the world for centuries.

I now come to the second important fact. In the discussions of the last five weeks we have given voice to ideas which, once launched, will make their way across the world with the irresistible force of an avalanche. We must, I think, frankly recognise the position: the idea of the peaceful settlement of disputes, with all the consequences which we have deduced from it, has made such progress in the last five weeks that it can never again be lost sight of.

The third and last fact, and the most important of all for us, is this: that in the work of the Fifth Assembly we have definitely linked together three ideas: arbitration, security and disarmament. We have built these up into a system which we have embodied in a Protocol. We hope that the Protocol will be ratified and will come into force. But it would be a great mistake to suppose that the whole system would be reduced to naught if for any reason the Protocol were not applied.

The only result would be that the difficulties which would then arise would be greater than those which faced us when we began.

Then we should inevitably find ourselves confronted again next year, at the Sixth Assembly, by the same problems as those which we had to face this year. Just as this year we had to settle the question of the Treaty of Mutual Assistance, so next year we should have to settle that of the Protocol. The Third Committee would inevitably raise once more the question of Article 8 of the Covenant, and we should have to begin all over again the work which we have been engaged upon this year—possibly, in circumstances less favourable for us all than to-day.

We are, therefore, I think, in spite of everything, nearer the goal. Our work, it is true, is not perfect, but it can be improved by degrees. The Protocol deserves to be signed and ratified and to be put into force, for it embodies a number of just principles which ought to prevail.

I firmly hope and believe that they will prevail. (*Loud and prolonged applause.*)

The President:

Translation: Ladies and gentlemen—The discussion is adjourned until half-past three o'clock this afternoon.

The Assembly rose at 1.15 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-SIXTH PLENARY MEETING

WEDNESDAY, OCTOBER 1st, 1924, AT 3-30 P.M.

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98. ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS: PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.

Reports of the First and Third Committees
(*continuation of the discussion*).

• • President: M. MOTTA

98. — ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS: PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES: REPORTS OF THE FIRST AND THIRD COMMITTEES: CONTINUATION OF THE DISCUSSION.

The President:

Translation: Ladies and gentlemen—We will now resume the discussion of the draft resolutions and proposals of the First and Third Committees concerning the Protocol for the Pacific Settlement of International Disputes—Arbitration, Security, Reduction of Armaments.

I call upon Sir Littleton Groom, Chairman of the First Committee, M. Politis, Chairman of the Third Committee and Rapporteur of the First Committee, and M. Benes, Rapporteur of the Third Committee, to take their places on the platform.

(*Sir Littleton Groom, M. Politis and M. Benes took their places on the platform.*)

I call upon M. Loudon, first delegate of the Netherlands, to address the Assembly. (*Applause.*)

Jonkheer J. Loudon (Netherlands):

Translation: Mr. President, ladies and gentlemen—Notwithstanding my sincere admiration for him, I mounted this platform barely a year ago

to oppose M. Benes, the distinguished Rapporteur on the draft Treaty of Mutual Assistance. I did not then attempt to conceal my view that that Treaty was unacceptable. And why? Because it was devised solely with a view to security, while the reduction of armaments was relegated to the background and seemed to be a mere shadow. In short, the Treaty, ignoring the general guarantee contemplated in the Covenant, established a system of separate agreements which were more especially dangerous since they were to come into operation automatically and thereby constituted a serious menace to peace.

My task to-day is a very different one. The well-merited reception which the Assembly has just given the Rapporteurs shows how highly it appreciates the work which two of your Committees have achieved under the inspiration of the great new idea which the Prime Ministers of Great Britain and France jointly submitted to you, that the reduction of armaments could be rendered feasible by general arbitration guaranteed in its turn by common action upon the part of all Members of the League.

Your Third Committee soon realised that the Treaty of Mutual Assistance would not answer this purpose and that there was no longer any real justification for its existence.

Security could no longer be sought in the preparation of a treaty of this kind, for we were now confronted with a plan or system which, so far from separating the three main features of the Covenant—arbitration, security and disarmament—combined them in a single scheme. Security was to take the form of sanctions against the aggressor State, the latter being defined as a State which has resort to war by refusing to submit its dispute to pacific settlement or to accept an award; while disarmament, which, in the absence of any guarantee of security against aggression, had hitherto been only too likely to remain a dead letter, now became practicable except in so far as armaments may still be considered necessary in order to ensure the application of the sanctions involved in

common action. This constitutes a very considerable, nay, an immense advance upon last year, and is due to the growth of the idea that compulsory pacific settlements are a *sine qua non* for the prevention of wars, and that the observance of this condition is practicable in international relations.

This principle, which was the ruling principle at the Hague Conferences of 1899 and 1907, has also been advocated since then. In 1917 Pope Benedict XV recommended that in future a State which rejected arbitration should be considered an aggressor.

In the discussions which took place on the draft Treaty of Mutual Assistance, Spain, through her representative, Admiral de Magaz, expressed similar views, while quite recently our American friends, General Bliss, Mr. Shotwell and others, submitted to the League a valuable scheme based on the same principle.

It is, however, due solely to the memorable agreement reached between Mr. Ramsay MacDonald and M. Herriot that we now have before us a draft setting forth in detail a great scheme, of which a Henri IV, an Emeric Crucé or an Abbé de St. Pierre—all three Frenchmen—might well have been proud, and which, inspired by our inviolable Covenant, enshrines the three-fold article of our immortal creed—arbitration, security, disarmament.

M. Politis gave a masterly definition of this three-fold article of faith in his report, in which he says: "The object of the Protocol is to facilitate the reduction and limitation of armaments, provided for in Article 8 of the Covenant of the League of Nations, by guaranteeing the security of States through the development of methods for the pacific settlement of all international disputes and the effective condemnation of aggressive war."

The term "aggressor State" was not defined by the Covenant, and a definition is, therefore, provided by the Protocol. Generally speaking, the aggressor is the State which has resort to war in violation of the Covenant or of the Protocol, refusing either to submit its dispute to the procedure of pacific settlement or to accept either a judicial arbitral decision or a unanimous recommendation of the Council.

The masterly definition contained in Article 10 of the Protocol regarding the presumption of aggression after hostilities have broken out redounds greatly to the credit of the lawyers who drafted it and—I think I may add without indiscretion—to the credit of our colleague who, though no lawyer, showed such a wonderful sense of law that the title of "jurist" was conferred upon him by his colleagues on the Sub-Committee. (*Laughter and applause.*)

The basis underlying the system of the Protocol is, as M. Politis has said, the compulsory pacific settlement of disputes. There will be no more wars of aggression and no more legalised wars in the event, contemplated in Article 15 of the Covenant, of the Council failing to settle the dispute. Defensive war alone is allowed, and, as M. Politis rightly pointed out, a State having resort to this legitimate form of war would be, so to speak, the Mandatory and organ of the community.

The Protocol is a buttress to the Covenant. It supplements it, particularly in regard to conciliatory methods of procedure. It supplements the provision in Article 12 of the Covenant for recourse to judicial or arbitral settlement by defining something which is, to borrow a term of M. van Karnebeek's, the key-stone of the whole edifice, namely, the conciliatory functions of the Council.

If the Council's efforts at conciliation fail, in the first instance, it can go further and exercise its authority, first, by recommending arbitration, and, secondly, if the parties refuse to accept it, by

imposing on them its own decision, provided that decision is unanimous or, if it is not unanimous, by making the parties once more submit to arbitration.

Whatever happens, a solution will be found and, if the parties seek to evade it, there will be appropriate sanctions.

These sanctions are defined in principle by Article 12 of the Protocol, which confirms Article 16 of the Covenant. The wording of Article 12 makes it quite clear that henceforward the measure of economic and financial sanctions necessitated by the circumstances will become operative immediately the Council has pronounced a formal order.

It is clear that the fourth provision of the Assembly resolution of October 4th, 1921, which left the States Members of the League of Nations free to judge whether or no a breach of the Covenant had been committed, could not be retained under the new system, which defines the aggressor State so clearly that the Council can have no difficulty in determining aggression and so denouncing it to the States Members with a view to the application of the sanctions.

As regards military measures, the Protocol defined the Covenant and prescribes that the signatories must co-operate therein loyally and effectively in the degree which their geographical position and their particular situation as regards armaments allow. The part to be borne by each State in the repression by force of arms of an act of aggression committed in violation of the Covenant is to be determined in agreement with the Council, and there is no stipulation as to the extent of its participation, of which each State will remain the sole judge. As the report before you says, the State remains in control of its armed forces, and itself, and not the Council, directs them, although the Council is called upon to give the States its opinion in regard to the best method of fulfilling the different obligations arising when a case of aggression is notified.

As regards the partial agreements mentioned in the draft Treaty of Mutual Assistance, the Protocol marks another very real improvement, which I am specially glad to note. These agreements, duly registered and published, and therefore in no case secret, will henceforth only become operative by order of the Council. The provision for "automatic operation", therefore, which excited such lively criticism, is eliminated. These agreements, while they last, will be of an entirely novel character. It is perfectly legitimate that they should serve to ensure the rapid application of measures of coercion. But it is also conceivable that one of the signatories of these agreements might be declared the aggressor, and that its allies would be obliged to take up arms against it on behalf of the community.

The desire to reduce or at any rate to limit armaments is fully evinced in the Protocol by the decision to convene an International Conference for this purpose on June 15th next, to which all States non-Members of the League will also be invited.

The Disarmament Conference will continue the work of the Fifth Assembly, and their joint achievement will constitute, so to speak, a second edition of the Covenant, which will be a great improvement upon the first.

The Protocol will be submitted to our Governments forthwith. The fact that we vote for the resolution does not bind our Governments, although, as the text says, we recommend the acceptance of the Protocol to their most earnest attention. This point was particularly emphasised yesterday at the last meeting of the First Committee.

The Netherlands delegation will vote in favour of this resolution, but not without a certain degree of hesitation, now that Articles 10 and 11 of the Protocol, formerly Articles 5 and 6, have been modified in consequence of the recent discussions.

It is possible that various questions will have to be settled and that there will be delays before all the Governments have signed. It is also possible—as experience has shown in the past—that the amendments to the Covenant involved in the Protocol will not be ratified as promptly as we desire.

We must be ready for disappointments; we must prepare the world for them and, above all, we must not let the world believe that the ideal to which we aspire is attained. We are still only at the first stage.

In the question of principle, however, what has been done cannot be undone. The main points that have been carried will remain and, thanks to the motion of the French and British Governments, this Fifth Assembly has been marked by the most notable achievement that the nations of the world have ever accomplished for the prevention of future war.

All of us here have contributed to this result in a sincere spirit of conciliation and good-will, striking proof of which has been furnished by the discussions of the last few days.

But at this moment, ladies and gentlemen, let us not forget the valiant champions of peace who in previous years have assiduously laboured to solve the problem that confronts us. I refer in particular to Lord Cecil (*prolonged applause*), who, I am sure, would be the first to rejoice with us over the work which it has been given to us to accomplish on a new plan.

I would say in conclusion, let us not forget that, thanks to our united efforts, we have here inaugurated the beginning of a great work. It rests with our Governments, and with us by the advice which we give them, to make it a work which mankind can never forget and which it should put effect in its entirety. (*Unanimous and prolonged applause.*)

• •The President :

Translation : M. Briand, first delegate of France, will address the Assembly. (*Loud applause.*)

M. Aristide Briand (France) :

Translation : Ladies and gentlemen—I am here on behalf of the French delegation and with the full assent of my Government to say, in response to the appeal of your Committees : “France adheres to the Protocol: France is prepared to sign it.” (*Loud applause.*)

This message should have come from other lips than mine, from one who is better fitted to speak here than I—the head of the French delegation, my friend M. Léon Bourgeois, who has devoted his life to the cause of peace. (*Renewed and loud applause.*)

His health does not permit him to be here. It is one of life's ironies that the man who has ploughed, harrowed and sown the field does not always reap the harvest, and it is an injustice of this kind which has brought me to this platform in place of M. Léon Bourgeois. You will not think it strange, therefore, that my thoughts should turn to him at this moment and that I should express to him my gratitude and that of the members of the French delegation.

Ladies and gentlemen, we may truly say that the Fifth Assembly of the League of Nations opened in a troubled atmosphere. Those who were still new to the idea that wars can cease were doubtful, nay, sceptical, and those who had faith in the League were filled with anxiety, and

questioned whether the League would ever succeed in the heavy task it had undertaken.

I frankly confess that I myself shared that anxiety.

But now, when we have reached the goal, we may well ask ourselves whether this Assembly was not over-bold in expecting, in so short a space of time, to adopt such complex resolutions, to pass an instrument of such importance as that which has been so ably and brilliantly expounded by the Rapporteurs of our Committees.

When we read this Protocol, which is to place in the service of peace a complete mechanism of law for conciliation, mediation and arbitration, which is to undertake the delicate task of finding a criterion by which to discover those guilty of aggression, which is to build up a scheme of sanctions for the maintenance of world peace: when we remember that your Committees have had scarcely a month in which to solve these problems, we cannot but feel the most intense admiration for their members.

They have accomplished an almost superhuman task, and I am sure I am voicing your sentiments when I express the deep gratitude we owe them.

Think, gentlemen, if we had failed in our task, what a disaster it would have been, what a blow would have been dealt at the moral authority of the League, what despair would have seized upon the peoples!

When fifty-four nations are gathered together in an assembly such as this, attempting with a temerity inspired by noble and generous ideals to solve the formidable problem of peace, and recording on their agenda their intention to seek the means of solving this problem, the “man in the street”, as our friends in Great Britain call him, cannot conceive that the nations so assembled could fail. In the trustfulness and candour of his mind he could not admit such a possibility, and if his hopes had been deceived, conceive the effect upon his mind and what he must inevitably be led to think. He could not but say to himself: “Then war is inevitable: it is a disaster which we cannot avert”, and he would be driven to wonder in his inmost mind whether, in face of such a complete confession of bankruptcy on the part of his rulers, he should not turn to the peoples themselves for the key to the problem.

When the man in the street learns this evening that the nations assembled here have publicly and solemnly adhered to the Protocol submitted to them, that they have definitely turned their faces towards peace, that they have at last declared war on war and have shown what methods they have decided to employ to close the road to war, there will arise a movement of enthusiasm which will sweep away scepticism and criticism alike.

War has driven its roots deep and far into the hearts of the nations. It is hard for us, even if our outlook is pacifist, to habituate ourselves to the thought that war can ever be destroyed. War is an old enemy whom we have grown accustomed to fight, and our minds cannot at once grasp the fact that it is no longer there.

There are some who still do not admit that we are on the eve of a lasting peace. They have mental reservations that prevent them sharing our sentiments or participating in our work. But it matters little. The peace movement has gone forward. Follow its evolution and you will realise how it has grown.

It was born under a dark cloud. At that time, its protagonists were talked of with pitying contempt. They were shown thinly-veiled disrespect: they were called Utopians, dreamers. Compliments were showered upon them, but such

compliments as were scarce calculated to hearten them.

Still the idea pressed forward, and at last, behold ! it won its way to the front rank of the movements of the day. It took definite shape, and then encountered enemies. A campaign was set on foot against it. Criticism became more searching, criticism accompanied sometimes by insults, almost always by sneers.

To-day criticism still persists, but it is criticism of another kind. Irony, mere scoffing, have disappeared. The movement has taken definite shape, it has become a solid reality, it is no longer in the clouds. It has the good-will of many of the nations, it is strong and can defend itself.

To-morrow, when your resolution is unanimously voted by the fifty-four nations represented here, you will see the tide of enthusiasm surge high in every land, and opposition, hitherto so strong, will quail before it. Then you will realise the strength that you yourselves have given to the movement. Henceforward it will pursue its way, upheld by all that is best in the nations, whose one desire is to prevent for ever the return of the horrors of the war they have endured.

Ladies and gentlemen, standing here at this moment, I feel perhaps the greatest emotion I have ever felt in the course of a long political career. My mind goes back to one of the most terrible moments of the war from which we have even yet scarcely emerged. At that time I bore the responsibility of office in a country whose soil was the battlefield of the greatest war which has ever ravaged mankind. In the tragic hours of Verdun, at the crisis of disaster, who could have thought of peace ? Who would ever have dreamt that but a few years later an Assembly such as this would meet and declare that the hour of peace has sounded, that peace has been organised ?

Yet I, after having lived through such hours as these, after having known the tortures of suspense, come before you now to say in the name of France that she wishes to banish for ever the spectre of war ! I come here to reveal my country as she is, ever true to her traditions of international collaboration, which earned for her in those tragic hours the reward of winning to her side the noblest nations of the world ! You will understand the intense joy, the deep yet tender emotion I feel at this moment after certain campaigns of these past years.

Attempts have been made to spread misleading, treacherous propaganda depicting France as a country that preys upon its fellows, a militarist nation the strength of which lies in its bayonets, which was striving to impose a kind of hegemony upon the world and to realise some hateful imperialistic dream.

To-day, after the debates in this Assembly, whose delegates have given of the best that is in their hearts and minds in order to reach the agreements now before you, I have the right to stand here and say : "France, the true France, is here !" (*Prolonged applause.*)

You see her to-day as she has always been, as she has never ceased to be, as she will always be. In the pages of history you often find her helmeted and armed. Why ? Because her geographical position designed her to be the sport of war. She has been a soldier: she has fought the good fight. In this last war it was not merely her soil and her liberty that she defended; she fought—and you know it full well—in the defence of her traditional principles and the principles not of France alone but of humanity and the world. France, the daughter of the Revolution, knew that not merely her own existence but the whole future of international life was at stake.

These are the ideas that she cherishes.

Of course she defended her national soil, of course she urged her patriotism to the utmost limit. And if she has remained armed since, it is for the very justifiable reason that, having experienced the horrors of invasion and the blood-stained barbarism of war twice in less than fifty years, she is resolved that it shall never occur again.

Yet when the League of Nations appealed to her to organise a system of peace and security, she did not hesitate for a moment. She responded to your appeal, and you have never once found her unwilling to work with you for the establishment of this pact of mutual assistance which will enable her to throw off the grievous burden of armaments which weighs so heavily upon her.

France desirous to remain hedged with bayonets ? France a menace to peace and a danger to the human race ? Ladies and gentlemen, that is the bitterest of insults, the most unjust of criticisms. As soon as it was possible for her to reduce her armaments, she did so. She has been in the forefront of movements such as those we have seen in this Assembly. She has reduced the burden of her military service by fifty per cent., she has reduced her effectives by twenty-five per cent., and when at Washington the call came for naval disarmament, she at once responded to that call. She reduced her navy by nearly fifty per cent.

When, at the coming Disarmament Conference, you have shown her that every precaution has been taken and every loophole secured ; that by the application of the system laid down in the Protocol her security is made certain, you will find her collaborate with the members of that Conference just as she has helped in the work of your Committees from the beginning of this Assembly. It was only natural that she should be anxious for her security. When the French Prime Minister came here with the British Prime Minister and explained our policy, you understood his position, and when you decided to combine in one the three terms of the problem—arbitration, security, disarmament—you had already found the most logical, the most correct, solution of the problem.

Let me repeat : the Protocol submitted to us, if applied both in the spirit and the letter, fully satisfies us. Our one regret is that its executive clauses cannot all be applied at once.

Whatever sceptics may say hereafter, it does afford a real protection against war. The provisions in it for conciliation and arbitration constitute an effective guarantee, for if, as is unhappily too true, war breaks out easily, it may be no less easily averted.

How does war break out ? Some incident occurs which stirs the national pride of two different countries. Public opinion, carried away by passion, runs riot. The two countries are Sundered; negotiations are broken off; war is declared. If, at that moment, they could be brought to negotiate, if intermediaries could undertake to bring them together, if a movement of conciliation could be set on foot, if time could be gained for reflection by arbitration or mediation and the people of both countries could be rescued from the murk of mystic obscurity in which war is born, war would be averted.

Turn over the pages of history and you will find that, whenever there has been contact, negotiation, attempt at conciliation or arbitration as soon as disputes have appeared on the political horizon, war has always been averted. Whenever war has broken out, one people has rushed headlong upon another as if driven without time for reflection, by some mystic force that deprives it of reason.

The provisions of the Protocol are, therefore, such as to reassure us. They are accompanied by

sanctions and the combination of these two factors in a single system constitutes, in our view, an almost insuperable barrier to war.

The last war has shown us the true nature of disasters of this kind. When it broke out, we turned our thoughts towards the past. We naturally believed that it would be like previous wars and would have the same results. How mistaken we were! And if to-morrow the horror of war were once more to break upon us, it would be as different from the last war as that was from previous wars.

What is the result of wars like this? Some nations emerge victorious, others vanquished—but all alike are stricken and impoverished. This is what war has become to-day—the ruin of the world and the destruction of the nations!

I ask you—now that you see the measures adopted by your Committees, to which you will to-morrow give living force and which your Governments and Parliaments will, I trust, ratify—I ask you what country would dare to declare war and stake all upon so dangerous a hazard? What could it gain? How could it hope to escape the might of so powerful a coalition? Make no mistake. Let us call things by their proper names. What is it we are doing here?

Animated one and all by a peaceful spirit of international collaboration, we are making a pact between great nations and small—a pact of mutual assistance against war—and we say to the world: “We will not allow peace to be disturbed hereafter; we will not allow any problem to be solved by other than peaceful means; we will not allow any country to bring upon the world another disaster such as that we have experienced.”

I ask those who are willing to reflect—what country, however strongly urged by military ambition, would dare to embark upon so perilous an adventure? The enthusiasm that will be aroused among the masses of mankind by the unanimous vote of the nations assembled here will engender the necessary atmosphere of peace, and will thereby add another barrier to those you have already reared.

And you, when you have achieved this great work that will be as a landmark in the annals of mankind—for we who are living at this hour are so near to these events that we cannot focus them in their true significance—you will then, I say, have a further task to perform.

One of the delegates of France, M. Jouhaux, who lives among the workers, has told you that certain causes of war still remain, causes of an economic nature. The material interests of countries are very powerful and influence those countries as the interests of individuals influence their feelings. However noble, however generous those feelings, they are sometimes obscured by the greed of private gain.

You will shortly be called on to consider these economic questions. Having settled the political position, you will be asked to undertake the settlement of these complex problems, and in so doing you will be carrying on your work of pacification.

In this field, as in the political domain, you will find France at your side ready to help.

But to each day its allotted task. The task you have to-day achieved is mighty indeed, and if, as I am convinced, the Protocol submitted to you is unanimously accepted and receives the approval of the Governments, if it is ratified by the Parliaments, we shall have earned the right to say that we have inaugurated peace in the world.

That is my profound conviction, and when I speak to you in the name of France and offer you her adherence, I cannot but feel a deep and overpowering emotion.

The French delegation makes no reservation to the Protocol. We shall sign it as it is. We are sure that those who adhere to it will do so in all sincerity and honesty.

The Protocol binds in honour the States that sign it. Take the question of security. When to-morrow we say to a country: “Reduce your armaments to what is strictly necessary, for you have signed a great pact of mutual assistance, and that is your guarantee”—when we say this, it will be our sacred duty, if that country is menaced, and all the more if it is attacked, to give it the security to which it is entitled.

What is best of all in this pact is that it makes no distinction between what are termed the small and the great nations. All nations will unite to defend one, whether small or great. All nations vow to lend one another aid, to bring succour if any is endangered.

Ere the Conference meets which is to study the great problem of disarmament, a problem which is perhaps even more complex than those that your Committees were asked to solve, the Council of the League will be called on to examine the terms of the Protocol which we are about to adopt. It will have to draw up a list of the forces which each country is prepared to contribute, to study from a technical point of view the possibilities which those forces offer and the circumstances in which they may be employed. It will also have to group them and co-ordinate them. That is a great and extremely complex task.

Not until we know the full conclusions of this work shall we be able to lighten the military burdens of the nations. Then, as to-day, France will be the first to collaborate with you. Our people fervently desire relief from the military burden that oppresses them. They are ready to lighten that burden. As soon as you have given her an assurance of security, France will take her place in the forefront of those countries which are seeking the solution of the great problem of disarmament.

France is honoured in adhering to the Protocol, and for myself, I repeat, the most memorable event in the whole of my political career is that I have come to this platform to bring you my country's adherence to the Protocol and her signature. (*Loud, prolonged and unanimous applause.*)

(*On returning to his seat, the speaker was congratulated by many of his colleagues.*)

The President :

Translation : Lord Parmoor, first delegate of the British Empire, will address the Assembly.

(*Lord Parmoor mounted the platform amidst the unanimous applause of the Assembly.*)

Lord Parmoor (British Empire) : Mr. President—It is with great pride and pleasure that I rise to support the resolutions before the Assembly, and which have been referred to in such eloquent terms by M. Briand.

At the outset, let me make this declaration on behalf of my delegation. The British delegation is prepared unhesitatingly, and with all the influence at its command, to recommend to the British Government the acceptance for signature and ratification of the proposed Protocol. In making this statement, I am adopting words which will be found in the resolution to be submitted to the Assembly.

I do not think it is necessary to enter into any detailed discussion of the draft proposals. Everyone who is interested in them will have studied these proposals, or will have an opportunity of studying them, with the close attention which their momentous character deserves. But, in addition to

this, we, who are present to-day, have heard the admirable and exhaustive analyses made by the two Rapporteurs. The remarks, therefore, which I desire to make on this historic occasion will be of a more general character.

First and foremost, I should like to take this opportunity publicly to thank the Chairmen and Rapporteurs of the First and Third Committees for their indefatigable work.

I am sure that in saying this I am voicing the sentiments not only of the British delegation, but of every delegation, since we all desire to pay tribute to their skill and devotion. (*Applause.*) We may justly congratulate ourselves on the appointment of these delegates to the posts which they have so admirably filled. (*Applause.*)

We have to bear in mind — I think M. Briand in some sense referred to it — that it is only three weeks — or a day or two more — since the British and French Prime Ministers entrusted to this Assembly of the League the task of drawing up a scheme which would provide a basis for an international conference on arbitration, security and disarmament. The time has been short in which to ensure accuracy and finality, but to the best of their powers the Committees have carried out the task placed upon them. Those directly engaged in the work of these two Committees cannot have escaped moments of discouragement and depression. All the greater, therefore, is our satisfaction that the task to which we set our hands is well-nigh finished, and that the proposals before us have been endorsed with the unanimous approval of the members of the First and Third Committees.

The problem before them may be stated in a slightly different form. The Committees had to consider how to frame, within the limitations of the Covenant, a scheme based on the great principle of arbitration, providing at the same time such a full measure of security as to pave the way for that real measure of disarmament which, within the terms of the Covenant, is recognised to be necessary for the maintenance of permanent peace.

By the terms of the Covenant itself, the signatory Powers have accepted the obligation not to resort to war, and I know of no other possible alternative to the horrors of war than the development of a general system of arbitration within the wide meaning in which that term is used in the Protocol which embodies the proposals before the Assembly.

Arbitration provides for conciliation and justice, and requires patience, moderation and a desire to do right as well as to claim right. It provides a means of righting wrong between nations, without resorting to the greater wrong of warfare. It affords, through conciliation, the means of explaining away misunderstandings. It invites co-operation in the place of controversy and, in its higher forms, under the guidance of an international court, should point the way to the gradual building up of a recognised system of international law. This law should become the common law of nations and provide for the same measure of peace and security among the nations as the great systems of common law have provided for peace between individuals of the same nationality, on the basis of an equality which is blind mere force to but, on the other hand, which is the foundation of all that is implied in the real and essential idea of justice.

I personally believe that the world is ready and waiting for the establishment of such a system and that, in so far as any doubt exists, it is as to the extent to which sanctions can be devised which will be adequate to secure obedience to the arbitration principle and to the decisions given by the arbitration court or tribunal.

Thus we come to the great question of security. It is worth while for a few minutes to consider how it is proposed in the Protocol to solve this difficult problem. I am aware that any system of sanction opens certain avenues for criticism, but we must maintain the right perspective and realise, without any illusion, that, if arbitration is to be maintained as a form of international security, adequate sanctions must be provided, however deeply some of us may feel that these sanctions are only likely to be required in a very small number of cases, if they are ever required at all.

Sanctions, whether economic, military or naval, have inevitably played an important part in the discussions in the Committees. Let me, however, impress upon you at the outset that the basic idea of the sanctions in the Protocol is not how or when to make war, but, on the contrary, how to reduce the chances of war to a minimum and to preserve an assured system of peace settlement. We want sanctions, but we want them to make war impossible, and we resolved to do everything we could to make war impossible.

The first step was to define definitely and clearly the terms "aggressor" and "aggression". The definition adopted is far-reaching and definite, and any State which comes within the definition becomes an outlaw and finds the entire influence of every country raised against it. Sanctions are intended to make hard the path of the evil-doer and to bring home to the whole civilised world that aggressive war is a terrible form of evil-doing.

I am the last person in the world not to give due weight to moral principles or Christian ethics. To me they constitute the main foundation of the whole fabric on which the League of Nations has been built up. We have to encourage the growth of a sense of trust and confidence in arbitration which will further assure practical results, and, in the meantime, if the sense of security is to be such that disarmament may become a reality, we must provide a system which adequately appeals to all nations and which accords with principles long accepted within the domain of the arbitration procedure.

Neither the Council nor the Assembly will have any power to interfere in the internal affairs of our respective countries beyond the limits already comprehended in the Covenant; that is to say, not until a stage has been reached which means war, or a threat of war, at which stage a new condition arises and we pass from the sphere of internal questions into the sphere of international law. Let us therefore be quite clear what we are doing. There is no attempt to make the Council or the Assembly of the League into a super-State, with authority over the different Governments. Any attempt to do this would, in my opinion, be to court inevitable failure.

The sovereignty of the various Governments will remain supreme in matters pertaining solely to domestic jurisdiction, and such matters should be rigidly excluded from the scope of the present proposals. If the worst happens — and we must face boldly the possibility that it may happen, however improbable it may appear to be — if the economic sanctions are insufficient and sanctions have to be applied by force of arms, the Council of the League will have no executive powers. There will be neither troops nor ships at its disposal. It will be neither an Army Council nor a Board of Admiralty and its functions will be limited to making recommendations. Every Government, unless it voluntarily undertakes the obligation, will be free to decide, when the time comes, to what extent and in what form it can best co-operate loyally and effectively in support of the Covenant and in the

common duty of giving assistance to any victim of aggression.

It would be a misuse of words to say that assistance to the victim of aggression is a form of sanction; I do not, however, shut my eyes to the fact that, although the motive of action may be assistance to the victim, it may not be possible to give this assistance without creating a state of war as against the aggressor. It must not be forgotten, moreover, that, in the event of a question arising under Article 7 of the Protocol, as to whether any measure of military, naval, air, industrial or economic mobilisation or any general action is of a nature likely to extend the dispute or to render it more acute, this question will come before the Council for examination; it then becomes the duty of the Council to determine whether any particular action which has been taken constitutes an infraction of the undertaking contained in this article. I do not think there is any risk of interference with the action taken by any Government when such action is directed towards the purposes of the League.

I have spoken clearly and categorically on the above subjects, since statements have been made for which, in my opinion, there is no foundation, and since misapprehension appears to prevail in certain quarters. It was even said—I think it must have been said ironically—that the head of the British delegation had made an offer of the British Navy to the League of Nations. It is hardly necessary to contradict so absurd a statement: but it may be well to point out that, under the terms of the present proposals, no such offer could under any circumstances effectively be made.

Let there be no doubt that we have remained within the limits of the Covenant. Arbitration and sanctions already form the main fabric of the Covenant. Articles 10 to 16 of the Covenant, which it would be out of place to attempt to analyse on this occasion, contain the whole principle of preserving against external aggression the territorial integrity and existing political independence of all Members of the League, whether they be small or great Powers, and the other articles to which reference has been made contain the obligation to submit disputes to arbitration under the provision of the sanctions therein defined.

We are less immediately concerned with disarmament, but it is none the less the aim and object of all the proposals which are now before the Assembly. I have no hope that war will disappear among the organised nations of the world unless we can secure an adequate system of reduction of armaments to the level indicated in Article 8 of the Covenant. It is our duty to formulate the first step towards the calling of an international conference on disarmament; but we cannot forget and we must not forget that arbitration, security and disarmament were inseparably connected in the speeches of the two Prime Ministers whose joint inspiration has guided us so far on our journey. We have joined them in a single chain, of which each link is an indispensable part. They are all three parts of one whole and until the complete chain is forged we cannot pride ourselves on the accomplishment of our work. It is on this ground that I rejoice that there is no separation of these three inter-linked questions in the proposals which we make. It is expressly provided that, until the Disarmament Conference has reached a successful issue, the provisions of the Protocol in regard to arbitration and security remain in abeyance, which is justified not only by the urgent need of linking up these great questions but in order that, through their inter-linking, all efforts may be devoted to bring about their common acceptance.

In his speech before the Third Committee, my distinguished colleague, Mr. Arthur Henderson,

warned us that the Protocol was but a step along a difficult and uphill road. Mr. President, the Protocol is not only a step, it is the first step, a single step, and cost what it may, let us determine to take this first step by a unanimous resolution of the Assembly. There is light on the horizon, a hope of at last attaining the real and lasting peace which so many philosophers and jurists have long striven to attain.

We members of this Assembly will advance side by side and shoulder to shoulder, slowly perhaps but steadily, and as we place our feet on the sands of time, let them always point in the direction of the road to disarmament and peace, so that each movement we make shall be in the right direction. In the sunshine of international friendship and conciliation, the difficulties which seem so formidable now and which are presented by our critics as an impossible barrier, will melt away. The spirit which has reigned at Geneva during the debates and discussions of the past month must prevail in the end and the dawn of a new day, the day of peace, will then break upon the troubled world.

Mr. President, through the long retrospect of history, it has been the aim of famous jurists and philosophers to promote peace and to bring to an end the barbarous incidents of warfare. Our thoughts run from the time of Grotius to the efforts made at the conclusion of the Great War, which will ever be connected with the name of Woodrow Wilson. It is for each of us in our generation to take our part loyally and effectively in the forward movement which I believe is about to be initiated in this great assembly.

I will conclude by reminding you of the parting words of M. Herriot. They were an appeal to us to have faith, or, as he called it, a powerful faith. The Protocol is the evidence which we can give of the faith that is in us, faith in mankind, in the power of justice and truth, faith in the destiny of humanity and in the ultimate triumph of peace and good-will. (*Applause.*)

The President :

Translation : Senator Scialoja, former Minister for Foreign Affairs and delegate of Italy, will address the Assembly. (*Loud applause.*)

M. Scialoja (Italy) :

Translation : Mr. President, ladies and gentlemen—The Italian delegation wishes, above all, to thank our distinguished Rapporteurs and the two Committees to whose work we owe the draft Protocol now under discussion. We have assisted to the utmost of our ability in the work of these Committees.

For the first time in history we have endeavoured to solve the problem of substituting the processes of law for recourse to war, which has hitherto been recognised as the final means of settling a dispute between States. A great step has thus been taken in a new direction.

It cannot be anything more than a step, because we have had to carve our way through great difficulties. The most serious difficulty arose from the fact that it is essential that each State should preserve its sovereignty intact.

These difficulties have been overcome by founding a new system of justice on the juridical relations of the international community, i.e., by forming inter-State organs for judicial or arbitral decisions without, however, endowing such organs with powers over-riding the sovereignty of the States themselves. As a result of this satisfactory solution, the sanctions provided for the enforcement of awards can have no other foundation than that

convention which is binding on all States and which has been set up by them of their own free will.

It is for these reasons that, after considering the very interesting projects examined by previous Assemblies, you have decided to rest content, in principle, with the system of sanctions provided by the Covenant, and at the same time to improve it in detail so as to ensure its prompt and unflinching application.

This was the only practicable solution in view of the stage in historical evolution that we have reached to-day. Any attempt to interfere with the course of historical evolution, either to hasten or retard it, will be doomed to failure. At any given period in history it is impossible to achieve more than the spirit of the age is prepared to accept.

We have, therefore, created a system based on the application of law as it is understood to-day. This system, is, we hope, capable both of eliminating all controversies of a judicial nature and also of maintaining the situation created after the last war, as well as the principles according to which the questions arising from this situation have been settled.

In reaching this result, limited as it may be to the elimination of these two classes of disputes, we have none the less taken a considerable step forward in the development of the principles embodied in the Covenant.

If the whole League of Nations accepts this Protocol it will mean that a great improvement has been introduced in the Covenant itself. We have reason, therefore, to congratulate ourselves on reaching such a result, and as representative of Italy I think I am entitled to express my special satisfaction. The principle of compulsory arbitration has long been advocated in Italy, as our delegate, M. Salandra, had the honour to remind this Assembly on September 5th, and as is shown, too, by the number of arbitration treaties concluded between Italy and other Powers from 1903 down to the most recent, which has just been concluded, without any restriction, with Switzerland.

However great the progress we have made, we must not claim to have found a remedy for all possible conflicts; if we did, we should dangerously mislead the world.

Just as the physician must not merely treat the symptoms of a disease, but must seek the underlying causes, so in international relations we must endeavour to realise the great causes of unrest that have at all times influenced the life of nations.

History has at all times been a more powerful force than actual law. Social and economic necessities are as unescapable as physical necessities.

If we really desire universal peace, we must prevent conflicts from arising by endeavouring to stem the currents that lie beneath the surface of movements which convulse mankind.

This is a new task which the League must undertake in concordance with the fundamental rules of the Covenant. The Covenant contains several provisions which are closely bound up with the idea of international solidarity.

Our Protocol makes this solidarity a living thing by providing for common defence in case of aggression. But co-operation between States should not be confined to assistance at the moment when the conflict becomes acute and violence is about to be let loose. It should be employed in time of peace to safeguard international life. By forming themselves into a League, the nations of the world recognise their duty to respect certain higher interests. The progress of civilisation is becoming an ever-greater factor in determining the nature and extent of those interests, and will eventually give them legal form and precision.

The spirit of brotherhood that is the soul of every

community will inspire us in the work which lies before us—the work of preventing disastrous conflicts. Our task certainly presents difficulties which might at first sight be thought insurmountable, but in spite of this—perhaps, indeed, because of it—the duty of the League is to devote all its future attention and energies to this task.

Our Protocol should not, however, be criticised because it does not immediately provide a solution for these serious problems. We should rather place this to its credit, because it cannot and should not undertake anything that is not immediately practicable.

Some will accuse us of going too slowly; others will probably blame us for attempting to go too fast. I was one of the authors of the Covenant and perhaps my share in it obscures my view of the matter, but I think that if we have erred our sins are rather sins of commission than of omission. We began by erecting our building on a legal basis without the solidity which experience alone could give, but we could not allow ourselves to be deterred from taking action by the fear of making mistakes.

Experience will come with time. We must trust to the wisdom of the Council and of the arbitrators and to the instinct of public opinion, which should draw strength from our achievement, to remedy the defects in our structure.

The Covenant, which is and must be the foundation of the Protocol, contains provisions which by themselves are not directly applicable, but which point out the path we must follow. We must trace and build well the road that leads to the realisation of our ideal.

The ideal of peace is not new, through centuries of blood and tears humanity has looked upon peace as the supreme happiness. It is taught by philosophy and preached by religion. The one need has always been a practical organisation for attaining the ideal. To-day, we are striving to establish that organisation. If the facts show that we have succeeded, we may rest conscious that we have devoted our lives to what is best and sublimest in human nature. (*Prolonged applause.*)

(*On resuming his seat, M. Scialoja was congratulated by many of his colleagues.*)

The President :

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

(*M. Quiñones de León mounted the platform amidst the applause of the Assembly.*)

M. Quiñones de León (Spain) :

Translation : Mr. President, ladies and gentlemen—I wish to express both on my own behalf and on behalf of the Spanish delegation my warm and sincere appreciation of the work which has been laid before the Assembly by the distinguished Rapporteurs of the First and Third Committees, M. Politis and M. Benes.

The Spanish delegation, acting on the instructions of its Government, has taken part with the keenest interest in the work of the two Committees: thanks to that work we have achieved, in the draft Protocol now before us, a every definite advance.

I venture to hope that the system which we now see in process of creation, and which forms a well-nigh perfect whole, will be inaugurated as soon as possible. A careful examination had shown that the Covenant contained certain omissions, which have now been supplied without any departure from its fundamental principles.

It is true that several provisions of the Protocol involve amendments to the Covenant, but the spirit of the Covenant, in which, as we have already had occasion to state, the Spanish Government

places implicit trust, is fully observed. Experience may show that this system is still capable of improvement; but such improvements cannot be more than matters of detail, and we may safely leave this task to future Assemblies.

The Fifth Assembly may well be proud of its achievement; it will do honour to all of us who have had a share in it.

Compulsory arbitration, that splendid principle to which Spain has more than once manifested her attachment, will soon be an accomplished fact. We trust that the number of reservations will be trifling and that the Governments will not disappoint the high hopes which have been aroused.

I do not propose to go into the problems which have been so satisfactorily solved by the draft Protocol. You are all familiar with them—the definition of an aggressor; the question of separate agreements, that has been settled in a way which I hope will dispel my Government's misgivings on this point; even the question of the domestic jurisdiction of States and many other problems of equal importance. For all these difficulties adequate formulas have been found.

The Spanish delegation, which has given its approval to the draft Protocol and to the draft resolutions, has already made urgent representations to its Government to give very careful consideration to the acceptance of this new instrument of peace. It hopes that in the near future the countries represented here will have given this Protocol and these resolutions the welcome which they deserve. (*Applause.*)

The President :

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

(*M. Hymans mounted the platform amidst the loud applause of the Assembly.*)

M. Paul Hymans (Belgium) :

Translation : Mr. President, ladies and gentlemen—It is not without some apprehension that I venture to address you to-day. I do not wish to weary you, or to reiterate trite and useless platitudes. Nevertheless, as representative of Belgium, I felt that it was perhaps my duty to speak.

Belgium has reconstructed her material and financial position. She has provided for the exigencies of the moment. In order to pursue her normal development she has need of peace, justice and security. She offers you these gifts and she is ready to help you to secure them for all.

On behalf of the Belgian delegation, therefore, I give my full support to the resolutions before you.

I would like, however, to explain briefly what is implied in our support and to try to express an objective opinion on certain aspects of the present problem. I may perhaps claim to be qualified to do so, as I have followed with close attention, and sometimes with emotion, the discussions of your Committees and the results of their work, although I took no direct part therein. I have therefore not been influenced by that kind of personal interest and *esprit de corps* which is born of close and continuous co-operation in a special task.

Never can an Assembly like ours, which only sits for a few brief weeks, have been assigned so formidable a task as that which was laid upon us at the beginning of this session in the remarkable speeches by the heads of two of the greatest Powers in Europe.

What was expected of us? The London agreements had relaxed the sense of tension and cleared the atmosphere. They had shown the way to a calmer, serener clime. Mr. Ramsay MacDonald and M. Herriot considered that the time was ripe

to go further and to make a decisive effort to draw up the rules of international life, to banish violence from the world.

In response to their appeal the Committees have achieved a great work, and, when we read the momentous, lucid and incisive reports of M. Politis and M. Benes, we realise the intensity of their work and the difficulties which they have succeeded in surmounting, often only by dint of the greatest ingenuity. It is impossible not to admire the grand proportions of their edifice and the care which has been displayed in providing for every emergency and in guarding against every danger.

But we must be careful, I think, not to misuse certain words. It has been said, not on this platform but sometimes in the Committees, and it has been stated elsewhere in print, that we have killed war. This we cannot say, for to kill war we must destroy the inherited instincts of violence, rapine, greed and envy in the depths of men's souls. We must inaugurate an era of universal virtue. But what we can say is that we have blocked up all the avenues through which war can burst in upon the world.

I should now like to glance rapidly at the entrenchments and lines of defence which we have constructed against war. The first of these lines of defence is the pronouncement that war is forbidden, except in self-defence. Next come the measures referring to threats of war and preparations for war and the measures designed to arrest hostilities at the outset of a conflict.

I would like to survey briefly the two main innovations in the scheme. It lays down the principle that all disputes must be settled in a sovereign and final manner. Although this principle has been expounded by all the previous speakers, you must excuse me if I refer to it again. We cannot dwell too insistently on great and noble ideals, for our words are not addressed only to this Assembly but to the peoples whom we represent and to public opinion in general.

It is a memorable fact that this principle has been adopted as the keystone of our plan on the morrow of a war that convulsed mankind. To-day all the nations assembled here are prepared to declare that they repudiate force, that they intend to substitute justice for violence and that no people will henceforth be allowed, any more than a private individual is allowed, to take the law into its own hands or to decide the limits to its rights without regard for others. (*Loud applause.*)

It is a fact of the greatest significance in history that the Powers having force at their command solemnly declare before us that they forbear to use it. This constitutes a complete revolution in international morality. In this manner public opinion will, by degrees, become accustomed to pacific methods of procedure and an atmosphere of confidence and peace will spring up among the peoples.

The second innovation which I welcome, and which seems to me the boldest, the most ingenious, and perhaps the most interesting, is the definition, the automatic determination, as it were, of the aggressor. I refer to the declaration of aggression, which is a new term in international law. Henceforward there can be no hesitation, no quibbling, no diplomatic controversies, since aggression is determined by definite and patent facts or by a presumption *juris et de jure*, which can only be set aside by an unanimous decision of the Council.

I have the more satisfaction in recording this great advance, inasmuch as it dispels the misgivings felt by my Government when considering the former Treaty of Mutual Assistance, owing to the lack of a precise definition of aggression.

The machinery which is now being created is endowed with all the necessary speed and effectiveness. To realise the importance of the declaration of aggression, we must imagine the effect, the sensation it would make. Imagine war to have broken out, and then think of the effect of this solemn proclamation by the Council, the organ of the international community, this proclamation to the whole world that a State had violated its pledges and broken its word. Think of the sensation which such a condemnation would cause!

A State contemplating war would see itself arraigned before the conscience of mankind. And do not forget, gentlemen, how powerful moral forces are. In the very country in which preparations are being organised for war, the germs of internal dissension will arise. Men will call their Government to account, and that Government will find it impossible to constitute that moral front and national unity, to arouse that enthusiasm of heart and mind by which alone a nation can be launched upon a military adventure or asked to make the supreme sacrifice. (*Applause.*)

I now come to the sanctions. Here, again, there has unquestionably been great progress. There are sanctions in the Covenant, but these have been defined, and it has been decided that they will come into force immediately on the declaration of aggression. All Members of the League are obliged, according to the terms used in the Protocol, "to co-operate loyally and effectively" in those sanctions. All will be bound to lend each other support and to provide each other with raw materials, credits and transport facilities. The great Powers will assume the obligation of safeguarding the freedom of communications and the security of the highways of the seas. In order to perfect this assistance, the Council is enjoined to take the necessary steps to draw up plans of economic and financial co-operation so that the wheels of the machinery may be set in motion at the first signal.

In an age when commercial interests have woven innumerable bonds between nations, there can be no question but that economic sanctions applied loyally, rigorously, and immediately would have decisive effect. In the sphere of military sanctions the attempt has also been made to concert a definite plan, but, it must be confessed, without as much success as might have been hoped, out of deference for the sovereignty of States. The legal obligation, it is true, is enunciated in clear terms, but, if I may be allowed the expression, it remains indeterminate in substance and scope. Uncertainty, again, unfortunately subsists in regard to the forces which the Members of the League will consent to place at the Council's disposal and contribute to the common task of defence and repression. This is a weak point; but it is, I think, only sincere and politically wise to recognise it. The only remedy is the force of public opinion, the progress of the idea of solidarity and the willingness of the peoples to accept the sacrifices required in the common weal.

That, gentlemen, is our task. Here is a work of propaganda and education to which we must devote all our energies. Let us make no mistake; it will take time to instil into the public conscience that sense of the international community which tends to unite the weak and to lead the strong to succour them. (*Applause.*)

I wish now to dwell on two points which seem to me to constitute positive and practical improvements and to offer reliable guarantees.

The first is the creation of demilitarised zones and the right to place them under the control of the League. Think what these demilitarised zones

mean. They will be islands of peace. Among the inhabitants of these regions will spring up a natural and instinctive resistance—selfish perhaps, but salutary—to every attempt at violence that might threaten them with ruin and devastation.

The second idea is that of regional agreements, which embody the principle of mutual assistance in a restricted but extremely practical form. These agreements will allow adjacent or neighbouring States to decide beforehand the military assistance they will furnish each other in the event of an act of aggression being declared in conformity with the Protocol. In my opinion these regional agreements placed under the control of the League, and forming part of the machinery of our international confraternity, constitute a most effective and practical instrument of protection and security.

I now reach my conclusion. In my view, there are two errors which we must avoid in regard to public opinion. It would be most dangerous to mislead the public.

One of these errors would be to regard the work which has been accomplished here merely as the creation of lawyers and theorists, the erection of a magnificent edifice of formulas and principles.

The other error would be to give public opinion the false impression that the problem of security had been definitely solved.

The truth is that skill and conscience have achieved a mighty task; we have organised a whole system of measures of prevention, defence and repression, of guarantees, checks and sanctions from which war must, it would seem, shrink back break itself in vain.

We cannot, of course, but wonder whether in one of the great crises which sometimes convulse humanity the complicated and scientifically elaborate procedure which we have set up and the precise and delicate mechanism which we are constructing will be able to withstand a violent shock.

On the other hand, it is perhaps not fully realised what an enormous risk would be incurred by a State, thirsting for adventure, if it allowed itself to become dragged into war and entered upon a career of conquest and depredation. Will it not be deterred by the fear of incurring the sanctions which we have established, those formidable economic sanctions which can wreck its commerce and its credit, and by the danger of arousing against it that moral coalition to which I referred just now and perhaps a vast military alliance? I think that these considerations would deter it in the same way as the fear of shame and punishment deters the individual from crime.

That is what we hope; that is what we are entitled to believe; that is what is humanly possible. (*Applause.*)

I have one regret, however. We have fixed the principles and settled the procedure of our regime, but the regime itself is to remain in abeyance. Its application is subject to the adoption of a plan of disarmament to be drawn up by a conference at a more or less near date.

I confess—and you will pardon me if I speak quite frankly—that to my mind it would have been better that the system of arbitration and sanctions which our two Committees have so admirably devised, and which is complete in itself, should be put into force, if not immediately, in the very near future. I am convinced that the immediate or almost immediate application of this system would have created an atmosphere of peace and would have given the world a feeling of confidence and security; and after all it is only the feeling of security that can induce States to renounce in some degree the material and military guarantees which they have hitherto found necessary.

We must not, moreover, be blind to the many difficulties that we shall encounter in drawing up the programme for the Disarmament Conference which has been announced, or in reaching an agreement which will assign to each State its legitimate allowance of troops and material on the basis of its political situation, its geographical position, the development of its industries and its economic conditions.

After the great task which we have just achieved we find—as always happens in this life—a fresh problem confronting us, perhaps even more difficult and more complex than those we have already tried to solve. Our success in dealing with this problem will largely depend on public opinion and on the general political situation in Europe. I say this because I think it my duty—a duty which, to my mind, we owe not only to the Assembly but also to our countries and to public opinion—to say sincerely what we think and what we can legitimately expect, conscious as we are that we have done our best.

We have undertaken a gigantic task. I am sometimes really amazed at the audacity we have displayed. We have undertaken to build a lasting peace on the foundation of this old world still shaking from the convulsions of the war, a world that rings with the clash of conflicting interests, traditions and memories. We have striven—and I think we have achieved a great work—in good faith, with good-will and in a spirit of enthusiastic co-operation. We have gone forward; we have covered much ground; the system we have organised has been brought to the highest possible degree of legal and technical perfection.

Nevertheless, as M. Politis and M. Benes pointed out this morning, we feel that we are not yet at the end. Law and jurisprudence must be completed and defined and, above all, the psychology of mankind must be adapted to a new regime. A new mentality must be created, and—this is one of the reasons for which I am of good hope—this new mentality does, I think, already exist. We see it all around us; it is as yet but in the bud, but it will grow, and it is our duty to train and fashion it at home, in our Press, and in our public meetings so that we may save humanity from terrible catastrophes which might end in the destruction of civilisation itself.

Our work is not yet finished. We must pursue it. We must seek added moral strength in ourselves and in the conscience of mankind, and we must steadfastly believe that we are capable of doing the work that it is our duty to accomplish. (*Loud applause.*)

(*M. Hymans, on resuming his seat, was congratulated by many of his colleagues.*)

The President :

Translation : M. Enckell, delegate of Finland, will address the Assembly.

M. Enckell (Finland) :

Translation : Mr. President, ladies and gentlemen—The Finnish delegation views with profound satisfaction the admirable work achieved by the Committees of the Fifth Assembly.

The acceptance by the representatives of both large and small countries of the principle of compulsory arbitration for the pacific settlement of international disputes and the adoption of a system of security, unquestionably constitute a great triumph for the League of Nations and, indeed, for all mankind.

Owing to her geographical situation, Finland has for centuries been the theatre of sanguinary conflicts between East and West in the extreme North of Europe. She acquired political freedom only a short time before the foundation of the League. Since she has been a Member of the League she has ever regarded the Covenant as the charter which guarantees her territorial integrity and her political independence. For this reason, public opinion in Finland felt some misgivings over the tendency shown by the earlier Assemblies to interpret some of the principal articles of the Covenant in a way which she felt was not altogether in keeping with the fundamental principles of the League. There seemed to be a desire to reduce the responsibilities involved by international co-operation, which Finland wished to strengthen. The chief instruction given each year by the Finnish Government to its delegation was to support the adoption of any measure which would consolidate the League and make it a universal body.

As will be readily understood, therefore, public opinion in Finland experienced a sense of disappointment at the efforts of the Fourth Assembly to give Article 10 of the Covenant an interpretation completely at variance with its real meaning; at adoption by the Second Assembly of a clause restricting the obligations contained in Article 16 and at the great caution and hesitation shown by the Council in applying Article 17. When the Fourth Assembly drew up the draft Treaty of Mutual Assistance the Finnish Government, despite certain criticisms on points of detail, was the first to notify its adherence to the scheme.

In view of the facts which I have just mentioned, you will see that the Finnish delegation has every reason to feel profound satisfaction at the unanimous agreement reached by the Fifth Assembly in regard to the draft Protocol before us.

The Protocol is founded on principles and ideas which we have consistently supported. It fortifies international co-operation, it consolidates the position of the League, and it consecrates the triumph of the lofty principles enunciated by the authors of the Covenant.

We frankly admit that we would have been still better satisfied if some of the rules established in the Protocol had been slightly modified. In particular, we should have preferred Article 10 to have been left as it stood without the amendment which was inserted at the eleventh hour.

There can be no question of the necessity of a supreme judicature, which, if surrounded by adequate guarantees, would answer to great and vital needs, but we believe that, as at present worded, Article 10 affords an aggressor State the opportunity of evading the immediate consequences of presumption of aggression, even if it acts at variance with the known opinion of the Council or of the Assembly.

It is our firm hope, however, that the important agreement now reached will be completed and perfected in the near future by the extension of the principles governing the Protocol; and we are fully convinced that this agreement brings us nearer to our common ideal, for it strengthens that feeling of responsibility which each of us must be ready to bear in the general interest. The Finnish delegation will, therefore, gladly recommend its Government to sign and ratify the Protocol. (*Applause.*)

The President :

Translation : I call upon M. de Agüero y Bethancourt to address the Assembly. (*Applause.*)

M. de Agüero y Bethancourt (Cuba) :

Translation : I propose that the Assembly should hold a meeting to-night at 9.30 p.m. We should thus gain time and all those who wish to speak will be able to do so. (*Applause.*)

The President :

Translation : As I must make quite sure of the general wishes of the Assembly, I will take the vote

on M. de Agüero y Bethancourt's proposal, by heads of delegations rising in their seats.

(The vote was taken by heads of delegations rising in their seats in accordance with the Rules of Procedure; the Assembly decided by 33 votes to hold a meeting at 9.30 p.m.)

The Assembly rose at 7.25 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-SEVENTH PLENARY MEETING

WEDNESDAY, OCTOBER 1st, 1924, AT 9.30 P.M.

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Reports of the First and Third Committees (*continuation of the discussion.*)

President: M. MOTTA

99. — ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS: PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES: REPORTS OF THE FIRST AND THIRD COMMITTEES (*continuation of the discussion.*)

The President:

Translation: Ladies and gentlemen—We will now resume the discussion on the draft resolutions and proposals of the First and Third Committees concerning the Protocol for the Pacific Settlement of International Disputes.

I call upon Sir Littleton Groom, Chairman of the First Committee, M. Politis, Chairman of the Third Committee and Rapporteur of the First Committee, and M. Benes, Rapporteur of the Third Committee, to take their places on the platform.

(*Sir Littleton Groom, M. Politis and M. Benes took their places on the platform.*)

The President:

Translation: Viscount Ishii, delegate of Japan, will address the Assembly.

(*Viscount Ishii mounted the platform amidst the loud applause of the Assembly.*)

Viscount Ishii (Japan):

Translation: Mr. President, ladies and gentlemen—For a month past the Japanese delegation

has co-operated with you loyally and sincerely in preparing the Protocol of Arbitration, Security and Disarmament. The task we have undertaken is undoubtedly one of unparalleled importance. We have therefore stated our point of view with a complete frankness which at times has unavoidably given rise to somewhat critical discussions, but we have been inspired throughout by a spirit of conciliation and a sincere desire for agreement. The only point which we were anxious to press was a purely legal one, and in so doing we were inspired solely by a genuine desire to arrive at a logical and consistent result.

In a problem so complex and difficult, nothing but the sincerest candour and good will can lead to final and lasting success.

Thanks to the splendid efforts of all concerned, we have succeeded in laying the foundations of our great project for the pacification of the world by arbitration and security and for the liberation of mankind from the heavy burden of armaments.

We also congratulate ourselves on the judicious manner in which the First and Third Committees have worded the draft resolution. It is so formulated that all the delegations can accept it unreservedly, and it therefore represents a great advance on the road towards general agreement.

The Japanese delegation has great satisfaction in declaring that it is prepared to give its full approval to the draft resolution. (*Loud and prolonged applause.*)

The President:

Translation: Dr. Lange, delegate of Norway, will address the Assembly.

(*Dr. Lange mounted the platform amidst the loud applause of the Assembly.*)

Dr. Lange (Norway):

Translation: Mr. President, ladies and gentlemen—I desire to express, on behalf of the Norwegian delegation, our great satisfaction with the work which has been accomplished by the First and

Third Committees. Norway was one of the first countries to adhere to Article 36 of the Statute of the Permanent Court of International Justice, which establishes compulsory arbitration for the settlement of legal disputes. We are overjoyed at the prospect of seeing all the Powers, great and small, adhering to this clause and accepting the obligation of settling by judicial and arbitral means all disputes of whatever nature, which may arise between them.

Need I say, ladies and gentlemen, that our joy is even greater at the prospect of a real reduction of armaments. We recognise the necessity of developing the system of sanctions, in the application of which we wish to co-operate loyally and effectively, as the Protocol puts it, in the degree which our special situation allows.

The Norwegian delegation will therefore vote for the resolution and for the recommendation of the Protocol, but I wish it to be quite clearly understood that I am only speaking on behalf of my delegation, since for various reasons we have not been able to consult our Government as much as we should have liked.

We make this statement on the understanding that the Protocol will not come into force until the plan for the reduction of armaments has been adopted. We therefore earnestly hope that the Disarmament Conference will attain complete success. The preparation for this Conference and its programme of work must now become the League's principal task, and we are glad to see that a resolution has been submitted to the Assembly regarding the summoning of the Conference and enumerating the different points which it will have to consider.

The reduction of armaments has been the primary objective of the League since its foundation. Moreover, it is the fundamental condition for bringing into full operation the system provided for in the Covenant and in the Protocol.

We must bring about a large reduction of armaments, and thereby remove any temptation to the stronger nations to abuse their strength. M. Hymans very rightly dwelt this afternoon on the complexity and difficulty of the task which the Disarmament Conference will have to face. It is none the less essential that this Conference should succeed in its task, and the reward will be the application of a complete system of arbitration followed by a feeling of enhanced security.

It is proverbially difficult to make a start. I think we may claim, however, that the League has passed through the initial stage, though—to vary the proverb—transition is difficult too.

It requires a great effort of constructive imagination to visualise a state of things in which States will be disarmed and will live side by side peacefully pursuing their avocations under the ægis of the League.

The system of defensive armaments is deep-rooted in the history and inner consciousness of nations: the eradication of that system will take time and long and persistent effort. During the period of transition there must necessarily be frequent hesitation, frequent clashes between the old order and the new. We must trust that mutual good will and the vivid memories of the sufferings and horrors of war, which were so eloquently described by M. Briand this afternoon, will help to make the great work of the Conference a success.

The Protocol we are considering is not an end in itself: it is rather a means to an end. It is a milestone on the League's road to success. New problems will arise with which it will have to deal; and, speaking not from a purely national, still less from an egoistic standpoint, but from the standpoint of the League itself, I say that the first task

which will have to be undertaken after the Conference has successfully completed its work will be to develop what I may call the legislative function of the Assembly. We view with the greatest satisfaction the step taken by the Swedish delegation in laying before the Assembly a programme for the codification of international law, to be carried out with the approval of the various Governments. But we must certainly go further than this.

I cannot attempt to compete with the distinguished Rapporteur of the First Committee, M. Politis, who, with such admirable precision and moderation, defined this morning the tasks which we must take in hand in order to adapt the life of the international community to the principles of justice and to the social needs which dominate international society like any other society.

I will confine myself to making the following statement. If we are to bring the common life of countries and peoples more and more into line with the eternal principles of justice, we must deal in time with situations which might one day become acute. The consuls of the League of Nations, like those of ancient Rome, must be warned to watch over the public safety—*caveant consules*. Two miles above Niagara it is possible to land, but wait until you are 100 feet from the falls, and you are inevitably lost.

We must therefore enlist the co-operation and goodwill of all to bring this great work to a successful conclusion.

Implicit in the Protocol is a recommendation that the nations which are outside the League should bring their assistance to the Disarmament Conference.

That wish has often been voiced on this platform, and I should like, in conclusion, to express once more the hope that the League will as soon as possible become world-wide. It must become universal or perish. (*Applause.*)

The President :

Translation : I call upon M. de Vasconcellos to address the Assembly in place of M. Chagas, first delegate of Portugal, who is prevented from attending this meeting. (*Applause.*)

M. de Vasconcellos (Portugal) :

Translation : Mr. President, ladies and gentlemen—I do not know whether the document now submitted to the Fifth Assembly of the League is destined to govern the relations between human communities for long or even for all time. But whether our edifice is built upon rock or upon sand, we all owe a great debt of gratitude to those who have made the building of it possible, and I thank them on behalf of the country which I have the honour to represent.

You may certainly count upon Portugal's acceptance of the lofty principles embodied in this document; she has complete faith that the vision of peace and security which it opens up before us will be realised.

Under this document we are all pledged to aid each other, but its best and most splendid feature is that the great nations are to undertake solemn engagements towards the small.

M. Herriot said in this Assembly : "A great nation can, if need be, protect itself unaided; a small nation cannot"; and Mr. Ramsay MacDonald said : "The certain victim of a military age and the military organisation of society is the small nation, which depends upon its moral claims in order to live".

Thus for the first time responsible statesmen, the leaders of great nations, have publicly proclaimed the right of small nations to live secure from force

and violence. For the first time they have pledged themselves to protect the freedom of the small nations and have offered the sources of their power in guarantee of their security.

The peace of the world depends above all on the Great Powers. When once they have taken a firm resolve to prevent a breach of the peace—and the dawn of that day is at hand—peace will reign on earth, and never again will the doctrine of force become a factor in international affairs.

Our acceptance, as I have said, is certain. We have two draft resolutions before us. You have heard our opinion as to the first. As regards the second, I need only remind you that Portugal was among the first to sign the Protocol to which we are recommended to adhere.

The League has just taken a great step towards the goal fixed by its founders. We cannot believe that it will ever look back.

After this memorable debate, after carefully examining the work which has been fashioned by the artisans of peace, we cannot believe but that the rubicon has been crossed. Our agreement is too complete for it to be otherwise.

The League of Nations was created to save the peace of the world, and we are convinced that it will succeed. Portugal brings in support of this glorious enterprise her profound faith in the triumph of the ideals of justice, of which the League of Nations is the advocate and champion. (*Applause.*)

• **The President :**

Translation : M. Koumanoudi, delegate of the Kingdom of the Serbs, Croats and Slovenes, will address the Assembly.

M. Koumanoudi (Kingdom of the Serbs, Croats and Slovenes) :

Translation : Mr. President, ladies and gentlemen—The delegation of the Kingdom of the Serbs, Croats and Slovenes has already had the honour to inform the Assembly that our country will collaborate wholeheartedly in the great work of peace which is to be inaugurated by the Protocol.

I wish to express the profound admiration of our Government for the distinguished French and British Prime Ministers, who, with their high ideals and fertile minds, proposed the construction of this great edifice for the welfare of the international community. I also wish to pay a sincere tribute to the Rapporteurs, M. Politis and M. Benes, who, by dint of their unremitting efforts and resourcefulness, have brought to a successful conclusion the most complex work the League has ever accomplished and have found practical legal solutions to reconcile views which at the outset were entirely opposed.

We give our full adhesion to the fundamental principle of the Protocol. Arbitration, security and disarmament form an indivisible trinity. If peace is to become a living reality, no longer haunted by the grim spectre of death and devastation, the first step must be taken to set up an organisation capable of settling all international disputes by just and peaceful means, and of enforcing the execution of judicial or arbitral awards. Moreover, the aggressor must be persuaded that his criminal attempt is inevitably doomed to failure by the application of sanctions defined in detail in advance. When the Members of the League are called upon to apply these sanctions they will have to face the highest and noblest test to which the honour of a civilised nation can be put; for they will then be called upon to fulfil the obligations contained in Article 8 of the Covenant.

The Protocol provides the foundations of this new organisation, and offers firm guarantees for the peace of the world. In this connection there may arise a question which, though purely juridical, is nevertheless of great importance. It is an open question whether the Members of the League can, by means of a protocol, conclude with one another agreements which modify the Covenant even provisionally. It is conceivable, though it would be highly regrettable, that, if—as I hope will not be the case—a number of States were to fail to ratify it, the Protocol itself may become a partial agreement. Again, the Protocol is wider in its application than the Covenant, since it will at once be open to States non-Members of the League. And, lastly, it may be objected that to modify in this way the Covenant, which is the social contract, the fundamental charter of the world, is to exceed the constitutional powers of the League.

Yet, in our opinion, the path which we are entering by means of the Protocol is the only path. The Protocol is an international treaty *sui generis* and must be so regarded, for it is subject to a suspensive condition, namely, the adoption by the Conference of a plan for the reduction of armaments. This condition, moreover, involves to some extent a potentative condition. Furthermore, the Protocol is subject to a resolutive condition in the form of a declaration on the part of the Council that the scheme has not been executed.

It would be difficult in practice to imagine amendments to the Covenant subject to suspensive or resolutive conditions.

The important point is that all the States, whether Members of the League or not, should give their adhesion to this Protocol as it stands. When once all the required conditions are fulfilled, this will ensure it the necessary vital force.

If, while approving the great work embodied in the Protocol, I venture to offer a few suggestions, I do so in the firm hope that the future development of international law will make it possible gradually to adopt them.

All wars of aggression, as a legal means of imposing the will of any one State or group of States, are prohibited within the international community. On the other hand, the defence of national territory and political independence is the primary and sacred duty of every nation. A nation which does not defend itself when attacked is not a nation.

I am sure you all share my regret that it is not possible in the present state of international law entirely to prohibit the use of force in international relations.

The Protocol gives the Permanent Court of International Justice compulsory jurisdiction in disputes of a purely juridical character. It is to be feared that reservations may be made which may diminish the value of this clause. In all probability these reservations will be so varied that it will be advisable to have a register which will be kept up to date and will be readily accessible to all States, on the model of the schedule provided for by the second Peace Conference at The Hague.

One of the chief merits of the Protocol is, as the distinguished Rapporteur, M. Benes, has said, that it has completely closed up the breaches in the wall already erected by the Covenant to protect the peace of the world. Every dispute can and must be settled by peaceful means. The three exceptions to this rule which were pointed out in M. Politis' report are fully justified. I note, in particular, the third class of disputes, to which the new system of pacific procedure cannot apply. They are, according to the report, disputes which aim at revising Treaties and international acts in force, or which seek to jeopardise the existing territorial

integrity of signatory States. It is one of the greatest services to the cause of peace to proclaim the inviolability of peace treaties which created national States after the Great War and enabled them to realise their age-long aspirations.

The definition of the aggressor in the Protocol is a most ingenious one. I feel bound, however, to point out that the presumption of aggression is not automatic in all cases. I need only mention that the question whether an award has or has not been executed may give rise to great difficulties. Moreover, the presumption of aggression is itself based upon a supposition. To place in the hands of the Council the final decision in regard to war is to confer on it sovereign power. In so doing the States have surrendered to the Council one of the most essential features of sovereignty.

It has sometimes been asked why, when there is presumption, the responsibility for aggression is determined by the facts alone without any necessity for a decision on the part of the Council, whereas, in law, facts are only considered in relation to legal measures, and this relation must therefore be established by a competent authority. The inconsistency is only apparent. It is true that the Council's injunction to the Members of the League to apply sanctions is an executive measure, but the facts must be put in the form of premises accompanied by reasons.

The question of economic and financial sanctions has, in our opinion, been settled on sound lines. These penalties are laid down in advance, and will be put into force without delay. Moreover, they are accepted by all Members of the League.

Generally speaking, the effects of military sanctions are left somewhat vague and uncertain. Several Members stated that they could not undertake to apply them. Others, while recognising the obligation in principle, wished to remain sole judges of the extent to which they would apply such sanctions. Before gauging their practical effect, we must see what is the outcome of the undertakings which the various States enter into in advance as regards the forces they could contribute in case of conflict. If such forces were inadequate, the League would be obliged to settle the question on a different basis, and a fresh combination would have to be found.

Should the forces offered not give the requisite security, it would be impossible to reduce armaments to the extent desired.

Fortunately, the Protocol has left in force the partial agreements, which will unquestionably come into operation and which might advantageously make good any deficiency in the general undertakings.

Under the Protocol, the punishment of the aggressor is extremely mild. A State the finances of which are in an unsound condition, for example, might enter into a war of aggression without incurring any economic liability. The risks it ran might be negligible. Moreover, the aggressor might in any case remain a Member of the League and even of the Council. Under the Protocol, the aggressor State enjoys the guarantee of territorial integrity and political independence which, under Article 10 of the Covenant, should only be given to the State attacked, the victim of aggression.

In our opinion, only a State which has fulfilled its obligations towards the League should enjoy this privilege.

All these provisions, constituting as they do a guarantee of which the aggressor is assured in advance, might easily, we fear, actually encourage aggression.

Despite all these criticisms, besides other faults inherent in all the works of man, we hail with enthusiasm this great advance along the path

which will lead humanity towards a happy future of fruitful work in an era of security and peace.

Small as is our country's place in the commonwealth of nations, we will, I am proud to say, do all in our power to help forward this work for the betterment of the world. We therefore declare that we adhere to the Protocol, which we will sign with a firm and sincere resolve to put it into execution. (*Loud applause.*)

The President :

Translation : M. Zahle, delegate of Denmark, will address the Assembly.

(*M. Zahle mounted the platform amidst the applause of the Assembly.*)

M. Zahle (Denmark) :

Translation : Mr. President, ladies and gentlemen—All those who took part in the previous sessions of the Assembly must surely feel that this year there is a new atmosphere abroad. The confidence with which the peoples of the world hailed in foundation of the League five years ago seemed to have been shaken during the difficult years which followed the Peace, when the spirit of war seemed to be still alive and a feeling of insecurity paralysed every effort.

This year we have witnessed a profound change in the European situation, a change full of hope for the future. We all applauded the Prime Ministers of France and Great Britain, who came to this Assembly to proclaim a new international policy, which, indeed, was not out of keeping with the national traditions of these two great countries, but yet gave expression to the new spirit which has appeared in international relations.

The outcome of this new spirit is the draft Protocol, the signature of which we are about to recommend to our Governments. This result is due, not only to the devoted work done by all the members of the two Committees, but more especially to the brilliant intellect and lucid thought of the two Rapporteurs, whose names will ever be written large in the annals of mankind. (*Loud applause.*)

The Danish Government feels deep satisfaction at the great advance that has been made by the recognition of the principle of compulsory arbitration, which will be put into application as soon as the Protocol comes into force.

For a long time past Denmark has ardently advocated compulsory arbitration. We have applied this system in all arbitration treaties which we have concluded, even on vital questions, whenever we have obtained the consent of the other party thereto. We have adhered to Article 36 of the Statute of the Permanent Court of International Justice. Ever since the First Assembly we and the other Scandinavian countries have proposed that the Covenant should be amended with a view to the extension of the principle of arbitration.

We also recognise the desirability of embodying in the Protocol definite provisions for the application of the sanctions contemplated in the Covenant, the object of this measure being to create that feeling of security on which the success of our efforts to carry out the reduction of armaments promised in the Covenant unquestionably depends.

In the discussion of the Third Committee, we explained how we interpreted the stipulations of these articles. We are glad to note that there is general agreement on the principle that as regards military sanctions of all kinds the wide differences which exist in the geographical situation and the armaments of the various countries must in all cases be taken into account.

We are glad that, notwithstanding the divergences of opinion expressed during the debates,

the First and Third Committees have succeeded in establishing a satisfactory basis for the forthcoming discussions on disarmament.

The Danish Government notes, too, with keen satisfaction that, owing to the linking together of arbitration, security and disarmament, it has been possible to appoint a reasonably early date for the international conference which will have the duty of making disarmament a living fact. In the past, discussions on the reduction of armaments have failed to come to grips with realities. No one dared approach this thorny problem as long as relations between the countries of Europe continued strained. We are now assured that a genuine effort will be made to settle this problem, which is of vital importance. Everyone is agreed—and the Protocol says so explicitly—that if this attempt fails, the whole system which we have elaborated this year will collapse.

The Danish Government believes that the greater the progress we make in disarmament, the more solid will become the edifice of which this Assembly has laid the foundation by working out the draft which we are now discussing. If the Disarmament Conference should only succeed in effecting a perfunctory or trifling reduction of the present armaments, there would still be some communities in which the military spirit would be very different from that spirit of peace and conciliation which has inspired the work of the present Assembly. The authority of the law and the authority of the League will not be assured until the formidable machinery of war and destruction, which is the legacy of the era of the great wars, is reduced to a very small force designed solely to maintain order and assure respect for international undertakings.

We are not deceived into supposing that next year's Conference will attain this result at the first attempt. We hope, however, that it will not be content to accept trifling reductions which will leave the present system intact. We trust that it will at least evolve some scheme of progressive reduction, and that, even if this reduction is only effected slowly throughout the subsequent years, it will be continued until a really substantial result has been attained. We have every confidence that the Council will approach the task of preparing for the Conference in this spirit.

The Danish Government, like the other Governments represented in this Assembly, has not yet had time to give full consideration to all the details of the Protocol voted by the First and Third Committees. For the moment, therefore, we cannot bind our Government and Parliament, but we will vote for the acceptance of the proposal recommending the Protocol to the earnest attention of our Government. We do so in the hope that, in adopting the provisions submitted to us, this Assembly will be laying the foundation of a movement which will bring the nations of the world more security and more happiness than they have ever known. (*Applause.*)

The President :

Translation : Mr. Arthur Henderson, Home Secretary of Great Britain and delegate of the British Empire, will address the Assembly. (*Applause.*)

Mr. Arthur Henderson (British Empire) : I desire cordially to support the resolutions submitted to the Assembly. Having stated my position at considerable length in the Third Committee, I confess that it is only the importance of the present occasion which impels me as a member of the British delegation to intervene in this discussion. I promise, however, to detain you only for a few brief moments.

I support these resolutions because I consider that the Protocol represents a reasoned, intelligent and scientific attempt to dispose by peaceable means of friction in international affairs. The Protocol in my opinion is an advance upon any previous effort, inasmuch as it represents a development of the moral elements of the Covenant. By seeking the application of conciliation, arbitration, and legal jurisdiction it indicates the desire to make reason, right and justice—not force—the League's first line of approach in the attempt to settle this great problem. It represents a serious effort to apply that great spiritual conception which the League of Nations should always embody in its constitution and policy.

The community of interest amongst all peoples renders it imperative that peace should be preserved by the States, both large and small, being encouraged to find their guarantees of security and freedom in greater measure through a spirit of co-operation and good-will.

The report we are now discussing very properly reminds us that arbitration is the foundation of this new structure and that the Permanent Court of International Justice is to be accepted more than ever before as an organised part of international life.

In this scheme we are declaring that there must not only be machinery for enforcing the law on the basis of existing conditions, but legal, peaceable and constitutional means of altering those conditions as and when it is considered necessary.

As Bryce, in his work on international relations, says: "Any guarantee of a *status quo* ought to be accompanied by ample provision for an examination of the existing causes of these discontents and their removal".

Though we are compelled to recognise that there may be many changes which, under existing conditions, it is not in the power of the League to make, it cannot afford to give the impression that it is content to permit the permanent stereotyping of the wrongs of the past.

Allow me to make another point in connection with this aspect of the case.

It may safely be said that this is an historic occasion and we may be pardoned a brief and grateful reference to the services of the various persons and powers who in time past pioneered those great movements throughout the world in favour of arbitration.

In this connection the United States of America, which was the foremost advocate of obligatory arbitration at the second Hague Conference, is entitled to our gratitude and congratulations. (*Applause.*) The great ideal which the United States then nobly but ineffectually championed is bearing its great triumph.

This triumph is all the more complete not only because of the number of States which are expected to ratify the Protocol but also for the much greater scope of arbitration which this new scheme covers.

We send, therefore, to-night our congratulations to the pioneers of the great and good cause of international arbitration. (*Applause.*)

I now come to the question of security. Since the close of the great world war the problem of security has engaged the serious attention of statesmen in every part of the world.

Two years ago the Third Assembly declared that in the present state of the world many Governments would be unable to accept responsibility for a serious reduction of armaments, unless they received in exchange a satisfactory guarantee of the safety of their country.

The question of security remains to-day of primary importance, because the hopes of many

people are centred in their national security.

Need I remind you that for two years the League has endeavoured to find a solution of the problem in the draft Treaty of Mutual Assistance? On September 6th, 1921, this Assembly determined upon a new examination of the existing obligations contained in the Covenant, with a view to strengthening international solidarity and settling by pacific means all disputes which may arise between States. The Assembly recognised that the security of nations could not be effectively guaranteed by sectional military alliances but must be founded on a higher moral conception, expressing itself through universal arbitration and disarmament.

The First Committee was entrusted with the task of preparing a series of proposals which, if properly applied, will encourage States to regard with greater confidence the moral authority of the League. It may safely be said that every school of political thought admits the need of some form of security. Any difference of opinion that exists is a difference as to method. One school says: "Give us security and we will consider disarmament". Another says "Go in for disarmament, and you have your security".

The present scheme frankly recognises that disarmament must, at any rate, be associated with some form of guaranteed security. It recognises that some nations will refuse to disarm and thereby expose themselves to the risk of attack and even defeat. It is a fundamental principle which no-one can dispute that those who accept justice and disarmament shall not become, by that fact, the victim of those who do not. (*Applause.*)

In such circumstances, may I ask how this scheme meets the case which I have just stated? First, as I have said, it seeks to be thoroughly practical by endeavouring to eliminate or to reduce to a minimum the risk of conflict; and, secondly, it suspends the use of force to the last moment, to the moment at which it is required to protect the community of nations against the criminal action of an aggressor State. And even when, as a last resort, military action has to be taken, it will be conditioned, under this scheme, by guarantees to the world at large that individual States will not misuse the military action which they have undertaken on behalf of international society as a whole in order to secure what they may conceive to be their own individual material advantage.

In other words, this scheme will secure for the world as a whole a system—as the Prime Minister described it last summer in the British House of Commons—of pooled security. It will altogether (and we may hope finally) get rid of the accursed policy of imperialism by rendering impossible territorial conquest and aggrandisement. Henceforward the might of nations will be the servant of international justice.

In the present scheme we have established a joint method of comprehensive obligatory arbitration, coupled with a collective undertaking to apply sanctions against an aggressor, and we believe that this joint method will provide a more formidable and effective security than any other. When the Members of the League undertake to co-operate loyally and effectively to punish the aggressor, I believe they will strive honourably to fulfil these obligations, having regard to their geographical position and the condition of their armaments. There will thus be provided in any emergency a measure of security which will be real and effective and which is strictly consistent with the aims and objects of a real League of Nations.

I claim, moreover, that the line followed in the scheme will do much to allay the misgivings which

many of the friends of the League have felt because of the military and material conception on which, in their view, the draft Treaty of Mutual Assistance was based.

I confess that the Protocol contains some provisions which I would have preferred to have seen omitted. When I say this I admit, as the representative of the Netherlands pointed out with great force to-day, that great progress has, nevertheless, been made. We have had to adopt the scheme as it is because we had to recognise that, as yet, a full measure of confidence in the cohesion, the peaceful intentions and the moral authority of the League has not yet been established. Until this full measure of confidence has been secured some States will continue to think that military force is an indispensable condition of their national security.

I want, however, to follow this up by saying that if the League is to remain the repository of that which makes for peace and for social justice in the world, it must always stand out pre-eminently for sound policy and high ideals. The League must at all times actively remind us that war, as Mr. Hay, a former American Secretary, once said, is the most futile and ferocious of human follies. This is to be done in future by emphasising the importance of eliminating as far as possible the danger of war by the joint application of the three great principles: Arbitration, Security, Disarmament. These are to be inseparably combined and made to operate through the Covenant as amplified and clarified in the articles of the Protocol.

Finally, I would say that, notwithstanding many drawbacks and limitations, I am convinced that this scheme now before the Assembly, taken as a whole, is a great advance upon anything previously attempted. In all this work the supreme purpose we have in view is disarmament. It is only when the great Conference which we hope to call next year has done its work that the fruit of this scheme will be harvested. We hope and we intend at that Conference to achieve the measure of disarmament which will mean a vital change in the social life of almost every country and of the world as a whole.

I need not say how warmly the British delegation welcomed the words spoken to-day by M. Briand on this platform. We welcomed them because we believe that France and Great Britain, working together as they have worked here in co-operation with the other Members of the League, can secure that great measure of disarmament to which I have referred. (*Applause.*)

I know that, as M. Briand said, the technical difficulties of the problem are very great. It is no use disguising this; the military machines we have all built up will not be easy to unbuild, and the sooner we appreciate that fact the better. We believe, however, that when the peoples of the world realise what this scheme will mean to them, their enthusiasm and their support will sweep aside any difficulties with which we may be confronted. It is for this reason and because we believe that, notwithstanding any drawbacks and limitations it may have, this scheme, taken as a whole, is, as I have already said, a great advance upon anything previously attempted, that we trust, therefore, that every delegation will give to the resolutions their willing, loyal and enthusiastic support.

The vote which we give here to-morrow and the spirit in which that vote is given may determine to what degree our work is approved and ratified both by the Governments and the Parliaments whom we all represent. (*Applause.*)

The Assembly rose at 11.35 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-EIGHT PLENARY MEETING

THURSDAY, OCTOBER 2nd, 1924, AT 10 A.M.

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10 . ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS : PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.

Reports of the First and Third Committees (*continuation of the discussion*).

Resolutions.

President: M. MOTTA.

100. — ARBITRATION, SECURITY AND REDUCTION OF ARMAMENTS : PROTOCOL FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES : REPORTS OF THE FIRST AND THIRD COMMITTEES (CONTINUATION OF THE DISCUSSION) : RESOLUTIONS.

The President :

Translation : Ladies and gentlemen—We will now resume the discussion on the draft resolutions and proposals of the First and Third Committees concerning the Protocol for the Pacific Settlement of International Disputes (Arbitration, Security and Reduction of Armaments).

There are still seven speakers on my list, but as they have all informed me that their speeches will be short, we shall certainly be able to finish the discussion at this morning's meeting.

You will, I am sure, all agree that it will be better not to fix a limit to the meeting. We cannot close until we have completed the agenda. (*Assent.*)

M. Paul-Boncour, delegate of France, who is the first speaker on my list, will address the Assembly. (*Applause.*)

M. Paul-Boncour (France) :

Translation : Mr. President, ladies and gentlemen—The Assembly will not look to me to add

anything to the speech pronounced yesterday by M. Briand, on behalf not only of the French delegation but also of the French Government, which had given him full powers for that purpose. M. Briand performed his task with all the authority lent by his long experience and great gifts and with that prestige which he has earned by the fact that he has on seven occasions held the reins of Government in his country—on more than one occasion during a tragic episode in her history.

I have, therefore, nothing to add in the name of France to M. Briand's eloquent speech; but, following the example set yesterday by my friend, Mr. Arthur Henderson, I think it is only natural that, after the heads of delegations have spoken, those who have toiled day by day at the work you are about to sanctify with your approval should, so to speak, weld into a single whole all that has been said in the remarkable reports of the two men with whom we had the honour to collaborate in this work. It is only natural that we, who, day by day, hour by hour, at these long meetings, bore on our shoulders the stones where-with our work has been builded, who tested their solidity and riveted the different parts together should, now that the Assembly is on the point of voting, feel, if I may say so, like the master-builder who, when the house is built, mounts to its top-most gable to gaze on the completed structure and with words of hope calls on the sons of men to come in and rest their heads.

Those who read in the newspapers the somewhat fragmentary accounts of our long meetings may, no doubt have thought it strange, and even paradoxical, that serious men, many of them holding the highest office in their land, should pay such meticulous attention to the alteration of a word or the transfer of a comma. Indeed, the contrast between this studious attention to detail and certain very serious events that have occurred has naturally been exploited. At the very hour when we were discussing at length the best methods of ensuring peace, the heavens were ringing with the cry of peoples appealing for aid.

But at the present moment, when we can gaze on the entire, completed structure, we may congratulate ourselves on the fact that, thanks to the legal experience of many among us and the statesmanship of many others, our discussions were carried on with such meticulous care. There is surely no other Assembly that could in so short a time have built an edifice like this. (*Applause.*)

The edifice stands firm, for its foundations are laid in the juridical traditions of treaties and pacts of alliance. The Protocol is a treaty of alliance in every sense of the word, and its classic form, based on the most ancient traditions of public international law, is proof of your determination; for, conscious of the gravity of the undertakings to be entered into, you have decided that, to give the Protocol its full force, it would not suffice for heads of delegations merely to file by in solemn procession and signify their approval, but that the obligations embodied in it could only be made final if ratified by the organs of national sovereignty in each country.

A treaty of alliance? Of course it is a treaty of alliance; a vast treaty, intended to embrace not only the fifty-five nations which will, I trust, adhere to it, but also those which are not represented here and which, I earnestly hope, will not fail to give it their approval; a treaty of alliance so wide a shade never yet been thought possible, containing, as it does, engagements more elastic and more diverse than were ever embodied in treaties of a more definite nature.

This is the basis of the Protocol; this is its main feature; this is where it is new. The alliance established by it, unlike the old alliances, is not restricted to a specific group of interests, nor is it directed against another group of interests. It is, of course, concluded with an eye to a possible enemy, but that enemy is neither our neighbour across the frontier nor our successful rival in trade and commerce. That enemy is not the reigning dynasty of another country, nor yet a people that is presumed to be attempting to chastise or restrain the national ambitions of another. The enemy has no name. His name will be known when pronounced by the Court of Arbitration, when he who, perhaps at this very moment, may be secretly harbouring in his uncomprehending heart thoughts that threaten war will be arraigned by judges whose impartiality is above suspicion. On that day all the civilised nations of the earth must rise against him. (*Loud applause.*)

The name of the aggressor will be pronounced in the calm atmosphere of a hall such as this, by a permanent court of justice or by arbitrators appointed by the Council or the Court, or by arbitrators appointed by other arbitrators. These judges or arbitrators will first assure the maintenance of peace by provisional measures, which will carry with them a binding force such that the mere failure to observe them will constitute a case of aggression. They will then be able to deliberate in an atmosphere of calm, whereas in former days, in the times of the old alliances, in the midst of a nervous excitement that was only to be expected, since each wished to be the first in the field, the armies moved forward to the fray, troops were massed on either side of the frontier like gathering clouds, bearing in their bosom the lightning that speeds the thunderbolt, and war began almost before it was even declared. The calm atmosphere that you have ensured for their deliberations, the tranquil environment with which you have surrounded the men who will decide on peace or war—that is the innovation which you have made in this new treaty of alliance.

That is the innovation and that is the reason why all men are closely watching our debates.

Ah, gentlemen, if we had only gathered here to make yet another grand but futile protest against war, we should be unworthy of the great hopes that attend our work and that cannot be repressed by the mockery of the cynic. And that would not explain why, at the moment, when we met with difficulties, the entire world was suddenly overcast as by a cloud.

No, gentlemen, war has been reprobated throughout the centuries. Our protest is not new. Lord Parmoor was right yesterday when he said that all the greatest geniuses of the world and the highest civilisations have in turn protested against war. But one after another the greatest civilisations have collapsed, simply because from afar there appeared over some frontier new nations, new races, whose superior strength lay in the hardness of their hearts and the sharpness of their swords.

What is new is that we have a Covenant, we have an alliance, whole nations have this time combined together to prevent the crime of war. What is new is that we are here engaged upon the extension of the Covenant. For ere the embers of war had been stamped out, ere the wounds had been healed, ere the smoke had ceased to rise from ruined towns and villages, ere the armies had been disbanded, ere the earth had ceased to shake beneath the weight of engines of war, certain far-seeing men realised that a war like the last war could not terminate in a treaty like other treaties. They realised that the necessary preamble to that treaty was the Covenant that unites us here. By the bitter irony of fate the nation which expounded this new alliance in clearer terms than any other is only represented here by a tablet to the memory of President Wilson, and by friendly and sympathetic observers who bring us valuable inspiration in all the different questions with which we have to deal. We hope that the day is at hand when they will collaborate in our work with the unequalled authority that will be given to our Protocol by a nation whose material power is animated by the loftiest idealism, of which she gave such signal proof in the war. (*Unanimous applause.*)

Our Covenant was established, at the conclusion of that great conflict, by men who realised that all those who died in the great conflagration made the supreme sacrifice with willing hearts because they were convinced that they had fought in a war to end war.

But, like all human things, like every living being, like every national or international institution, the Covenant can only prevail in so far as it follows its logical course of development, in so far as experience reveals the loopholes by which violence might again burst forth upon the world, in so far as it can in the light of past experience be steadily rendered more real and more efficacious.

This is the justification for our Protocol. It is only a development of the Covenant; every essential part of it must first have existed in the Covenant. If I may be allowed a comparison which, I think, elucidates the scope and purport of our work, and which will be perfectly clear to the statesmen and lawyers among us, I will say that the Protocol is to the Covenant what the rules of public administration are to the law.

Everything is contained in the law, and the binding force of the provisions embodied in it can only be derived from the law. But if the law is to be made applicable and living, if it is to enter into force, it must be completed by regulations, decrees and practical measures.

That is what we have attempted to do here.

At the head of the Protocol, which develops the Covenant, extends, defines, sanctifies it and puts it into effect, we have inscribed three words,

three fateful words, which we have so often repeated that I feel I could almost say them in a foreign tongue if I were not afraid of mispronouncing them (*laughter*): "Arbitration, security, disarmament".

First, arbitration. Arbitration, let me say at once, is in itself a factor in security. I say so because, being about to show you that this factor alone is insufficient, I do not want you to think that I am one of those bold spirits, or one of those who think themselves such, whose narrow minds are mated to small hearts. I believe in the efficacy of moral forces in themselves. It is, as I believe, a great and significant fact that henceforth there will exist arbitrators and judges, accepted to-day by all signatories of the Protocol and accepted to-morrow by all who are ready to join us in our work—arbitrators and judges to whom will be entrusted the duty of declaring who is right and who is wrong, who is the aggressor and who the victim.

I am convinced that by this moral force alone, by the pronouncement of this judgment, by this application of law to force, any State which is the victim of unjust aggression will acquire such immense prestige in the eyes of the world and of its own people and will be furnished from every side with so much assistance that by that fact alone arbitration will become a means of security. (*Applause.*)

Yet, as I said just now, arbitration is only one factor in security.

When, at the assizes of this Assembly, France heard the principle of arbitration enunciated by some of those friendly observers who have not yet taken their seat among us, and accepted and reaffirmed by our friends of the British delegation and by many others, she welcomed it with the keener enthusiasm because it represents an idea to which that great statesman to whom you have so often paid a tribute, and who is prevented by ill-health alone from taking his place at the head of our delegation, has devoted his life. (*Unanimous applause.*)

But just because she believed in this principle, France knew, alas!—to repeat the saying that our Premier quoted from Pascal — that "Justice without might is unavailing". France knew that many disputes had, of course, been submitted to arbitration. We were all, I am sure, edified when Lord Parmoor on this platform mentioned the great number of these cases, and added that not a single award had been disregarded.

I would venture to point out, however, with all deference to Lord Parmoor, that, although in the nineteenth century every arbitral award was in fact respected, it is unfortunately the fact that not one of the great conflicts for which mankind has bled, and not one of the vital causes—or what were believed to be vital causes—which led to those conflicts, was ever brought before a court of arbitration.

If, as we desire, there are to be brought before those courts not merely minor disputes but really serious disputes, if States, in order to evade arbitration, are not to appeal, one to its national honour—as if it were a slur upon honour to accept the decision of arbitrators (*applause*)—another to its vital interests—as if there were a more vital interest than that of safeguarding our civilisation against war (*renewed applause*)—if arbitration, I say, is to be effective at all times and in all places, it must be guarded by sanctions. If we are to prevent war, the people whose eyes have not been opened by the bitter lesson of recent history, by the anguish, the wounds, the ruins in every land, must learn that war has become so difficult and so hazardous that it can never again be depicted as gay and joyous.

War must be made impossible! only so can war be killed! (*Prolonged applause.*)

The new feature in the Protocol, the force of the Protocol, which defines the Covenant, is that, when once responsibility for aggression has been clearly and unmistakably determined before the whole world, this fact alone will bring into play a machinery of sanctions such as history has never yet known. In the first place, it will employ general economic sanctions. Every people, every country, every nation, whatever its geographical situation, whatever its importance, whatever its traditions, whatever its history, possesses means of production which are its life-blood, possesses an economic and financial system, and, as a signatory of the Covenant and the Protocol, must not only place all these at the service of the victim of aggression but must, in addition, deprive the aggressor of any help therefrom.

So varied, so universal in character are these economic sanctions that they will unquestionably render the situation of the aggressor intolerable. Even supposing that, at the outset, his sudden and treacherous attack were successful, he would, in a war of attrition, succumb with the sureness of Fate to the economic alliance of the whole world.

But that is not enough. Those who are to shelter in the edifice we are building, those who decide to accept general arbitration, must not even for a single day be exposed to the danger of invasion or of an attack upon their political independence. The whole world must know that there must be an end of these surprise attacks, these territorial occupations which bring ruin in their train—ruin to be followed by reparations, the burden of which threatens to overwhelm the peace of the world. For this, we must have military sanctions—aye, and naval and air sanctions too—for at present, alas! the genius of man has conquered a new element but to render more deadly his engines of destruction.

Military, naval and air sanctions, then, are essential; but it is clear that these cannot be either as universal or as uniform as economic sanctions.

We are building on a foundation of reality, a reality which is not merely European but world-wide; and as regards sanctions, the States are clearly not all in the same position. Some of them have for years, nay, centuries, been far removed from the din of battle and from the high roads of invasion, and have in consequence been able to restrict their armaments to those required for the defence of their territory; they may, in fact, be considering the possibility of reducing even these. With the best will in the world, they cannot offer what they do not possess. And here I will venture to repeat the words we so often used in the Third Committee: "Our all, but no more!" Other States, which possess large forces, will obviously be loath to employ them in any and every conflict which may arise, for they are legitimately entitled to take into consideration geographical conditions.

In the case of military, naval and air sanctions, therefore, it is impossible to establish that world-wide equality, as it may be termed, which exists in the case of economic sanctions. The Protocol repeats what is laid down in the Covenant and defines the difference between paragraphs 1 and 2 of Article 17 of the Covenant. In Articles 11, 12 and 13 it emphasises the unavoidable difference between these two classes of sanctions, although the principle of sanctions remains both general and obligatory in character.

The definition of this difference in the Protocol was not reached without difficulty, and, no doubt, criticisms will be levelled at it in different countries and from very different angles. The intention was to strike a middle course which would avoid, on the one hand, what would be impracticable and would

render our edifice uninhabitable, and, on the other, would obviate an excessive looseness which would have allowed a country to shirk, from purely selfish motives, its share of the work. Care has been taken to avoid leaving the decision to the Council, because such a course would have involved an infringement of national sovereignty; on the other hand, the decision has not been left to each individual State, because that would have ruined the Protocol as well as the Covenant, of which the Protocol is the continuation and development. A solution has been sought in co-operation between the Council and the States. Article 12 of the Protocol provides that, as economic sanctions are general and universal in character, plans for economic and financial co-operation can and must be prepared in advance both to assist the State attacked and to be directed against the aggressor.

Article 13 of the Protocol recognises that nations which, either through their geographical situation or through some more definite menace, are in a similar position as regards a threat of aggression, are entitled to determine among themselves the precise sanctions which they could at once bring into operation on each other's behalf. Thus the Protocol retains the partial agreements, which are at once a consequence of and the reason for the varying conditions that we are obliged to take into account in the Protocol; while, on the other hand, there are nations which cannot be asked to do anything and others which cannot undertake in advance to act in any and every case that may arise. The Protocol admits that those States which, through their situation, are bound to face such possibilities may on that account give each other an undertaking that the military, naval and air sanctions will be applied at once. At the same time it has attuned these partial agreements to the general spirit of the Covenant. It has brought them under the scheme of arbitration and it lays down, first, that they are subject to registration and, further, that their operation is subject to supervision, in order to ensure that they are and remain purely defensive treaties coming within the general terms of the Covenant.

As regards States which do not thus take specific and joint action to counter possible danger, the Protocol lays down that they should indicate to the Council the nature of the forces which they could, if required, place at its disposal.

Of course these States are not bound under Article 13, paragraph 1, to give this information, but it should be borne in mind that the Protocol, with that logic which the authors may justly regard with a father's pride—pardonable pride, though, because there are so many of these fathers that at any rate they cannot be accused of egotism (*laughter*)—the Protocol, I repeat, by Article 17 which deals with the third term of the problem, the final aim, the reduction of armaments, binds this reduction of armaments, or rather a detailed programme of the reduction of armaments, which, as you will rightly suppose, is the acid test for the success of the Conference, with the indication to the Council provided for in Article 13.

Here we have the essence of the whole Protocol, and we see how its firm and logical structure links together the three terms of the problem.

I must draw to a close, for at this hour it is our duty to be brief. At this moment, when we are at the end of one stage, we must remember that it merely marks the beginning of the next, the reduction of armaments, and to complete that stage we must advance with hearts and minds united.

The reduction of armaments is not a cause, but an effect: it will come into being from the very atmosphere of security which the present Protocol will give the world. The more numerous the signa-

tures to it, the more spontaneously and enthusiastically it is signed, the more ratifications it secures, the fewer the reservations which are attached to it, the more openly and frankly will information be given to the Council. There will be reservations, of course, but they will be stated in terms so clear as to form in themselves a pledge of honour that the call for succour will be answered. Moreover, if reservations are made now, the conference on the reduction of armaments will be able to meet secure in the knowledge that it will not simply bring fresh disappointment to the peoples who look to it with expectant eyes.

At the stage which we have now reached we are, at any rate in spirit, like the traveller who, at each successive peak, sees new and ever new horizons open out before him. Even when we have reached the end of our road, we shall still not have attained peace. We shall have created a machinery for peace, but the policies of Governments will have to be the driving-force behind the machine. (*Unanimous applause.*)

We have built our mansion. I think we have built it well. Let us first pay tribute to those who have toiled hardest to build it, but a meed of praise is due to us all, for have we not all worked with a will during these four weeks? Have we not by our joint labours created a bond of friendship such that, had the League of Nations done nothing else, it would still achieve a great work? (*Renewed applause.*)

You have built a solid edifice, but it is for the Governments, by their policies, it is for ourselves in our respective countries, to see that this mansion can be inhabited, and that the world shall really feel that it can therein find sufficient security to enable each nation to lay down its arms.

I will not say that our task is only beginning; it began with the Covenant on the morrow of the tragic hours of the war. But it is progressing stage by stage, and when we have reached the end of our journey we shall still have to eradicate the actual causes of war.

I was glad to hear in the Third Committee M. Jouhaux, Secretary-General of the French Confederation of Labour, say with all the authority lent by the fact that in his person the working-classes are represented here for the first time: "The next, the final task will be, not to build the machinery of peace but to uproot the causes of war themselves, and more especially all the different economic causes which in times of stress have cast their cold shadow upon us from afar, as a warning and a lesson to the peoples of the world."

When we offer the world these hopes, it is our bounden duty as delegates at once to fix their limits, to say that war cannot actually be destroyed or the menace of war be removed until the League carries its task into the economic sphere, until the efforts to analyse and find remedies for the economic causes of war are imbued with its own international spirit. If we are ever to rest secure in the edifice of peace, the great and grave problems of the distribution of raw materials, of markets, of emigration and immigration, will one day have to be taken in hand by the financial and economic organisations of the League and by its Assemblies. If they are left unsolved—let us make no mistake—they will cause internal disruption which will bring down in ruins the fabric we have reared.

The first Sunday of our arrival here was but a faint premonition of the day when the world, after its long vigil of hope and trust in the League, utters at last a great cry of joy and thankfulness. On the day when we set foot in Geneva, we were met by that generous hospitality which is as truly a characteristic of this country as its independence

—this country which in the days of the war appeared as a ministering angel to the wounded in both camps. (*Prolonged applause.*) On that day every bell in Geneva, church bells and civic bells alike, rang out a welcome to us; the grave bells that once sounded the hour of independence and the hour of the Reformation; ethereal bells, wafting the sound of an angelus across the lake. But on the day when our work is complete, when we are past all the future stages of which the present is a mere prelude—on that day every bell in the world, the bells of all churches and of all nations, will ring out upon the air of freedom, and will carry to the skies, like a prayer breathed by humanity, those words which you have written on the borderline that severs Germany and France, on the great bell of your Cathedral at Basle; those words which, when the clouds of war were lowering, were uttered by a man whose name should be on our lips now, when we are completing the work for which he lived and died—Jaurès—“*Vivos voco; mortuos plango; fulgura frango*”.

Yes, it is that world-wide organisation, the League of Nations, which, carrying on the torch from the hands of those who have fallen, can truly cry: “I call the living to life, freed at last from the terrors of war; I mourn the dead, all the dead of every clime and country, united at last in the brotherhood of the tomb; I shatter the thunderbolts, the powers which seek to let loose upon the world the horrors of war.” (*Loud and prolonged applause.*)

(*On returning to his seat the speaker was congratulated by many of his colleagues.*)

The President :

Translation : M. Branting, delegate of Sweden, will address the Assembly.

(*M. Branting mounted the platform amidst the prolonged applause of the Assembly.*)

M. Branting (Sweden) :

Translation : Mr. President, ladies and gentlemen—In addressing you I merely desire to express in a few words my agreement with the eloquent speeches pronounced by those who have preceded me, among whom I am happy to count political friends whose collaboration in the past I have greatly valued.

In these past weeks we have worked strenuously and unceasingly for the embodiment in a common text of the bold promises contained in the resolution unanimously adopted by the Assembly on September 6th. A complete system for the solution by pacific methods of all disputes arising between States has been built up under the eyes of an astonished and still somewhat incredulous world.

Nothing could give greater satisfaction to the lesser States than to see the principle of compulsory arbitration realised in so complete a form—a result for which not many would have dared to hope a few months ago.

Some, indeed, wonder whether the system elaborated by the Protocol is not too bold an advance, and whether it will really prove completely watertight. Personally, I venture to hope that the reaction which is bound to set in sooner or later will have only a passing effect. The establishment in the Protocol of the principle of compulsory arbitration will always remain a concrete result achieved by the fifth Assembly.

But arbitration is only the first stage. Neither courts nor arbitrators are competent to make laws

or to adapt existing rules to the new condition of international life.

We must therefore realise that more effective methods will have to be established for the development of international law. I was, therefore, particularly glad to remark the words of one of our most distinguished Rapporteurs when he pointed out the new work which lies before us in this field.

I have said that the Assembly has worked unceasingly, but the time has been so short that many Governments, although they have watched events in Geneva more closely than ever before, have not yet been able to examine the Protocol, which we have drawn up, with the care demanded by their responsibility towards their countries. Consequently the resolution before us merely recommends the draft to the earnest attention of our Governments, in order that the latter may be perfectly free to examine the question and reach a decision. The Swedish Government, among others, reserves to itself such freedom of action.

The new system amounts to an organic development of the Covenant. The provisions concerning arbitration will have to be embodied in the Covenant. The provisions concerning sanctions do not necessitate any amendment to the Covenant, because they are not intended to introduce new principles, but merely to render the principles of the Covenant more effective in application, above all, by determining who is the aggressor. The economic and financial sanctions have been more clearly defined than is the case in Article 16 of the Covenant. As regards the other sanctions, the Protocol merely underlines their importance from the point of view of loyal and effective collaboration, and the Governments do not surrender to the Council their right to decide the manner and extent of their participation.

The system of the Protocol is therefore elastic and supple. It has been possible—and indeed it was necessary—to take into account the situations of various countries, as explained in the statements of their delegates during the discussions in the Sub-Committees and Committees. A great effort has been made to build up a system which will meet with the approval of all delegates, although they belong to countries which present every variety of geographical situation, traditional policy and material resources. In a country like my own, which has been able, thanks to her geographical situation and the peaceful aspirations of her people, to hold aloof from the conflicts which for more than a century have drained the lifeblood of Europe, an attempt to give more definite expression to the principle of international solidarity may alarm certain sections of public opinion, when confronted with this vast plan, as happened at the time of our entry into the League. Nevertheless I am sure that our people will realise that it is possible to strengthen the bonds of international solidarity without compromising national sovereignty.

A great Conference on Disarmament will meet next summer, and the application of the new system will depend on the success of that Conference. Accordingly, the third indispensable factor in the threefold principles of “Arbitration, Security, Disarmament” has not been deferred until some distant date, and that is one of the essential features of the new system.

Our work will now be submitted to our Governments and Parliaments. The Swedish delegation ventures to hope that the examination of our draft will be conducted in the spirit which has characterised our work at Geneva, that is to say, in full consciousness of the vital importance and difficult nature of the work, and also with a determination to reach a positive and decisive result. (*Applause.*)

The President :

Translation : Prince Arfa-ed-Dowleh, delegate of Persia, will address the Assembly. (*Applause.*)

Prince Arfa-ed-Dowleh (Persia) :

Translation : Mr. President, ladies and gentlemen—The Assembly has listened to such moving speeches that I will not venture to add to their number. I merely propose to fulfil a moral duty.

This Assembly has marked a step forward in the history of man by instituting compulsory jurisdiction supported by a combined police. The progress which you have made is immense, and my thoughts revert to the first Hague Conference twenty-one years ago, when we sat side by side with our revered and noble-minded colleague, M. Léon Bourgeois.

There was at that Conference another noble figure, who did not take his seat among the delegates, but whose ardent soul and constant inspiration hovered over the whole Conference. I refer to the great publicist, William Stead, editor of the "Review of Reviews", who had negotiated with all the Courts of Europe to have the Hague Conference convened.

This indefatigable apostle of arbitration and peace published a daily journal of the Conference and brought the delegates and journalists together in private gatherings which have become historic. He endeavoured to imbue us with his own deep enthusiasm.

At this historic moment I desire to pay a solemn tribute to this man, who a quarter of a century ago preached to us the doctrine of compulsory arbitration and an international police. He would to-day have witnessed with untold joy the triumph of his idea, and he would have been supremely happy to know that the initiative in this magnificent work had been taken by the Prime Minister of his own country and the Prime Minister of France. May his name be inscribed in letters of gold amongst the pioneers of the movement!

The example of William Stead should convince the younger generation that is listening to us, and all men of unprejudiced mind, that despite all obstacles and all difficulties noble conceptions of justice always triumph in the end.

Given courage, patience and perseverance, the good seed sown will always some day produce an abundant harvest.

Last year it was the painful but necessary duty of Persia to prevent, by her single vote, a dangerous attrition of the force of Article 10 of the Covenant; but to-day you have all contributed to strengthen this Article and Article 13 by an admirable system of practical measures. Persia of all countries has reason to rejoice at this fact.

You have understood us, we understand one another. And that is the meaning of unanimity. (*Applause.*)

The President :

Translation : M. Dandurand, delegate of Canada, will address the Assembly.

(*M. Dandurand mounted the platform amidst the applause of the Assembly.*)

M. Dandurand (Canada): I do not take this platform to make any criticism, however slight, of the work of our Committees; that work may well mark a red letter-day in the annals of humanity.

I rise simply to explain to you, in a few words, how, up to this time, Canada has regarded the problems a solution of which we have been seeking here, and to tell you the reason for her preoccupations in face of the obligations which she may be called upon to carry out.

I must first pay my tribute of admiration to the chief builders of the fine structure which has been presented to us, to the Chairmen of the two Committees who guided our work with tact and firmness, to the architects, M. Benes and M. Politis, who prepared the plans, as well as to their brilliant fellow-workers.

The three chief pillars upon which this structure has been erected: arbitration, security and disarmament—have long been accepted and applied in my country. It may be worth while to refer to the fruits which they have yielded us, for those are the results that you are seeking here. Not only have we had a hundred years of peace on our borders, but we think in terms of peace, while Europe, an armed camp, thinks in terms of war.

As to arbitration, we have put it into practice in every field, including our rights to territory. In agreement with the United States we have set up a permanent International Joint Commission, composed of three Canadian and three United States members, who are charged with the duty of regulating every difference which may arise on our frontiers and, particularly, on the great lakes and rivers which constitute our border-line for many hundred miles.

During the past twelve years, more than a score of questions have been settled in this friendly manner between our two countries.

In the last few days, the First Committee found itself unable to conclude its work because the question of national sovereignty and the repercussion beyond the borders of one country, of the exercise of rights of domestic jurisdiction, had suddenly been raised.

That Committee concluded that in the interest of world peace the League of Nations could not wholly disinterest itself in such problems. Toward the solution of similar difficulties, may I bring to your attention the views of a statesman of the United States, Mr. Charles E. Hughes, Secretary of State?

In an address which he delivered in Montreal, on September 4th last year, at the annual meeting of the Canadian Bar Association, Mr. Hughes expressed his appreciation of the work of our International Joint Commission, and he added the following suggestion, as an expression of his personal opinion, arising out of the good work of this body. This suggestion has a direct bearing on the question of domestic jurisdiction and national sovereignty:

"While I do not undertake" (he declared) "to speak officially upon this subject, I may take the liberty of stating as my personal point of view that we should do much to foster our friendly relations and to remove sources of misunderstanding and possible irritation, if we were to have a permanent body of our most distinguished citizens acting as a commission with equal representation of both the United States and Canada, to which automatically there would be referred, for examination and report, as to the facts, questions arising as to the bearing of action by either Government upon the interests of the other, to the end that each, reasonably protecting its own interests, would be so advised that it would avoid action inflicting injury upon its neighbour."

The Prime Minister of Canada, Mr. Mackenzie-King, who was present at this meeting, at once expressed his concurrence in the suggestion. Is there not in this suggestion an intimation that the exercise of a right may be tempered by equity and conciliation?

This, then, is the spirit in which we face our international problems.

This habit of having recourse to arbitration and to peaceful settlement has given us the feeling and assurance of complete security. On the whole

of the frontier stretching from the Atlantic to the Pacific, we have not a single soldier, not a single cannon, and the three thousand men in our permanent force are certainly not a threat to the peace of the world. This, then, has been our position as regards arbitration, security and disarmament.

What is the bearing of the Protocol on these three points ?

It is my firm conviction that Canada, faithful to her past, will be prepared to accept compulsory arbitration and the compulsory jurisdiction of the Permanent Court of International Justice. Further, I believe she would be prepared to accept all the sanctions that might be imposed in case she refused to accept the decisions of the court of the arbitrators.

As to disarmament, we have already attained the ideal toward which you are striving.

There remains the question of sanctions. Prepared to accept sanctions against herself, in what measure can Canada pledge herself to impose them upon others ?

We have already demonstrated that in times of serious crisis we have a full appreciation of our international responsibilities. Canada, in complete independence, entered the great war, out of sentiment, not out of interest or necessity, and to-day she is raising in taxes for the payment of interest on her war debt and war pensions sum exceeding her whole annual revenues before the war. Nearly five hundred thousand men, out of a population of eight millions, crossed the Atlantic and sixty thousand of them did not return.

When the war was over, we signed at Versailles the Covenant of the League of Nations. We will be loyal to that Covenant. We are not forgetful, however, of the conditions under which we signed it. Canada was then far from thinking that she would have the whole burden of representing North America when appeals would come to our continent for assistance in maintaining peace in Europe.

The falling away of the United States has increased, in our eyes, the risks assumed, and the history of Europe in the past five years has not been such as to lessen that apprehension.

The heavy sacrifices to which we agreed for the re-establishment of peace in Europe led us to reflect on what the future might hold in store.

May I be permitted to add that in this Association of Mutual Insurance against fire, the risks assumed by the different States are not equal ? We live in a fire-proof house, far from inflammable materials. A vast ocean separates us from Europe. Canada therefore believed it to be her duty to seek a precise interpretation of what appeared to her to be the indefinite obligations included in Article 10 of the Covenant.

We besought you to make more precise the scope of the obligations flowing from this clause, in order that the geographical situation and special conditions of each State might be taken into account, and that it would appear quite clearly that our own Parliament retained the decision as to the measure of its participation in the conflict. That interpretation secured the support of the fourth Assembly, with a single dissenting vote.

We hope that it will be possible to find, in the Protocol which is presented to us, the policy expressed in last year's resolution interpreting Article 10.

I recognise that the closely elaborated plan before us forms a logical and harmonious whole, corresponding to the needs of Europe and designed mainly for application to that continent.

Our Government and our Parliament will have to consider in what measure this Protocol will meet the conditions of our country, and decide whether it can undertake to subscribe to its obligations.

We can assure our colleagues that this study will be made with the fullest sympathy and in the same spirit that has animated the members of this Assembly, who have conscientiously striven to find the most certain method of ensuring the peace to the world.

The Canadian delegation, animated by the same sentiments, will vote for the resolutions before it. (*Applause.*)

The President :

Translation : M. Afranio de Mello-Franco, first delegate of Brazil, will address the Assembly.

M. de Mello-Franco (Brazil) :

Translation : Mr. President, ladies and gentlemen—At a moment when the Assembly is about to approve the loftiest, the noblest resolutions which have ever been laid before a meeting of sovereign States—these great resolutions on arbitration, security and the reduction or limitation of armaments—I am proud and happy to mount this platform to tell you once again that Brazil will loyally co-operate in every endeavour to bring the world final and lasting peace.

In the few years which have elapsed since its creation, the League has already achieved many valuable results. Yet though it aroused great confidence in those who had faith in the future of the human race, was there a single one, even among the most optimistic, who would have dared to hope for so speedy a realisation of his highest ideals ?

The decisive factor in this great triumph of right and justice was unquestionably the support furnished by the Great Powers. They have thereby rendered a service of inestimable value to the cause of peace. It is a fact which must be recognised, and on which all Members of the League have reason to congratulate themselves.

At the first Peace Conference, the twenty-six nations represented there entrusted to subsequent international assemblies the imperative duty of finding a solution for the grave problem of the peaceful settlement of conflicts which might arise between nations. Since then this problem has become the chief preoccupation of mankind, and an earnest endeavour has been made to discover a formula which would safeguard every country's supreme right of self-defence and at the same time inspire real confidence in a collective guarantee to be afforded by the assurance of equal treatment before a single judicial authority.

The second Peace Conference made considerable progress towards a solution by drawing up a draft convention for the establishment of a permanent court of justice, but it was unfortunately impossible to reach agreement upon the composition of the Court.

It was left for the first Assembly of the League in 1920 to reap the glory of overcoming the great difficulty which had led to the breakdown of the attempt of 1907. I have no need to remind you that that Assembly drew up the Statute of the Permanent Court of International Justice. But the final triumph belongs to the fifth Assembly, and is expressed by the approval, which you are about to signify, of the Protocol recognising the jurisdiction of the Permanent Court of International Justice as compulsory *ipso facto* and without any special convention.

This development is in a large measure the outcome of the preparatory work done by the Institute of International Law, the International Law Association, the Inter-Parliamentary Union at Berne, the International Bureau at Brussels and the Pan-American Conferences.

It is also due to the work of the great apostles of peace, the foremost of whom, among those that are dead, is the historic and unforgettable figure of President Wilson. Happily we still have among us another noble figure to represent these apostles, M. Léon Bourgeois, that venerable crusader whose tireless and ever-buoyant energy has never known a moment's discouragement. (*Loud applause.*)

We are also indebted for what has been achieved to the members of the First and Third Committees, and particularly to their Chairmen and Rapporteurs, Sir Littleton Groom, M. Politis and M. Benes, who have displayed so much tact and such a sense of diplomacy in conducting the memorable discussions of these Committees in an atmosphere of peace which promoted the attainment of really constructive results.

The attitude of the Brazilian delegation during the preparation of the drafts which are now before the Assembly has always been dictated by a steadfast desire for peace guaranteed by justice, but we have at the same time been constantly animated by the wish to reconcile any differences of opinion which might arise between the representatives of the different States during the discussion of these complex problems.

Thus, the compromise reached by the delegations as regards conflicts left by international law to the exclusive jurisdiction of one of the parties met with the full support of my distinguished colleague, M. Raoul Fernandes, who rightly regarded Article 11 of the Covenant as embodying that great spirit of concord which should animate the whole system created by the Covenant. Under this Article the Council and the League shall take any action that may be deemed wise, and effectual to safeguard the peace of nations.

As you know, ladies and gentlemen, arbitration and peace have been long established on the American continent. The frontiers which separate the countries of America are, in point of fact, merely geographical terms intended to determine the sphere of jurisdiction of each country in its own territory. But all American countries are inspired by the same ideals, all have the same conception of morality.

The contribution we have made towards the great triumph of to-day is to be attributed mainly to this community of sentiment, the result of the endeavour of a common aspiration inspired for a whole century by a sense of the brotherhood of man.

Brazil is deeply imbued with this American feeling of confidence in the law. Our people have been trained to respect the fundamental dogma of the juridical equality of States.

For these reasons I have great pleasure in informing you that Brazil will vote for the conclusions proposed by the First and Third Committees. (*Loud applause.*)

The President :

Translation : M. Cornène, delegate of Roumania, will address the Assembly.

M. Cornène (Roumania) :

Translation : Mr. President, ladies and gentlemen—Roumania, who has experienced in the course of her history all the horrors of invasion and aggression, and who has now achieved national unity, aspires more ardently than ever to peace.

Roumania has no territorial ambitions: her one desire is to live at peace with all nations, to respect their rights and to co-operate with them in the urgent work of reconstruction. She has therefore the greatest satisfaction in approving the work accomplished by the fifth Assembly.

That work is perhaps not perfect—no one can claim that—but it must be regarded as constituting a very important step towards the ideal of universal brotherhood which is the irresistible tendency of mankind.

In the conviction that the Disarmament Conference will find equitable means of reconciling the necessity of reducing armaments with the requirements of national security, the Roumanian delegation has the honour to vote in favour of the resolutions which have been laid before the fifth Assembly. (*Loud applause.*)

The President :

Translation : M. Skrzynski, delegate of Poland, will address the Assembly. (*Applause.*)

M. Skrzynski (Poland) :

Translation : Mr. President, ladies and gentlemen—The Protocol for the pacific settlement of international disputes is now before us and awaits our approval.

The work accomplished during the past few weeks has been truly remarkable. It received its impulse from the Franco-British agreement, it was born of the untiring efforts of the representatives of all the nations assembled here, and it was inspired by the love of peace and by faith in the brotherhood of man. It is the result of energy and lucidity of thought. These are the claims of the present Protocol to greatness, these are the guarantees of its permanence.

We shall bear home with us, along with the written text, this deep-seated feeling, which will ever be the most forceful interpretation of that text.

On behalf of the Polish delegation I particularly wish to say how deeply and forcibly we were impressed by those earlier debates at which the two Prime Ministers gave a powerful inspiration to the Community of States we represent, and hand-in-hand set out upon the road on which we have confidently followed in their footsteps.

I also wish to say on behalf of my delegation that we will long remember the discussions that followed, in the course of which we had the privilege of associating with so many men conspicuous by their talents and intellectual ability. I will not refer to any by name, for our thanks and admiration go out to all alike. Their work, which is of the same grand proportions as their genius, will endure as the achievement of the great constructive force of international solidarity which is the only guarantee of peace. (*Applause.*)

There is one name, however, which I cannot pass over in silence. I wish to pay a tribute to a great man, who has inspired all our work and whose noble spirit is reflected in every sentence of the Protocol—which, after all, is nothing more than a continuation and development of the Covenant. At this moment, when we are placing the final touches on a great work of peace, it is my duty to voice the inmost feelings of the Polish nation by mentioning a name which will be inscribed on the portals of the temple of peace, a name which generations yet unborn will never speak without emotion, and which will be worshipped by my country with grateful hearts—the name of Woodrow Wilson. (*Loud applause.*)

Ladies and gentlemen, I have the honour to speak here on behalf of Poland, a country the history of which goes back over a thousand years, a country which has many times in the past deserved well of humanity, and which has suffered the horrors of partition, a country threatened and exposed because it was surrounded by Great Powers whose tradition it was to despise democracy and freedom. Poland is still threatened, still in

danger. That has been said again and again. But I must tell you why she is threatened, and I beg you to try and realise the truth of it. The reason is that on the marches of Eastern Europe she is the outermost, the most exposed stronghold of democracy.

I wish on behalf of my Government to make the following declaration. The Protocol which is before us is a document of immense importance, which lays the foundations of Peace on the basis of security, founded in its turn on the respect for the law of treaties and of the territorial integrity of States. By establishing compulsory arbitration it condemns every war of aggression as an international crime. I am proud and happy to state that, on behalf of the Polish Government, I will sign the Protocol, wishing thereby to collaborate with you in setting up this grand monument, achieved by the mind of man, which is to guide the world towards the realm of a higher life and a higher civilisation. (*Loud applause.*)

The President :

Translation : M. Guani, delegate of Uruguay, will address the Assembly.

(*M. Guani mounted the platform amidst the applause of the Assembly.*)

M. Guani (Uruguay) :

Translation : Mr. President, ladies and gentlemen—The delegation of Uruguay desires to state its profound admiration for and complete approval of the magnificent results, now submitted to the Assembly, which have been attained owing to the skilful co-operation and conciliatory spirit of the members of the First and Third Committees.

We also feel that homage is due to the representatives of those Powers which, by the greatness of their past achievements, the vitality of their traditions and the splendour of their civilisation, have at all times had so decisive an influence on the destinies of mankind. At a moment when new vistas of international concord and solidarity are opening before our eyes, these Powers have been able to overcome, in the cause of peace, all those divergencies of interests which might have prejudiced the success of our common cause.

The States of Latin America cannot and will not remain indifferent to the magnificent effort achieved by the fifth Assembly of the League to endow the world with a living and effective legal and political instrument, which will safeguard peace, preclude the possibility of war and brand aggression as an international crime.

The country which I have the honour to represent will, I am convinced, accept with the greatest satisfaction the Protocol of Peace which we have elaborated, and my Government will hasten to give it its full approval and will aspire to the honour of being one of the first to sign it. (*Applause.*)

The President :

Translation : M. Tai Tchenne Linne, delegate of China, will address the Assembly.

(*M. Tai Tchenne Linne mounted the platform amidst the applause of the Assembly.*)

M. Tai Tchenne Linne (China) :

Translation : Mr. President, ladies and gentlemen—Upon receiving the final draft of the Protocol, the Chinese delegation immediately communicated it to its Government for an opinion. Unfortunately, however, owing to our country's remote position and to lack of time, we have been unable to consult our Government as fully as we would have wished.

I desire, however, to state that the Chinese delegation is prepared to vote without any reservation for the draft resolution submitted to the Assembly. It hopes that the vote will be unanimous, in order that public opinion may fully appreciate the value of the work done by the First and Third Committees, which has been so admirably expounded by the two distinguished Rapporteurs.

We rejoice that we are able to take part in this great and universal manifestation of the sentiments of solidarity, peace and justice, sentiments that have never before received such solemn and moving expression. (*Applause.*)

The President :

Translation : M. Villegas, delegate of Chile, will address the Assembly.

(*M. Villegas mounted the platform amidst the applause of the Assembly.*)

M. Villegas (Chile) :

Translation : Mr. President, ladies and gentlemen—The Chilean delegation wishes to join in the tribute that has been paid by the representatives of other Powers to the magnificent work achieved by the fifth Assembly of the League.

It notes with genuine satisfaction the favourable reception which has been accorded to the Protocol for general compulsory arbitration submitted by the First and Third Committees.

The draft Protocol and the report of those admirable craftsmen, M. Politis and M. Benes, which will serve as an authoritative commentary thereon, conform in all respects to those principles by which my country has always been guided in the field of arbitration.

I wish, therefore, to declare that the Chilean delegation will enthusiastically adhere to the draft resolution submitted by the First and Third Committees.

Personally, I firmly believe that the Protocol will ere long become a pledge to which the whole world will subscribe, and which, if it does not kill war, will at least pronounce the doom of any future aggressor. (*Applause.*)

The President :

Translation : By a happy chance the last speaker in this great debate is one of our women delegates, who will voice the support of women for the great work that has been achieved.

Mrs. Swanwick, delegate of the British Empire, will address the Assembly. (*Applause.*)

Mrs. Swanwick (British Empire) : Mr. President and fellow delegates—I feel very deeply the kindness and courtesy of the President and of my fellow delegates in allowing me to say a very few words. It is perhaps due to the fact that no woman has spoken on this subject at this Assembly, and that we have the classical privilege of the last word. (*Laughter and applause.*) At the same time, ladies and gentlemen, it would be immodest in the extreme for one woman to attempt to speak for all women. There is always a danger, as every woman in this hall knows, of people saying, when a woman speaks, that she speaks for all her sex. We differ, gentlemen, as much as you do, though perhaps no more.

I wish to appeal to you, however, in a way that I think perhaps no woman would contradict, and I believe in my heart no man either. I would appeal to you in the words of the speech that I think moved me more than any I have heard here, that of M. Paul-Boncour, in which he said that you had been making a great machine. It is a for-

midable and a complex machine, and it will depend entirely upon the spirit that moves that machine whether it is a machine for good or for evil.

We have listened and have taken part—women as well as men—in the discussion and study of this difficult problem. We are going back to our respective countries, and we shall have to explain the scheme we propose; we shall have to explain to the workers of the world its provisions and its possibilities, and also its dangers. We must get the adherence of the workers of the world if we are to make this an engine for good.

“In one way, I am not afraid to speak as a woman, because modern life has shown us a few women who have looked into the future and realised the great responsibility of women. We have had women who have suffered the very worst that women can suffer in the loss of their dear ones, but who have yet appealed against revenge and pleaded for reconciliation. We have had women like the mother of Rathenau, who appealed that there should be no vengeance for the loss of her son. We have had a wife like Signora Matteotti, who made the same appeal, that men should not revenge the wrong done to her. We English are proud of having, among our patriotic women, Nurse Edith Cavell, who said, in words which should be engraved in letters of gold on her statue (but which unfortunately are not), that “Patriotism is not enough”.

We have a great responsibility. You, who are the representatives of Governments all the world over, have to speak and act for the dumb millions of the world, and the responsibility that falls upon you, so that there shall be no disillusionment in this matter, is tremendous. If, when this great engine is perfected, it is not used as it is intended to be used by you who have made it here, for impartial judgments, you will lose the faith and the confidence of the common people all the world over in the reality of the League of Nations.

At last we are told that arbitration is going to take the place of war; at last we are told that security is coming to us, and I hope that that security will be a security of a very different order from that which women have been promised by men all down the ages. Do not you think that Hector told Andromache that he was protecting her? Do not we remember that throughout all the World War and the years that have followed it the cry of Astyonax has rung in our ears all the world over: “Remember that when you turn your arms against each other, my brothers, the first victim is the child”. (*Prolonged applause.*)

The President :

Translation : The general discussion is closed.

I should like to ask the Chairmen and Rapporteurs of the First and Third Committees whether they have anything to add.

As nobody wishes to speak, we will now proceed to vote on the two draft resolutions concerning the Protocol. I will, with your consent, read the text :

I. The Assembly,

Having taken note of the reports of the First and Third Committees on the questions referred to them by the Assembly resolution of September 6th, 1924,

Welcomes warmly the draft Protocol on the Pacific Settlement of International Disputes proposed by the two Committees of which the text is annexed to this resolution, and

Decides :

(1) *To recommend to the earnest attention of all the Members of the League the acceptance of the said draft Protocol ;*

(2) *To open immediately the said Protocol in the terms proposed for signature by those representatives of Members of the League who are already in a position to sign it and to hold it open for signature by all other States ;*

(3) *To request the Council forthwith to appoint a Committee to draft the amendments to the Covenant contemplated by the terms of the said Protocol ;*

(4) *To request the Council to convene an International Conference for the Reduction of Armaments, which shall meet at Geneva as provided by the following stipulations of Article 17 of the draft Protocol :*

“In preparation for the convening of the Conference, the Council shall draw up, with due regard to the undertakings contained in Articles 11 and 13 of the present Protocol, a general programme for the reduction and limitation of armaments which shall be laid before the Conference and be communicated to the Governments at the earliest possible date, and at the latest three months before the Conference meets.

“If by May 1st, 1925, ratifications have not been deposited by at least a majority of the permanent Members of the Council and ten other Members of the League, the Secretary-General of the League shall immediately consult the Council as to whether he shall cancel the invitations or merely adjourn the Conference to a subsequent date to be fixed by the Council so as to permit the necessary number of ratifications to be obtained.”

(5) *To request the Council to put into immediate execution the provisions of Article 12 of the draft Protocol.*

II. The Assembly,

Having taken cognisance of the report of the First Committee (Document A. 135. 1924) upon the terms of Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice ;

Considering that the study of the said terms shows them to be sufficiently wide to permit States to adhere to the special Protocol, opened for signature in virtue of Article 36, paragraph 2, with the reservations which they regard as indispensable ;

Convinced that it is in the interest of the progress of international justice, and consistent with the expectations of the opinion of the world, 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 at the earliest possible date to the special Protocol opened for signature in virtue of Article 36, paragraph 2, of the Statute of the Permanent Court of International Justice.

The President :

Translation : As the two resolutions have been submitted together, I propose, if there is no objection, that the Assembly should vote on both simultaneously. (*Assent.*) The vote will be taken by roll-call.

(*The vote was taken by roll-call according to the Rules of Procedure.*)

The following States voted in favour : Albania, Australia, Austria, Belgium, Brazil, British Empire, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Estonia, Finland, France, Greece, Guatemala, Hungary, India, 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, Venezuela.

The President :

Translation : I am glad to say that the two resolutions have been passed by a unanimous vote of the 48 delegations present. Not a single State has abstained. (*Loud applause.*)

The President :

Translation : It remains for the Assembly to vote on a draft resolution regarding the Conference for the reduction of armaments. The Rapporteur having spoken on the question in his general statement on one of the resolutions we have just adopted wishes me to say that he has nothing further to add.

M. Paul Hymans, President of the Council, will address the Assembly.

M. Paul Hymans (Belgium), President of the Council :

Translation : Mr. President, ladies and gentlemen — I have asked leave to speak in order to make certain reservations on behalf of several of my colleagues on the Council in regard to the fourth resolution submitted to the Assembly in the document which you have before you.

This resolution begins as follows :

“The Assembly requests the Council, in preparing the general programme of the Conference for the Reduction of Armaments provided for in Article 17 of the Protocol, to consider the advisability of including in that programme the following points :

“I. General plan for a reduction of armaments in accordance with Article 8 of the Covenant in particular :

“(a) Basis and methods of reduction (budget, peace-time effectives, tonnage of naval and air fleets, population, configuration of frontiers, etc.);

“(b) Preparation of a typical budget for expenditure on armaments.”

Several of my colleagues on the Council have expressed some misgivings regarding the advisability of adopting this resolution, which, it is thought, might be likely to diminish the independence and freedom of action which the Council feels is indispensable for the accomplishment of the delicate task entrusted to it.

I confess that I share these misgivings, but I venture to draw the attention of my colleagues in the Assembly to the exact wording of the resolution :

“The Assembly requests the Council... to consider the advisability of including in that programme the following points :”

I think that this wording should dispel the apprehensions which some of us felt when we first read the resolution. But I wish to make a reservation as regards this resolution—and I think I am not alone in doing so—for it should be clearly understood that the Council must retain its full freedom of action in carrying out the important task entrusted to it by the resolution which you have just unanimously adopted. I think I may say that you can place implicit confidence in the Council. (*Applause.*)

The President :

Translation : It is, I think, unnecessary to vote by roll-call on the draft resolution submitted to the Assembly in this report. (*Assent.*)

I would like to point out, moreover, that the Committee's report begins with an express reservation as to the Council's special competence as provided for in Article 8 of the Covenant. The reservations which the President of the Council has just made will be duly entered in the record of the present meeting. It goes without saying that the Council will have full freedom of action.

Does any other member wish to speak ? •

The discussion is closed.

The draft resolutions read as follows :

I. *The Assembly recommends the Council to place the question of Regional Agreements for the Reduction of Armaments on the agenda of the International Conference for the Reduction of Armaments.*

II. *Whereas the majority of the States which have replied have stated that, with certain exceptions, they have not exceeded the expenditure on armaments shown in their last budgets, and whereas the recommendation addressed to the Governments relates to the period which must elapse before the meeting of the International Conference for the Reduction of Armaments, which is to take place next year :*

The Assembly does not consider it necessary to repeat the recommendation regarding the limitation of expenditure on armaments, as this question is to be placed upon the agenda of the International Conference for the Reduction of Armaments.

III. *The Assembly is of the opinion :*

1. *That another technical conference on naval disarmament is unnecessary.*

2. *That the question of naval disarmament should be discussed as part of the general question of disarmament dealt with by the International Conference proposed in the resolution of September 6th, 1924, adopted by the fifth Assembly, and that it rests with the Council to settle the programme.*

IV. *The Assembly requests the Council, in preparing the general programme of the Conference for the Reduction of Armaments provided for in Article 17 of the Protocol, to consider the advisability of including in that programme the following points :*

1. *General plan for a reduction of armaments in accordance with Article 8 of the Covenant, in particular :*

(a) *Basis and methods of reduction (budget, peace-time effectives, tonnage of naval and air fleets, population, configuration of frontiers, etc.);*

(b) *Preparation of a typical budget for expenditure on armaments.*

2. *Special position of certain States in relation to the reduction of armaments :*

(a) *Temporary reservations by countries exposed to special risks ;*

(b) *Recommendation of regional agreements for the reduction (or limitation) of armaments.*

3. *Recommendation of the establishment of demilitarised zones (Article 9).*

4. *Control and investigation of armaments in the contracting States.*

The Assembly also requests the Council to instruct the competent organisations of the League to examine the schemes relating to the above questions which have already been submitted to the Third Committee, or which may subsequently be received by the Secretariat.

and to take them into consideration in preparing the programme of the Conference.

If there is no objection I declare the resolutions adopted.

(The resolutions were unanimously adopted.)

The President :

Translation : Count Mensdorff, delegate of Austria, will address the Assembly.

Count Mensdorff (Austria) :

Translation : Mr. President—I venture very respectfully to suggest that having unanimously adopted the conclusions of the First and Third

Committees, the Assembly should request you to send a telegram to M. Herriot and Mr. MacDonald, who made the first proposal for the work which we have so successfully concluded to-day. (*Loud applause.*)

The President :

Translation : I fully concur in the first delegate of Austria's proposal, and indeed I should like to add to his motion and suggest that a telegram should be sent to the Prime Ministers of all the countries permanently represented on the Council. (*Assent and applause.*)

The Assembly rose at 1 p.m.

VERBATIM RECORD

OF THE

FIFTH ASSEMBLY

OF THE

LEAGUE OF NATIONS

TWENTY-NINTH PLENARY MEETING

THURSDAY, OCTOBER 2nd, 1924, AT 3-30 P.M.

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101. — TRIBUTE TO M. LÉON BOURGEOIS.

The President :

Translation : Before we proceed to the election of the non-permanent Members of the Council, I wish to communicate to the Assembly a proposal which has just been submitted to me by M. Urrutia, delegate of Colombia, and which will, I am sure, meet with unanimous approval. This proposal reads as follows :

“The Assembly, before closing its fifth session, requests its President to send a telegram to H. E. M. Léon Bourgeois, in order to communicate to him the approval given to the Protocol on Arbitration, Security and Disarmament, and to pay, on behalf of the Assembly, a tribute of deep gratitude for the eminent services which he has rendered to the cause of justice and international peace.” (*Unanimous and prolonged applause.*)

Ladies and gentlemen, your unanimous applause shows your approval of this proposal. I therefore declare it adopted.

M. Loucheur (France) :

Translation : Ladies and gentlemen—On behalf of the French delegation I can only thank you from the bottom of my heart. (*Renewed applause.*)

102. — SIGNATURE OF THE PROTOCOLS CONCERNING : (a) THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES; (b) THE AMENDMENT TO ARTICLE 16 OF THE COVENANT. COMMUNICATION BY THE PRESIDENT.

The President :

Translation : I have to inform the Assembly that the Protocol concerning the Pacific Settlement of International Disputes will be held at the disposal of Members wishing to sign it in the President's office until the end of the meeting, and afterwards in Room 68 at the Secretariat until 7.30 p.m.

The Protocol concerning the amendment to Article 16 of the Covenant will also be held at the Secretariat at the disposal of Members who may be already authorised to sign it.

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

The President :

Translation : The next item on the agenda is the election of the non-permanent Members of the Council.

The Rules of Procedure regarding this election are as follows :

“The Members whose representatives are to sit on the Council as non-permanent Members of that body shall be selected by the Assembly by secret ballot.

"Where several seats are to be filled, the election shall be made by voting a list of names. Any ballot-paper containing more names than there are seats to be filled shall be null and void.

"No Member shall be elected at the first or at the second ballot unless it has obtained at least the absolute majority of the votes. If, after two ballots, there still remain seats to be filled, a third ballot shall be held upon a list consisting of the candidates which obtained most votes at the second ballot, up to a number double that of the seats still to be filled, and those Members shall be elected which obtain the greatest number of votes.

"If two or more Members obtain the same number of votes and there is not a seat available for each, a special ballot shall be held between them; if they again obtain an equal number of votes, the President shall decide between them by drawing lots."

In conformity with this procedure, the Assembly has to elect the six Members who will sit on the Council during the year 1925. Voting papers should bear the names of countries and not the names of persons.

I will ask M. Dandurand, delegate of Canada, and M. Galvanauskas, delegate of Lithuania, to act as tellers.

(M. Dandurand and M. Galvanauskas took their places on the platform.)

The President :

Translation : We will now proceed to a secret ballot by roll-call.

(The vote was taken by roll-call and secret ballot. The Secretary-General proceeded to count the votes.)

The President :

Translation : The result of the ballot is as follows :
The following States voted : Albania, Australia, Austria, Belgium, Brazil, British Empire, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Guatemala, Hungary, India, Irish Free State, Italy, Japan, Latvia, Liberia, Lithuania, Luxemburg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Persia, Poland, Roumania, Salvador, Kingdom of the Serbs, Croats and Slovenes, Siam, South Africa, Spain, Sweden, Switzerland, Uruguay, Venezuela.

The following States were absent : Abyssinia, Argentine, Bolivia, Dominican Republic, Haiti, Honduras, Peru, Portugal.

Number of votes cast	47
Absolute majority required	24

The votes obtained by the States were as follows :

Uruguay	43
Brazil	40
Czechoslovakia	40
Sweden	37
Spain	36
Belgium	34
Netherlands	15
China	14
Portugal	4
Switzerland	3
Chile	3
Siam	2
Poland	2
Norway	1
Greece	1
Hungary	1

Bulgaria	1
Austria	1
Colombia	1
Denmark	1
India	1
Roumania	1

* Uruguay, Brazil, Czechoslovakia, Sweden, Spain and Belgium have obtained the absolute majority of votes required and are therefore elected non-permanent Members of the Council. I wish to offer these countries my hearty congratulations. (Loud and prolonged applause.)

104. — SIGNATURE OF THE PROTOCOLS CONCERNING : (a) THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES ; (b) THE OPTIONAL CLAUSE CONCERNING THE COMPULSORY JURISDICTION OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE. COMMUNICATION BY THE PRESIDENT.

The President :

Translation : I have to inform you that the Protocol for the Pacific Settlement of International Disputes has just been signed by the following States : Albania, Bulgaria, Czechoslovakia, Esthonia, France, Greece, Latvia, Poland, Portugal and the Kingdom of the Serbs, Croats and Slovenes.

Ten States have therefore already signed it. (Loud applause.)

I am also able to inform you that France has affixed her signature to the Protocol on the optional clause concerning the compulsory jurisdiction of the Permanent Court of International Justice. (Renewed applause.)

105. — CLOSE OF THE SESSION : SPEECH BY THE PRESIDENT.

Ladies and Gentlemen—We have now arrived at the end of our work. All the subjects inscribed on the agenda of the fifth Assembly have been discussed. Before bringing our session to a close, I would beg you to give me your attention for a few moments longer.

At the outset I expressed my heartfelt gratitude for the very great honour which you conferred upon me by electing me to the Chair. I counted upon your indulgence and support, and you have given me both with a courtesy and liberality which have overwhelmed me. I have had to make large claims upon your patience and perseverance. I fear I have not always tempered with sufficient courtesy the firmness which every President must show in the conduct of debate. If by chance and unintentionally I have been lacking in consideration towards anyone here, I offer my apology. I trust that in the future you will accord to me the same friendship and goodwill which you have shown me hitherto. (Prolonged applause.)

I thank from the bottom of my heart the Secretary-General, the Deputy Secretary-General, the Under-Secretaries-General, the Directors and all their collaborators—both those at the top of the hierarchical scale and those engaged in the humblest functions. We realise what a sum of competent and devoted service the Secretariat places at our disposal. There is no public administration which is required to make a more intense and continuous effort than that furnished by the Secretariat during our Assemblies. I desire to express to all the officials and staff our warmest gratitude. (Applause.)

I would like to express my especial thanks to the President's Secretary, my young friend M. Jean Daniel de Montenach, whose zeal is on a level with his high intellectual qualities.

I must not forget, too, our admirable interpreters, whose task is often so difficult and thankless. You will no doubt approve if I mention in particular M. Camerlynck — a veritable master of his art.

Nor can I pass over in silence our shorthand reporters, whose extraordinarily rapid, accurate and conscientious work compels our admiration and gratitude.

The Press is an essential collaborator. I address my thanks to all the journalists and publicists who show interest in our work, whether by encouragement or by criticism. Without the support which the Press gives us by informing the world of our activities and efforts, the League of Nations would be deprived of its vital atmosphere. Indifference alone is harmful. Silence alone is fatal, and I greet the Press as an ally. Even those newspapers and reviews which we may be inclined to regard as opponents are our allies. (*Applause.*)

I will not weary you with a long list of the tasks which the fifth Assembly has accomplished. In all the subjects with which it has dealt it has achieved results, suggested solutions, or sown good seed.

Allow me to touch for a moment upon a special question, that of Armenia. On Tuesday evening I had the privilege of visiting the home for Armenian children which has been established by the generosity of certain philanthropists at Begnins, in the Canton of Vaud. I saw a large number of children there, both boys and girls. Each of these children is a living tragedy. They have no civil status; many of them have seen their fathers, their mothers or their grandparents murdered. They are trained and taught in their own language. They exemplify all the beauty of their race and of their martyrdom. When I arrived they sang the national anthem of my country: "Ye Mountains of Freedom". Their condition caused me profound emotion, and I left the home at Begnins with the firm intention of proclaiming aloud once more in the face of the world, as President of the fifth Assembly, the distress of our brothers and the duty of assisting them. What a happy day it would be for us all if the efforts of the League, guided by the energy and idealism of that great apostle, Dr. Nansen, led at long last to their establishment in a national home of their own.

There is one reflection which has perhaps occurred to your minds as it has to mine. The process whereby the discussions properly so-called are diverted to the Committees has become accentuated. As the Committees differ from the Assembly merely in the number of delegates taking part in the work and not in the number of States represented, the process has been rather favoured by the identical character of the two organs. When a question comes before the Assembly, unanimity has already been reached. The debates of the Assembly thus lose their controversial character. They gain in orderliness and dignity, but they lose in the interest attaching to the unforeseen. This in itself is all to the good, but it would perhaps be desirable to examine means whereby the plenary meetings might be invested with the character of solemn gatherings in which only the most important questions and those deserving the widest publicity are discussed.

This reflection leads me to pay a tribute to the indefatigable activities of our Committees, which have held an exceptionally large number of meetings, — in some cases even late into the night. I should

like to mention individually all the Chairmen, Vice-Chairmen and Rapporteurs, but lack of time prevents my doing so. I am sure, however, that I am faithfully interpreting your sentiments if I make special mention of the names of M. Eduard Benes and M. Nicolas Politis. M. Benes is a stimulating force. His lucid and constructive mind gives him a clear vision of the object to be achieved and the result to be engraved on the tablets of history. M. Politis is both a scholar and a statesman. He has a clear and penetrating intellect, the mind of a logician and the measured eloquence of the Greek masters. Measure in all things is the divine gift which Greece has bequeathed to the world as the finest of its virtues.

It remains for me to pay a tribute on your behalf to the eminent members of the Council, which also held several meetings during our Assembly. I will venture to say that the relations between the Council and the Assembly, although both those bodies are invested by the Covenant with the same competence, have always been imbued with the frankest cordiality and the most absolute confidence. I hope that that may always be the case, for this good understanding is an essential condition of the prosperity of the League.

Finally, I desire to express our most cordial sentiments towards the Canton and City of Geneva. I cannot explain what I feel better than by saying what a deep satisfaction it is to me that, when the world at large speaks of the universal spirit of mutual comprehension and reconciliation among the nations, it has become a habit to describe it as the Geneva spirit.

Whatever people may say, this spirit has grown at each Assembly. The first Assembly was devoted to the work of organisation. Its principal accomplishment was the adoption of the Statute of the Permanent Court of International Justice. The second Assembly elected and constituted the Court, and, in addition, improved the Covenant by introducing several amendments. The third Assembly attacked with ardour the problem of disarmament. The fourth—dominated by the dispute which we all remember and which the Council and Assembly helped very materially to solve—sought to build up a general treaty of guarantee which, in the intention of its promoters, was to restore mutual confidence and so ensure peace and facilitate disarmament.

This year's Assembly has, in my opinion, crossed the Rubicon. I will not attempt to describe in a few words the characteristic features of our session, or to define in a few set phrases its general orientation. It would be presumptuous on my part to endeavour to do so when so many speakers have enhanced the prestige of our deliberations with their eloquence.

What appears to me to be the salient characteristic, predominating over all others, is the importance—greater even than we had hoped—which conciliation and arbitration procedure has assumed. There is no criterion more pregnant in possibilities than that by which States are obliged to bring their disputes before conciliators or judges. There is no idea more in harmony with the principles and aims of the League than that of stigmatising the State which, when a dispute breaks out, refuses to accept arbitration.

The treaty of conciliation and judicial settlement which the Italian and Swiss Governments have just signed at Rome seems to me, from the point of view of the pacific settlement of international disputes, to be a model worthy of imitation. The fact that I mention it here, after the moving manifestation to which it gave rise in the Assembly, is not due to any desire to exalt my country and its diplomacy, but rather to the desire to express my

admiration for the magnanimous act, worthy of the wisdom of Rome, whereby a Great Power renounces in perpetuity the use of force, as M. Mussolini declared at the moment of signature, in any disputes which may arise with its small friend and neighbour in the centre of Europe, the loyal and age-long guardian of the Alps.

It is perhaps too much to hope that the spectre of war may cease to haunt mankind, but if, in a perhaps still distant future, mankind does succeed in abolishing war, it will certainly owe a victory of such incalculable value to the system of arbitration. The substitution "for the material force of arms.... of the moral force of right"; the hope that all may agree "upon the simultaneous and reciprocal reduction of armaments and upon the establishment of an arbitral institution with important functions for pacific settlement, as well as upon the introduction of sanctions, to be determined hereafter, against any State which refuses either to submit the international questions at issue to arbitration or to accept the arbitral awards,"—these words, which I have quoted textually, are taken from the encyclical which Benedict XV addressed on August 1st, 1917, to the whole Christian world.

It will be to the undying honour of the League that, on the morrow of the World War, it brought this tremendous problem before the conscience of the nations. It will be the glory of President Wilson—who has passed away since last Assembly and to whose memory I wish to pay the tribute of our faithful remembrance—it will be the glory of the great President, the worthy successor of Washington and Lincoln, that he did not permit the Peace Conference to disperse until the Covenant had been adopted as the corner-stone of the new Temple of Peace. It will be the pride of this fifth session of the Assembly that it has still further strengthened the chances of realising the sublime ideal of international justice.

Or are we merely dreaming? Are we in very truth doomed to admit that war weighs on humanity as a fatal heritage, that the law of violence is inherent in human nature, and that we, poor frail reeds, on whom God has yet shed some reflection of His eternal attributes—intelligence and love—shall never see the end of bloodshed and of violence?

If we examine under the magnifying glass every provision of the Protocol which we have decided by a unanimous and solemn vote to refer to the various Governments for their earnest attention, we shall no doubt find much material for controversy. I imagine that those Governments and Parliaments which are engaged during the next few months in discussing the work accomplished at Geneva, uninfluenced by the circumstances in which it came to birth, will experience doubts and scruples.

Their doubts and scruples will be wholly natural, and they should cause us no surprise. Conflicting interests, divergent attitudes of mind, prejudices too, will seek to prevent a sublime endeavour. It will be the duty of all of us who are delegates to this Assembly to try to bring our own national circles to realise that, despite the imperfections inseparable from a scheme drawn up in so short a time, the Protocol is none the less the outcome of a collective effort of exceptional grandeur. If the Geneva resolution fails to bring about a Disarmament Conference, or if the Conference is eventually doomed to failure, will not one of mankind's most cherished hopes perish? It would be held that the confidence of the peoples had been betrayed. Might there not be a feverish and terrible race to build up armaments? Tragic, indeed, would be the fate of mankind, if it were merely left to speculate, horror-stricken, on the hell to be prepared for it by the next armed conflict,

in which the physics and chemistry of war—those baleful powers—would rival one another in the work of carnage and destruction.

Have we been too ambitious? Have we mistaken the measure of our strength? The moral seed that is sown is never wholly lost.

It is true that the Protocol alone is not enough. A soul must be breathed into the mechanism which it is designed to create. And that soul is to be found in the idea of solidarity, in the necessity for reconciliation. The progress which results from a higher standard of mentality and morality in the world is the sole form of progress which can hope to endure.

Herein lies the full significance of intellectual co-operation and of the institutions which we are to acquire through the generosity of France and Italy. It is in this light that we must view the scheme for mutual assistance against natural calamities which we owe to the courageous initiative of M. Ciraiolo; the more the Governments are freed from the burden of excessive military expenditure, the more readily they can devote their efforts towards this end.

Five months ago, in May of this year, I was travelling across France. At the end of my journey, after contemplating the great tragedy of Rheims Cathedral, I was anxious to visit the hills of Verdun. I wanted to begin by treading as a pilgrim the great road which runs from Bar-le-Duc and which is now known as the *Sacred Way*. It was along this road that all the regiments of France passed to their Calvary. They passed along it transfigured by their acceptance of sacrifice, and blessed by their priests—most of the soldiers confessed and were absolved like the Crusaders of old. I visited the cemetery of Douaumont and its chapel and I knelt there. I traversed that devastated region impregnated with the blood of a million soldiers. With tears in my eyes I gazed at the soil pierced by the bayonets of heroes who were interred standing and who sleep their last sleep with their rifles in their hands. I felt a tremor of tenderness towards the martyrs who had fallen in defence of their countries, and, as a Christian, I prayed in my soul to God that he would for ever prevent a repetition of such hecatombs, and that he would open up the way between the peoples of France and Germany for a reconciliation founded upon justice.

A child, myself, of Italian race, the citizen of a small country where Italian Swiss, French Swiss and German Swiss live side by side and labour in a spirit of passionate love for one and the same country, respecting, each of them, the great maternal civilisations of their neighbours—shall I be accused of blind optimism or dangerous utopianism if at the close of this fifth Assembly I voice this prayer for the rest and peace of Europe?

Yes, providence decreed that during the war Switzerland should become the personification of mercy. I thank M. Paul-Boncour for having said so this morning in a burst of eloquence which moved me to the core.

Shall I speak? Or shall I show myself unworthy of the confidence you have placed in me and conceal my opinion? It seems to me that the recent decision of the German Government proposing that Germany should enter the League of Nations, and enter it at a date which I trust will not be too remote, is a sign of happy augury. It is in that sense that I interpret the gesture and the intention it implies.

The League would not be true to its purpose if it did not embody the desire for moral progress and political rebirth. It is to a renaissance inspired by religion, encouraged by science, and supported by

the League of Nations, that we must look for the salvation of our children.

Four years ago—on November 15th, 1920, when President of the Confederation, I had the signal honour of presiding at the opening meeting of the first Assembly, I concluded my inaugural speech by invoking for the League of Nations, in the words of Dante's "*Paradiso*", "*l'Amor che muove il sole e l'altre stelle*". May I be permitted to recall to-day—and with these words I will take leave of you and bring to a close the work of the fifth Assembly—may I be permitted to recall and to apply to ourselves the last lines of the "*Purgatorio*"? Dante there proclaims, and dwells upon the words, the desire and the need for a re-birth. He has reached the summit of the mountain of Purgatory. He crosses the earthly Paradise, where he meets Matilda and

Beatrice. He is about to begin his flight towards Heaven. First he must free himself from all stain in the fountain of Eunoe. Matilda, who is symbolical of vigorous life, submerges him, Dante arises and exclaims: "I returned from the holy fountain reinvigorated like a plant renewed with young leaves, purified and ready to ascend towards the stars".

Io ritornai dalla santissim'onda

Rifatto sì, come piante novelle

Rinnovellate di novella fronda,

Puro e disposto a salire alle stelle. (*Loud applause*.)

Ladies and gentlemen, I declare the fifth session of the Assembly closed.